

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF NOVEMBER 19, 2013**

A regular meeting of the Rush Planning Board was held on November 19, 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
Gerry Kusse, Code Enforcement Officer (CEO)
Todd Ewell, Town Engineer
John Streeter, Resident
Lee Hankins, Resident
James Glogowski, PLS
James Kolb, Resident
Thomas Gust, Resident
JoAnn Gust, Resident
Robert McRae, Resident
Todd McRae, Resident
Michael DeVries, Resident
Ralph Harding, Resident
Nicholas Montanaro, PLS

Chairman Felsen welcomed all to the November Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of October 15, 2013 were reviewed.

Correction on page 4, second paragraph: add as sentence number 2 "Vice Chairman Morelli confirmed that parcels can include the pond."

Vice Chairman Morelli made a motion to accept the minutes of October 15, 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 aye
Scott Strock aye carried.

PUBLIC HEARING:

Application 2013-09P by John Streeter requesting Re-Subdivision approval to convey approximately .07 acres from Lots 1- 4 to Lot 10 of the Streeter Subdivision. Property is located at 330 Kavanagh Road. Property is zoned residential 30.

Mr. Steeter explained that a wrong survey point was selected when creating the original subdivision. The original subdivision was to include the existing hedgerow and rock wall with lot 10. Mr. Streeter would like to maintain the existing hedgerow and rock wall himself and would be reclaiming approximately 32-35 feet along the back of lots 1-4. Lots 1-4 have not been sold. Lot 9 is currently being developed and lot 8 has been sold.

Chairman Felsen noted that the New York State Department of Environmental Conservation (NYSDEC) commented that there is an incomplete application on file from 2007. The comment is regarding the addition and access to Lot 10 which is Mr. Streeter's existing house and land, therefore, no driveway or access will be installed. There is also a wetlands permit on file for the remainder of the project, Lots 1-9.

Chairman Felsen read all comments from Town Engineer Todd Ewell and Monroe County Department of Planning and Development (MCDP&D).

The Conservation Board reviewed the application and they do not find any aspect of the project to significantly impact the environment.

The Rush Board of Fire Commissioners also had no concerns regarding the application.

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

Application 2013-10P by Ralph Harding requesting Re-Subdivision of 2 existing parcels into 3 parcels. Proposed Lot R-1 is approximately 4.3 acres and will contain the existing house. Proposed Lot R-2a will be approximately 44 acres of land only and Lot R-2b is approximately 1.7 acres with future plans for a single family dwelling. Properties are located at 40 and 46 Scofield Road. Property is zoned residential 30.

Land Surveyor Nick Montanaro explained the history of Mr. Harding's land. Mr. Harding is subdividing in order to sell the existing house and the surrounding land with a third lot to accommodate a future house for himself. Although the prospective buyers are purchasing both lots, the reason for separating the existing house from the land is to satisfy bank requirements.

Mr. Montanaro stated that on June 13, 2013 Mr. Harding was granted 2 front setback variances from the Rush Zoning Board of Appeals. Therefore, the current proposal conforms to all zoning requirements.

Percolation tests for proposed building Lot R-2b were very good.

Chairman Felsen informed Mr. Montanaro that there is a stream on the property. An easement to the Town Wide Drainage District will be required. Easements are to specify 20 feet from top of bank on each side within the property lines. Easements are to be shown on map and also require approvals from Town Engineer Ewell and Town Attorney Pavia prior to filing with Monroe County Clerk's Office.

Chairman Felsen read all comments from Town Engineer Ewell and MCDP&D.

Chairman Felsen reviewed and read in full the response letter from Thornton Engineering.

The Conservation Board reviewed the application and questioned how the swale behind the house will affect the septic system that drops 7 feet in length. Engineer Thornton responded that the swale is intended to act as a diversion swale to minimize storm run off over the leach field area.

The Rush Board of Fire Commissioners also had no concerns regarding the application.

Chairman Felsen read into the record a letter dated November 6, 2013 from residents Robert and Karyl McRae regarding drainage concerns. Town Engineer Ewell reviewed the drainage calculations from Engineer Thornton. A reduction in storm water run-off has been demonstrated with the addition of swales and grading to help direct water away from the McRae property.

Chairman Felsen invited Mr. McRae to view the revised plans that show the drainage improvements. Resident Todd McRae asked if there is any recourse should the plan be approved and drainage becomes an issue. Chairman Felsen stated that legal action could be sought.

Mr. McRae asked about timing and conditions of approval. Once the subdivision is filed the site plan is permanent. If many years pass prior to construction, there is a possibility that additional requirements could be imposed.

Mr. McRae also inquired regarding the existing ingress and egress easement. Mr. Montanaro stated that there will be no interference with that easement.

Vice Chairman Morelli had concerns regarding the zoning variance that was granted with a requirement for a second driveway and how it relates to the current proposal. The Board discussed the existing driveway and barn. With no plans to build on the land only lot, the Board requested that the subdivision be redrawn to include the driveway and barn with the existing house while leaving the lot widths as specified in the variance. This will alleviate the need for the second driveway and still leave the 60 foot wide lot width that could potentially accommodate a road.

Resident Michael DeVries stated that he lives directly to the west of the proposed property and that he does not see any negative impact to himself or the surrounding neighborhood and supports the project.

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

TABLED APPLICATION:

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.

Lee Hankins and land surveyor James Glogowski have submitted a revised site plan, however, due to the late submittal Town Engineer Ewell and the Planning Board members have not had ample time for review of the plan.

There as been a change to the proposed road entrance apron as requested by Monroe County Department of Transportation (MCDOT). There has also been a change in angle to the hammer head. It was suggested that the Highway Superintendent David review the hammer head.

Board Member Scott Strock noted that Lot R-2c should also be added to page 3 of the plans.

The applicant was informed that a letter of credit is required for the dedication of a town road. Details regarding the process are outlined in the Rush Town Code.

The proximity of the nearest hydrant is a concern, the fire department would have difficulty extending hose to the houses in the rear of the property. Placement of a second hydrant was discussed.

Home sprinkler systems were also recommended due to the distance of the proposed houses from the road. However, sprinklers are not a requirement. The size of the proposed water main is still undetermined and was pending sprinkler requirements.

Percolation test numbers ran high, therefore, raised bed septic systems will be used. CEO Kusse commented on National Fire Protection Association (NFPA) data regarding the importance of home sprinkler systems. CEO Kusse will provide the data to Mr. Hankins to share with his client.

Home sprinklers systems were recommended due to the distance from the road. The Board also explained the process of an archeological review. This property was found to be in an archaeologically sensitive area upon MCDP&D review.

New construction details were reviewed and discussed. The Board and applicant questioned the date that the details were adopted by the Rush Town Board. Deputy Town Clerk Palmer will confirm the date and report back to the Board and applicant.

Deputy Town Clerk Palmer provided Mr. Hankins with Part 2 of the Environmental Assessment Form for completion.

INFORMAL:

Jim Kolb – updates to keep the Board informed regarding progress at 7272 West Henrietta Road.

Mr. Kolb stated that; tomorrow, Monroe County Department of Public Health (MCDPH) will come to the property to witness deep hole and percolation tests. Mr. Kolb stated that the engineer is in the process of adding future proposals to the plan. Mr. Kolb is still hoping to receive information during December regarding possible changes to the sprinkler laws. Mr. Kolb would like to have everything in place to submit a formal application in December.

Vice Chairman Morelli informed Mr. Kolb that formal application submissions are required on the 15th of the month prior to the actual meeting date. If Mr. Stevens and Mr. Kolb submit an application by December 15, 2013 the Board can hold a public hearing January 20, 2014.

Chairman Felsen stated that the deck next to the restaurant is within the 25 foot setback and will require a variance from the Zoning Board. There is a possibility that the proposed gazebo will also need a variance.

Chairman Felsen asked Mr. Kolb about the encroachments in several places onto state and neighboring land and how they are going to be addressed. There may other areas where gravel and grading has occurred off of the Steven's property. The parking lot behind the barn appears to have grading off the property as well. Backfill permit requirements were discussed briefly.

Vice Chairman Morelli also made recommendations to Mr. Kolb and Mr. Stevens regarding representation of future plans on the site map noting them as conceptual with additional approvals required. Additionally, how future plans are represented on the map can depend on their waste water sensitivity.

Again, Chairman Felsen stated the proposed site plan should encompass the maximum use and calculations for all current and future uses of the property including parking, ATM, and the maximum number of people for the event barn. Including uses, current and future will eliminate having to come back for additional site plan approvals.

Board Member Strock also noted that creating a site plan in multiple stages could end up costing more than completing 1 plan upfront.

Board Member Sweet stated that the property is only 4 acres and close to maximum capacity. The focus now should be on what is currently there rather than breaking up the space further.

CEO Kusse and Mr. Kolb discussed the recent event that occurred in the barn.

Mr. Kolb invited the Board to view the property and the progress to date.

DECISIONS:

John Felsen made a Motion **WHEREAS**; this Board has examined **Application 2013-09P** by John Streeter requesting Re-Subdivision approval to convey approximately .07 acres from Lots 1- 4 to Lot 10 of the Streeter Subdivision. Property is located at 330 Kavanaugh Road. Property is zoned residential 30 and the maps and other materials which were filed with the application, including the Environmental Assessment form; and

WHEREAS, the proposed action is a Type II action under the State of New York SEQR laws requiring no further action by this Board.

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.

John Felsen made a Motion to grant preliminary subdivision approval of **Application 2013-09P** by John Streeter.

Board Member Sweet 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.

John Felsen made a Motion to wave the final subdivision hearing for **Application 2013-09P** by John Streeter.

Board Member Strock seconded the motion and the Board Members polled:

RUSH PLANNING BOARD
NOVEMBER 19, 2013

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

John Felsen made a Motion **WHEREAS**; this Board has examined **Application 2013-10P** by Ralph Harding requesting Re-Subdivision of 2 existing parcels into 3 parcels. Proposed Lot R-1 is approximately 4.3 acres and will contain the existing house. Proposed Lot R-2a will be approximately 44 acres of land only and Lot R-2b is approximately 1.7 acres with future plans for a single family dwelling. Properties are located at 40 and 46 Scofield Road. Property is zoned residential 30 and the maps and other materials which were filed with the application, including the Environmental Assessment form; and

WHEREAS, the proposed action is a Type II action under the State of New York SEQR laws requiring no further action by this Board.

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.

John Felsen made a Motion to grant preliminary subdivision approval of **Application 2013-10P** by Ralph Harding conditioned upon:

1. The re-design of Lot R-1 to encompass the existing barn and driveway.
2. The applicant showing the required Town Wide Drainage Easement on the plans specifying 20 feet either side from top of bank;
3. The applicant obtaining approvals from the Town Attorney Frank Pavia and Town Engineer Todd Ewell for the legal drainage easement description prior to filing the document with Monroe County Clerk's Office.

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.

John Felsen made a Motion to wave the final subdivision hearing for **Application 2013-010P** by Ralph Harding conditioned upon:

1. The applicant complying with the conditions of the preliminary approval;
2. The applicant complying with comments set forth by the Monroe County Department of Planning and Development;
3. The applicant obtaining the approvals of the Town Engineer, Monroe County Water Authority, Monroe County Department of Public Health and the Town of Rush Highway Superintendent.

Board Member Sweet 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:

New State Environmental Quality Review Act (SEQRA) forms from the NYSDEC were recently released.

Chairman Felsen informed the Board that the short Environmental Assessment Form (EAF) form is recommended for unlisted actions, the full EAF is to be used for Type I actions. The Board discussed that EAF forms will be reviewed and completed by the Planning Board at the time of the public hearing. Most projects that the Planning Board will be hearing will require the short form.

These forms are available on the NYSDEC web site and Deputy Town Clerk Palmer has put together a binder with the workbook instructions as well as the new forms. This book may be viewed at the Town Clerk's Office during regular business hours.

The Board further discussed the Slayton re-subdivision.

Deputy Town Clerk Palmer posed a question to the Board on behalf of property owners that purchased one of the DiMaria lots on Middle Road. The new owners would like to widen the driveway and would like to know if that will require a revised site plan and review by the Planning Board. Engineer Ewell will review the approved plan for any potential drainage issues and inform Deputy Town Clerk Palmer if the new owners need to reappear with a revised site plan.

RUSH PLANNING BOARD
NOVEMBER 19, 2013

With no further business, a motion was made by Chairman Felsen and agreed by common consent that the meeting be adjourned at 9:55 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk