

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF OCTOBER 15, 2013**

A regular meeting of the Rush Planning Board was held on October 15, 2013 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 PM.

MEMBERS PRESENT: John Felsen, Chairman
John Morelli, Vice Chairman
Don Sweet
Rick Wurzer
Scott Strock
Meribeth Palmer, Deputy Town Clerk

OTHERS PRESENT: Councilman Bill Riepe, Town Board Liaison
Todd Ewell, Town Engineer
Lee Hankins, Resident
James Glogowski, Land Surveyor
Duane Stevens, Resident
James Kolb, Resident
Anthony Mugnolo, Resident
Thomas Gust, Resident
Joann Gust, Resident
Rita McCarthy, Resident
Pamela Bucci, Town Clerk, Resident

Chairman Felsen welcomed all to the October Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of September 17, 2013 were reviewed.

Vice Chairman Morelli made a motion to accept the minutes of September 17, 2013 as corrected.

Board Member Sweet seconded the motion and the Board members polled:

Roll:	John Felsen	aye
	John Morelli	aye
	Don Sweet	aye
	Rick Wurzer	abstained
	Scott Strock	aye

carried.

Board Member Wurzer was excused from the September 17, 2013 Planning Board meeting.

PUBLIC HEARING:

Application 2013-08P by Hankins Development Corporation acting as agent for Thomas and JoAnn Gust, requesting subdivision and site plan approval to subdivide approximately 17.98 acres into 3 lots. Proposed lot 1 is to contain the existing single family dwelling. Single family dwellings are proposed for lots 2 and 3. Property is located at 1658 Middle Road. Property is zoned R-30.

Chairman Felsen explained that the original subdivision is under the name of Slayton and the re-subdivision should remain under the same name. The name on the plan should state Re-Subdivision of Lot 2 of the Slayton Subdivision. The lots will be labeled as R-2a, R-2b, R-2c.

Land Surveyor James Glogowski submitted a revised plan and explained that they are proposing 3 lots. The existing house and barn will remain together on 1 lot. A single family dwelling is proposed for each of the remaining lots. The applicant is proposing a dedicated road to accommodate access for all 3 proposed lots. The existing driveway off of Middle Road will be removed. A water line will be installed to service the rear lots and individual septic tanks will be installed.

Mr. Glogowski stated that Monroe County Department of Transportation (MCDOT) will not allow the current angle of the proposed entrance. Mr. Glogowski will redesign the entrance.

Fire Hydrant locations were discussed.

The Board also reviewed a comment from Monroe County Planning and Development regarding the stream associated with the property. Chairman Felsen explained that any classified stream requires an easement to the Town Wide Drainage District. Easements require 20 feet from the top of bank on either side. Easements are to be shown on the map. There is also New York State Department of Environmental Conservation (NYSDEC) designated wetland on the property that is also required to be shown on the map.

It was noted that not all of the Town Engineer's comments have been addressed at this time. Mr. Glogowski is in the process of completing and adding the remaining requirements to the map.

All comments from the Conservation Board were reviewed. There are no plans for further development. The minimum water main size is 6 inches, however, Monroe County Water Authority has not made a final determination. The purpose of showing a 6 inch main was to have access to the hydrant. Swales and drainage will be added to page 2 of the plans. Mr. Glogowski explained that originally the 2 undeveloped lots were to be the same size, this is no longer possible and corrected acreage and lot numbers will be added to the plans.

Question number 18 under Site Description of the SEQR needs to be corrected to “yes”, the property is located in the southeast quadrant of the agricultural district.

Vice Chairman Morelli asked about utilities. Mr. Hankins stated that a transformer will have to be installed and National Grid will determine where the service lines will come in. Vice Chairman Morelli also inquired about grading. Once the individual plans for the 2 new houses are drawn, upgrading will be added.

Chairman Felsen commented that the septic system needs to be shown for Lot R-2a containing the existing house.

Several spelling corrections are required in general notes 4, 10 and 25. The applicant’s signature and date is required on the Addendum to Application for Land Subdivision/Site Plan Review. The applicants name and address also needs to be added to the Agricultural Data Statement (ADS). Chairman Felsen informed Mr. Glogowski that a map showing the parcel, the farmland around it and the type of crops farmed should accompany the ADS.

The Board discussed the grading of the road in order to meet town standards. Engineer Todd Ewell stated that all existing utilities on the main road should be indicated on the plan. Perks have yet to be done. Once determined, the types of septic systems and designs should be indicated on the plans.

Board Member Sweet stated that the Chase family once worked this area and the back portion of the parcel has steep slopes, sandy soil and two very wet spots similar to springs. These issues may affect the septic systems. Board Member Sweet also said the there are additional names that need to be added to the adjoining Barker/Lubelle parcel.

With no further comments Chairman Felsen declared the Public Hearing closed.

INFORMAL DISCUSSION:

Anthony Mugnolo requesting review and information regarding previous Wildwood Country Club site plan.

Mr. Mugnolo inquired as to the process for proceeding with a subdivision request. The Board explained that a Subdivision/Site Plan application will need to be submitted to the Town Clerk’s Office. An engineer will be required to draw up the plans including layout of dwellings according to the town zoning requirements. The engineer would also perform percolation tests, indicate type and design of the septic systems, driveways, drainage, and any wetlands or water courses, etc.

Mr. Mugnolo and the Board discussed details of a previously proposed site plan including the current pond, drainage layout and possible existing drainage easements on the property.

Mr. Mugnolo also inquired as to lot size requirements and asked if the lots could contain/include the existing pond as part of the property. Mr. Mugnolo could also seek variances for lot depths less than the required 200 feet.

Duane Stevens and James Kolb – revisions to updated site plan for 7272 West Henrietta Road.

A revised site plan was submitted showing current updates. Mr. Stevens and Mr. Kolb stated that they are still in the process of soil testing with Monroe County Department of Public Health (MCDPH). A detailed plan of the event barn includes the proposed septic system, a 40' x 60' foot elevated deck, bathrooms, and a layout for occupancy of 91 seats with 9 spots for catering staff and disc jockey. Mr. Kolb is hoping that a proposed revision to the sprinkler law is passed by New York State in December of 2013 increasing the allowable number of occupants in an un-sprinkled building.

Board Member Strock informed Mr. Kolb that there is a current fire code that requires sprinklers for fire areas not on the same level as the fire exits. It is very possible that the loft areas of the barn may require sprinklers.

Mr. Stevens and Mr. Kolb are hoping to have percolation tests completed within the next 2 weeks.

Although the entire site plan is not complete, Mr. Kolb and Mr. Stevens were hoping to receive approval to use the event barn.

There was discussion of temporary use of the barn with a time limit attached. However, there are concerns regarding applicable fire codes. Mr. Kolb and Mr. Stevens stated that they would research that issue further.

Chairman Felsen stated that the entire site plan of existing structures and any future structures needs to be completed prior to barn approval. The Board will not approve the plan piece by piece. The Board also requires a formal site plan application to be submitted for the revised site plan review. To date there has been no formal submission. Deputy Town Clerk Palmer will electronically forward a site plan review application to Mr. Stevens and Mr. Kolb.

Parking for barn events still needs to be addressed and shown on the plan.

Mr. Kolb informed the Board that the electronic version of the plans were emailed to Deputy Town Clerk Palmer at 5:01 this evening.

The Board also discussed the proposed drive-up ATM kiosk. Although it is a future proposal it is important to have it on the plans as it will be subject to review. The addition of pavement could alter water run-off/drainage that may need to be addressed.

Chairman Felsen again stressed that any future structures/proposals should be on the site plan.

Mr. Stevens explained his vision for the corner and his commitment to the Rush community by maintaining the property and offering family friendly services.

DECISIONS:

Chairman Felsen made a motion to table **Application 2013-08P** by Hankins Development Corporation acting as agent for Thomas and JoAnn Gust, requesting re-subdivision and site plan approval to subdivide approximately 17.98 acres into 3 lots. Proposed lot 1 is to contain the existing single family dwelling. Single family dwellings are proposed for lots 2 and 3. Property is located at 1658 Middle Road. Property is zoned R-30.

The reasons for tabling the application are as follows:

1. Site plan portion of the application has not been submitted for review.
2. Many comments from the Town Engineer and Monroe County Planning and Development have yet to be addressed.

Vice Chairman Morelli seconded the motion and the Board Members polled:

Roll:	John Felsen	aye	
	John Morelli	aye	
	Don Sweet	aye	
	Rick Wurzer	aye	
	Scott Strock	aye	carried.

BOARD BUSINESS:

Chairman Felsen discussed next year's budget and setting aside funds to hire a consultant to assist with the review of the Comprehensive Plan. Now that the Farmland Plan is complete, reviewing the Compressive Plan is the next step. The Planning Board agreed that the Comprehensive Plan needs revisions. The Board also agreed that they would need to do a preliminary review of the current plan prior to seeking proposals from area firms for assistance.

Chairman Felsen discussed recent correspondence regarding the Kyle Stevens' property located at 2500 Rush Mendon Road. Mr. Somers from New York State Department of Agriculture and Markets (NYSDAM) recommends that the town require

RUSH PLANNING BOARD
OCTOBER 15, 2013

Mr. Stevens to submit a site plan for his property. The Town Attorneys outlined what is allowable under the NYSDAM law under agritourism. Mr. Stevens was sent a letter from the town attorneys requesting a site plan submission by October 15, 2013. Mr. Stevens has responded and is requested more time to submit a site plan. The Planning Board is unclear as to how they would review something that is not covered in the Rush Town Code. Mr. Somers did inspect the property and he is forwarding his findings back to the NYSDAM attorneys for their review.

With no further business, a motion was made by Chairman Felsen and agreed by common consent that the meeting be adjourned at 9:25 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk