

Approved

November 6, 2024

A Regular Meeting of the Planning Board was held on Wednesday November 6th, 2024, at the Mendon Town Hall, 16 West Main Street. Honeoye Falls, NY 14472 at 7:00 pm.

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

ATTORNEY: Donald Young

OTHERS: Brent Rosiek, Town Councilperson
Emilio Moran, MRB
Gregory Conklin
Adrianna Leiske
Fred Shelley, BME
Patricia Brown
Johnathan Friedlander
Stacy Friedlander
Greg McMahon, McMahon LaRue Associates

Ms. Smith started the meeting at 7:01pm.

Minutes were taken by Brooke Buckland.

MINUTES

MOTION

Mr. DeRue moved, seconded by Mr. Krukowski, to approve the minutes of the June 26, 2024 meeting, as submitted.

ADOPTED

Ms. Smith – abstained; Mr. Krukowski– aye; and Ms. Winship – aye; Mr. DeRue – aye.

MOTION

Ms. Winship moved, seconded by Mr. Kurkowski, to approve the minutes of the October 16, 2024 meeting, as submitted.

ADOPTED

Ms. Smith – aye; Mr. Krukowski– aye; and Ms. Winship – aye; Mr. DeRue – abstained.

CONKLIN SITE PLAN (STONY RIDGE)

Gregory Conklin, 15 Tobey Woods, Pittsford, for a site plan approval for property located on Stony Ridge Drive, Honeoye Falls, Containing 6.51 acres. Tax account no. 204.040-1-046.1. Zoned RA-5

Mr. Conklin, Ms. Leiske, and Fred Shelley approached the Board and explained their reasoning for requesting approval of an EPOD Permit.

Driveway is being proposed within EPOD #3 - Watercourse Protection Overlay District. The applicants have stressed alternative driveway locations, however due to the steep slope, the proposed location is most practical.

There will be a natural bottom culvert installed under the driveway where the stream is located. That pipe installation is covered under the Nation-Wide Army Core of Engineers Permit #14.

This permit is self-administered - therefore as long as the applicant provides the Natural Bottom Culvert per the Army Core of Engineers requirements, they shall reserve the right to install the pipe.

Permit #14 also allows disturbance up to a tenth of an acre or 4,000sq ft of wetland area for installation without having to obtain an individual permit from the Army Core of Engineers.

Applicants have provided a Wetland Delineation that has been submitted to the Army Core of Engineers and waiting for their jurisdictional determination.

Mr. Moran from MRB requested from the applicant's engineer to see structural design plans for the proposed culvert.

The proposed culvert is determined to be a circular pipe.

Mr. DeRue expresses his concern for the bedding in which the proposed culvert will be installed within. DeRue states he visited the site and it appears the surrounding soils are very saturated and therefore he wants to know what is going to hold that pipe in place from settling over time.

Mr. Shelly assures Mr. DeRue any topsoil and unsuitable soils will be removed and backfilled with a structural fill. This criteria shall be included with the proposed culvert plans.

Mr. Moran suggests the applicants provide test pits prior to the installation of the driveway and coordinate a subsurface Inspection with the Town to assure for proper back fill where the driveway is proposed to meet Stony Ridge.

Upon inspection of test pits and grading of driveway but prior to paving, the applicants shall conduct a Proof Roll inspected by Town Engineers or Town Code Enforcement Officer.

Mr. Young brings it to the Board's attention that EPOD #3 provides that there must be a 100 ft buffer from the designated Wetlands. However, there is no buffer where the proposed driveway is being installed and therefore would require a variance.

Code permits the Planning Board to grant the Variance.

It was agreed upon that the applicants shall come back in front of the Planning Board on Wednesday November 20th, 2024.

PUBLIC HEARING

There was no public comment.

MOTION

Mr. DeRue moved, seconded by Mr. Krukowski to close the Public Hearing.

ADOPTED

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

BATTERSON SUBDIVISION & SITE PLANS (PHASE III)

Scott Batterson, 28 Wood Run, Rochester, NY, for a five- lot subdivision and site plan approval on property located on Taylor Road, Honeoye Falls, NY, consisting of 74.11 acres. Lots 4-7 comply with RA-1 zoning and will contain new homes, septic systems and driveways, Lot AR-2 will contain 68.224 acres with minor construction. Tax account no. 217.030-01-1.12. Zoned RA-1.

Mr. Batterson and Greg McMahon from McMahon LaRue Associates, approached the Planning Board and explained their application.

Mr. Batterson states he was previously approved in October of 2023; however, his approval had expired and therefore is presenting a new application with the following changes;

- *Lot #7 proposed to be slightly enlarged in size.*
- *Minor changes made to the proposed Water Main.*

The Water Main is proposed to cross the road in front of property located at 1286 Miles Square Road where the existing Water Main ends and proceed down the East Side of Miles Square down to the Intersection of Miles Square and Taylor Road.

It was discussed that The Monroe County Water Authority will only allow for a 90-degree elbow with a concrete trust block where the proposed Water Main is to cross Miles Square Road. MCWA will no longer permit capped off T's or any services that do not go to an existing residence.

Ms. Smith disclosed that a neighbor has addressed some concerns in a Letter. These concerns have already been addressed by SEQR and additional actions previously taken by the Planning Board. However, considering there is a Public Hearing, should the Neighbor want to express additional concerns they may do so at the time of Public Comment.

Mr. Batterson shares with the Board the projected cost to install the Water Main and states that he is ultimately taking a loss.

Batterson then states he had tried to seek approvals for Wells and that his request was denied by the prior Planning Board Secretary. He has since kicked around the idea of potentially running the Water Main only to Lot #7 and installing wells on the remaining residential lots as it is "hard for him to justify moving forward with running the Water Main all the way to Taylor Road".

Mr. Young clarifies that the Board is unsure whether or not the prior Planning Board Secretary made any representations relative to determining wells or no wells.

Mr. Batterson expresses he feels as though he has been 'pressured' into installing Public Water.

Mr. Young states there is an application in front of the Board inclusive of the Water Main and asks the applicant if this is the application he wishes to move forward with. Batterson agrees this is the application he is seeking approval for.

It was determined the Board issued a negative declaration in relation to this proposal. Mr. Young clarifies that if the applicant is proposing any future development on the remaining farm land, then the Board would need to consider that information in its SEQR assessment and will not be able to reaffirm its underlying SEQR.

Mr. Young asks the applicant and the applicant's agent to confirm that this application before the Board is the one they are being asked to review.

Mr. McMahon responds with, "this is the application we are in here asking to be approved".

Mr. Young states the Board would invite and encourage the applicant to withdraw this application and modify it or reconsider it if the applicant needs legal counsel or further counsel from his engineer or surveyor, and or wishes to consider any future or changed plans. But as it stands, this is the application the Board is considering.

PUBLIC HEARING

There was no public comment.

MOTION

Mr. DeRue moved, seconded by Ms. Winship to close the Public Hearing.

ADOPTED

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

The Board is willing to move the application forward pursuant to the written resolution inclusive of the conditions set forth in the previous approval. Ms. Smith asked if both the applicant and the applicant's agent are in agreement to the conditions.

The applicant's agent agreed. Mr. Batterson was shaking his head in denial.

The Board then presented Batterson and his agent with the opportunity to step outside and privately review the written resolution.

INFORMAL DISCUSSION

Patricia Brown and Johnathan Friedlander approach the Board to discuss their incomplete Special Use Permit Application.

BATTERSON SUBDIVISION & SITE PLANS (PHASE III)

Mr. Young believed there was a legal question that needed to be addressed within the Board and therefore the Board temporarily adjourned the meeting for a client, attorney discussion.

Mr. Batterson re-approaches the Board.

Ms. Smith asks the applicant if he was willingly offering to install Public Water at submission of his Phase III Application and if he wishes to proceed with this application as stands or if the applicant would like to withdraw his application and resubmit.

Applicant states he agrees to move forward as is.

Ms. Smith asks a second time if the applicant agrees to move forward with willingly offering to run Public Water to the proposed four lots and pursuant to the existing conditions.

Mr. Batterson agrees to seek approval for the plans he submitted and has been informed that should he not choose to move forward with the plans approved, he will have to submit a new application.

Resolution of the Mendon, NY Planning Board Approving Revised Phase 3 Subdivision Application and Site Plan Applications for Property at or about the Intersection of Taylor Rd. and Mile Square Rd. at Tax Map No. 217.03-1-1.12

WHEREAS, on or about October 18, 2023, upon application of Scott Batterson, the Town of Mendon Planning Board conditionally approved the overall subdivision (the "Overall Subdivision") relative to a parcel at or about the intersection of Taylor Rd. and Mile Square Rd., Tax Map No. 217.03-1-1.12, which parcel was approximately 77 acres in size (the "Property"); and

WHEREAS, such approval included conditional preliminary and final approval of the "Phase 2 Subdivision" of the Property to create three residential parcels (then referred to as Lots 3, 4 and 5) as well as approval of associated site plans (the "Battle" and "Ridgecrest" site plans); and

WHEREAS, such approval additionally included conditional preliminary and final approval of the "Phase 3 Subdivision" of the Property to create an additional four residential parcels (then referred to as Lots 6, 7, 8 and 9) as well as site plan approval

for said four residential lots (the Phase 3 Site Plans); and

WHEREAS, such applications were subject to the review of the Town of Mendon Environmental Conservation Board; and

WHEREAS, the Planning Board completed the State Environmental Quality Review ("SEQR") assessment relative to such applications, including issuing a negative declaration relative to the same; and

WHEREAS, the applicant now seeks to revise the Phase 3 Subdivision and Phase 3 Site Plans, in sum, to increase the size of a lot from approximately 1.09 acres to 2.114 acres (said lot being formerly referred to as Lot 9, now referred to as Lot 7) and to change the angle/location of the water main crossing (the proposed, revised Phase 3 Subdivision and Site Plans to be known as "Revised Phase 3 Subdivision" and "Revised Phase 3 Site Plans"); and

WHEREAS, the Planning Board finds these changes to be relatively minor in nature, and that said prior SEQR review adequately address the current proposal such that no further SEQR review is required.

NOW, THEREFORE, BE IT, RESOLVED, that **revised overall subdivision is hereby conditionally approved** (comprising original Phase 2 and Revised Phase 3), subject to revising the applicable maps as required per the conditions below (e.g., showing required easements), and subject to recording the fully signed Phase 2 and Phase 3 Subdivision Plats with the County Clerk in accordance with the below; and, be it further

RESOLVED, that the applicant is to file an unsigned copy of the Revised Overall Subdivision Plat depicting the Phase 2 Subdivision and Revised Phase 3 Subdivision with the Mendon Town Clerk, with a notation "Revised Overall Phase 2 and Phase 3 Batterson Subdivision Map," which shall comprise the overall subdivision map, and subdivision sections/phases shall thereof be filed with the County Clerk in Sections/Phases in accordance with the below, after applicable conditions are met; and, be it further

RESOLVED, that **Preliminary and Final Subdivision approval relative to the Revised Phase 3 Subdivision and Site Plan Applications is hereby issued**, all in accord with the Revised Phase 3 Subdivision Plat and the Revised Phase 3 Site Plans, subject to the following conditions:

Site Plan and Subdivision Conditions:

1. Prior to signatures on the Revised Phase 3 Subdivision Plat or Revised Phase 3 Site Plans, the Revised Phase 3 Subdivision Plat and the Revised Phase 3 Site Plans shall depict:

a. An easement along the frontage at Mile Square Road and part of Taylor Road, beginning at or about the north corner of Lot 7 (referred to previously as Lot 9) and traversing continuously along Mile Square Road and part of Taylor Road, terminating at the

southeast corner side of Lot 4 (referred to previously as Lot 6), such that this easement and the Phase 2 Easement create a continuous easement, and said easement to be labeled "Public Sidewalk and Utility Easement to the Town of Mendon (and other public entities if required)," allowing for sidewalks, public water, and any other required utilities, all to the satisfaction of the Town Engineer (the revised "Phase 3 Easement").

2. Prior to signatures on the Revised Phase 3 Subdivision Plat or the Revised Phase 3 Site Plans, all outstanding written comments of the Fire Marshal shall be addressed to the satisfaction of the Fire Marshal, except for those items the Fire Marshal identifies as being required prior to the issuance of the Certificate of Occupancy, which items shall be identified in the Building Permit or otherwise addressed the satisfaction of the Fire Marshal.

3. Prior to signatures on the Revised Phase 3 Subdivision Plat or Revised Phase 3 Site Plans, all outstanding written comments of the Code Enforcement Officer shall be addressed to the satisfaction of the Code Enforcement Officer, except for those items the Code Enforcement Officer identifies as being required prior to the issuance of the Certificate of Occupancy, which items shall be identified in the Building Permit or otherwise addressed the satisfaction of the Code Enforcement Officer.

4. Prior to signatures on the Revised Phase 3 Subdivision Plat or the Revised Phase 3 Site Plans, all outstanding written comments of the Town's Engineer shall be addressed to the satisfaction of the Engineer.

Subdivision Only Conditions:

5. Prior to signatures, the signed and recordable/recorded Phase 3 Easement, as referenced above shall be provided to the Town, all to the Town Engineer's satisfaction.

6. A watermain and appurtenant infrastructure for the provision of water shall be required to be installed as offered by the applicant and detailed in the application, as follows: originating at or about Mile Square Road adjacent to Lot 7 (referred to

previously as Lot 9), running along Mile Square Road from the north end of Lot 7 to the southeast corner of Lot 4 (referred to previously as Lot 6), all to the satisfaction of the Town Engineer. Thus, as a condition of this approval and prior to signatures on the Revised Phase 3 Subdivision Plat, sufficient security relative such public water improvements shall be posted with the Town in accordance with law, including relative to such public water improvements, all in an amount acceptable to and as otherwise accept to the Town’s Engineer.

Site Plan Only Conditions:

7. Prior to signatures on the Revised Phase 3 Site Plans, the signed Revised Phase 3 Subdivision Plat shall be recorded with the County Clerk.

Relative to the Revised Phase 3 Site Plans, prior to issuance of any building permit for any homes on lots a part of the Revised Phase 3 Subdivision Plat, the referenced watermain / public water improvements associated with the above Phase 3 Easement shall be fully installed in accordance with all applicable Code, law and requirements.

MOTION

Mr. Krukowski moved, seconded by Ms. Winship to approve the Batterson Subdivision and Site Plan Phase III application, pursuant to the written resolution and the conditions set forth in the original approval.

ADOPTED

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

GENERAL DISCUSSION

The upcoming meeting agenda’s for 11/20 and 12/4, was discussed.

MOTION

Mr. DeRue moved, seconded by Mr. Krukowski, to adjourn the meeting at 9:06 pm.

ADOPTED

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