

A Regular Meeting of the Planning Board was held on Wednesday, February 21, 2024 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY 14472 at 7:00 PM.

PRESENT: Lauren Smith – Chair
Earl DeRue
Charlie Krukowski
Nicole Sayers
Teresa Winship

ATTORNEY: Don Young

TOWN ENGINEER: Jacob Calabrese, MRB Group.

OTHERS: Town Councilperson, Brent Rosiek.

Minutes were taken by Katrina Allen

Ms. Smith began the meeting at 7:00 PM

MINUTES

MOTION

Mr. DeRue moved, seconded by Ms. Sayers to approve the minutes of the February 7, 2024 Planning Board meeting.

ADOPTED

Ms. Smith – aye; Mr. DeRue – abstain; Mr. Krukowski – aye; Ms. Sayers – aye; Ms. Winship – abstain.

MCCABE SPECIAL USE PERMIT PUBLIC HEARING

Beth McCabe, 3897 Rush Mendon Road, Mendon, NY for a special use permit to create two units; one unit to rent and one unit to continue to live with her family at 3897 Rush Mendon Road, consisting of .5 acres. Tax account no. 216.11-1-6. Zoned RS-30.

Ms. Smith welcomed Ms. McCabe.

Ms. McCabe said the property was formally known as the assisted living home, Bridges. There are seven bedrooms and three and one-half baths. She will live in the front with her three children and wants to rent the back unit. That unit will have three bedrooms and separate entry, porch, and two parking spaces in the back. There is plenty more off-street parking, too. There is a barn in the back the renters will not have access to.

Ms. Smith confirmed with Ms. McCabe she appeared before the Zoning Board of Appeals. She confirmed she did.

Ms. Smith reviewed the criteria for a Special Use Permit, and said Ms. McCabe has addressed them all.

Ms. McCabe said she will set up refuse and have another wheelie bin for the renters. Ms. Smith asked if this will be located in the back, and Ms. McCabe said, yes.

Ms. Smith said the utilities are covered, and there was a letter sent from the Monroe County Department of Health (MCDOH) regarding the septic. Ms. McCabe said it is regarding the amount the tank can hold. Ms. Smith said the Board may condition approval pending a response from the MCDOH. Ms. McCabe understood.

Ms. McCabe said there will be no signs or additional lighting.

Ms. Smith opened the public hearing at 7:06 pm

PUBLIC COMMENT

None

MOTION

Mr. DeRue moved, seconded by Ms. Winship to close the Public Hearing at 7:06 PM.

ADOPTED

Ms. Smith – aye; Mr. DeRue – aye; Mr. Krukowski – aye; Ms. Sayers – aye; Ms. Winship – aye.

Ms. Smith asked the Board if there were any questions.

Mr. Krukowski asked about the southernmost kitchen and bedroom. Ms. McCabe said it is an interior wall, and it used to be a butler’s pantry.

Ms. Sayers confirmed there is a separate entrance for the rental and there is lighting there as well. Ms. McCabe said there is a motion sensor light that points to the property.

Mr. Young reviewed the resolution.

**TOWN OF MENDON PLANNING BOARD
SPECIAL USE PERMIT DETERMINATION FOR TWO-UNIT MULTIPLE DWELLING
3897 RUSH MENDON RD., MENDON, NY**

WHEREAS, Beth McCabe (the “Applicant”) has filed a special use permit application for a two unit multiple dwelling (the “Application”) on property at 3897 Rush Mendon Rd. (the “Property”) in the RS-30 Residential Suburban District in the Town of Mendon (the “Town”); and

WHEREAS, Section 260-16[D](1) of the Mendon Town Code (“Code”) permits a multiple dwelling within the RS-30 Residential Suburban District upon the issuance of a Special Use Permit (“SUP”) by the Planning Board pursuant to Article VII of the Code; and

WHEREAS, the current Application for the special use permit proposes such two-unit multiple dwelling within an existing residence (the “Residence”) now present on the Property, with no expansion to said Residence now present on the property, with material changes limited to internal changes to the Residence now present on the property in order to divide the single-family Residence into two dwelling units; and

WHEREAS, the Applicant has requested that the Planning Board waive the requirements of a formal site plan, and instead permit the submitted survey dated March 10, 2023 (the “Survey”), to act as the Site Plan for this Application; and

WHEREAS, the Planning Board has fully reviewed and considered all submissions and information relevant to the Application, including any comments at the duly held public hearing.

NOW, THEREFORE, BE IT, RESOLVED, that the Application is a Type II Action pursuant to SEQRA at 617.5(c)(18), and thus is not subject to further SEQR review; and

BE IT FURTHER, RESOLVED, that given the fact that no exterior construction nor material exterior alteration to the Residence is proposed, the Planning Board finds that the submittal of a formal Site Plan is not within the interest of the public health, safety or general welfare, is thus unnecessary, waives the requirements for a formal Site Plan, and instead allows the Survey to be submitted in satisfaction of the Site Plan submittal requirement; and

BE IT FURTHER, RESOLVED, that regarding the Special Use Permit requirements at Section 260-24 of the Mendon Town Code, based upon the record before the Planning Board and the conditions set forth herein, the Planning Board finds that the same are satisfied, particularly given the historic use of the Property as an assisted living facility with a greater intensity of use than the use now proposed, given that the existing Residence will be used for the multiple dwelling, and given that there will be no exterior construction nor material exterior alteration to the Residence, and

BE IT FURTHER, RESOLVED, that, regarding the Special Use Permit requirements at Section 260-27 of the Code, the Planning Board finds that, the Application as proposed, based upon the record, and based upon the conditions set forth herein, satisfies the same, as follows:

- a. The Applicant has obtained a variance to reduce the minimum lot area from five acres to the size of the Property, which this Board finds appropriate, given the condition imposed herein that the Multiple Dwelling be limited to two units and be within the existing Residence at the Property; and
- b. and c. Greater than 25% of the Property is undeveloped green space, with coverage of buildings and structures being less than 30% of the Property; and
- d. The existing residence is proposed to be used, with the footprint of the residence thereon not proposed to be modified – thus, no dimensional changes are required; and
- e. As per the herein, the Survey shall comprise the “Site Plan” required herein.

BE IT FURTHER, BE RESOLVED, that, based upon the above findings, **the Application for a Special Use Permit for a two-unit multiple dwelling is hereby granted, subject to the following conditions:**

1. Prior to the issuance of this special use permit, the Applicant shall obtain approval by the Monroe County Department of Health of the private wastewater treatment system, and submit written evidence of the same to the Town.
2. As an ongoing condition, the multiple dwelling approved herein shall be entirely located within the Residence shown on the 2023 Survey submitted with the Application.
3. As an ongoing condition, the multiple dwelling shall be limited to two units maximum.
4. The multiple dwelling shall comply with NYS Fire Code, including relative to fire separation, all to the satisfaction of the Fire Marshal, and all prior to the issuance of a certificate of occupancy.

MOTION

Ms. Sayers moved, seconded by Mr. Krukowski to approve the McCabe Special Use Permit.

ADOPTED

Ms. Smith – aye; Mr. DeRue – aye; Mr. Krukowski – aye; Ms. Sayers – aye; Ms. Winship – aye.

PROKUPETS SUBDIVISION PUBLIC HEARING

Daniel Prokupets, 18 Chamberlain Road, Honeoye Falls, for a two-lot subdivision on property located on 18 Chamberlain Road, Honeoye Falls and intersecting Bulls Sawmill Road, consisting of 33.1 acres. The applicant is proposing one 9.2-acre lot and one 25.7-acre lot. Tax account no. 215.04-1-4.1. Zoned RA-1.

Ms. Smith stated the public hearing remains open.

The engineer for the applicant was unable to attend the meeting, and the individual purchasing the proposed subdivided lot was not in attendance.

The Board discussed the affidavit of posting that was only received electronically and not received in hard copy.

Ms. Sayers stated it is confusing as to why receiving the affidavit has taken so long.

The Board decided to place the application on the March 20, 2024 agenda to have an owner, applicant, or engineer representing the application present.

PUBLIC COMMENT

None

GENERAL DISCUSSION

Mr. Rosiek stated the Town Board recently accepted a new fill permit to make transparent what fill is put on the property. The object is to fit the house to the land rather than the land to the house.

A discussion regarding the permit followed.

The accessory structures forward of the home were discussed as was the history of Code permitting apartments.

The Board discussed its upcoming meetings.

MOTION

Mr. Krukowski moved, seconded by Ms. Winship to adjourn the meeting at 7:24 pm.

ADOPTED

Ms. Smith – aye; Mr. DeRue – aye; Mr. Krukowski – aye; Ms. Sayers – aye; Ms. Winship – aye.

For full meeting information, please visit the Town of Mendon's YouTube page:

<https://townofmendon.org/community/youtube/>