

**RUSH PLANNING BOARD  
REGULAR MEETING  
MINUTES OF OCTOBER 21, 2014**

A regular meeting of the Rush Planning Board was held on October 21, 2014 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 PM.

**PRESENT:** John Felsen, Chairman  
John Morelli, Vice Chairman  
Don Sweet, Member  
Scott Strock, Member  
Shivaun Featherman, Deputy Town Clerk

**EXCUSED:** Rick Wurzer, Member

**OTHERS PRESENT:** Cathy Frank, Town Board Liaison  
James Kolb, Resident  
Karen Hopkins, Attendee  
N. W. Haran, Resident  
K.K. Natarajan, Resident  
R. Pravin, Resident  
Larry Heininger, Engineer  
Ronald Pearl, Resident  
Francis Rapport, Resident  
Todd Ewell, Town Engineer

Chairman Felsen welcomed all to the October Planning Board meeting.

**APPROVAL OF MINUTES:**

The Minutes of September 16, 2014 were reviewed.

Vice Chairman Morelli made a motion to accept the Minutes of September 16, 2014 as amended.

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

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

**INFORMAL DISCUSSION:**

Engineer Larry Heininger appeared with N.W. Haran, K.K. Natarajan and R. Pravin of the Sri Vidya Temple to discuss a Subdivision and Site Plan proposal to construct a new

15,100 square foot temple building on the south side of the existing temple complex and resubdivide the existing lot to meet setback requirements.

Properties are located at 6970 and 6980 East River Road in a Residential-30 zoning district.

Mr. Heininger explained they have submitted an application for Subdivision and Site Plan approval and have a Public Hearing scheduled for the November 18, 2014 Planning Board meeting. If approval is granted, the applicant will begin soliciting donations from their congregation for the construction of the new temple. The estimated cost of building the proposed temple is 14 million dollars. The applicant hopes to start building 5 to 7 years from now.

Vice Chairman Morelli inquired as to the use of the existing temple once the new temple is built. The applicant replied that it will be used as a fellowship hall.

Chairman Felsen noted the creek on the site map and informed Mr. Heininger that the town requires easements for waterways and designated streams. The required right of way is 20 feet either side from the bank. Easements are to be shown on the map.

Board Member Strock stated that due to the proposed project having a religious use in a Residential-30 zone, a Special Permit is required. In order for the Planning Board to approve a Special Permit, the applicant must present a strong case that the project will not endanger public health, safety, or the general welfare of the community. Board Member Strock added that a Special Permit will expire if the facility is not used for more than six continuous months.

Mr. Heininger stated he will obtain a Special Permit Application from Deputy Town Clerk Featherman and begin the process.

Mr. Heininger informed the Board that while he has shown existing light poles on the site map, he will add new proposed light poles of similar light spacing to the site map for the November Public Hearing. Vice Chairman Morelli advised Mr. Heininger to review the Town lighting ordinance as it has recently been updated.

Ronald Pearl, property owner of 500 Woodruff Road, appeared with realtors Francis Rapport and Karen Hopkins to discuss a possible subdivision of the 10 acre parcel, which is for sale. The property currently has a house with a 2 car attached garage, a 3 car detached garage, pole barn and horse paddocks. There are 2 driveways on the property, 1 for the house and 1 for the pole barn.

Mr. Pearl would like permission to subdivide, leaving the house on 1 lot and the pole barn on the land only lot. Ms. Rapport stated there are two potential buyers; one for each lot. To not lose the potential buyers, the property needs to be subdivided into two lots before December 31, 2014. Ms. Rapport added that the potential buyer for the lot with the existing barn will use it to store antique cars and has no plans to run a commercial business.

Chairman Felsen explained that as the Town Code prohibits a building or a barn on a lot without a house on it, Mr. Pearl would need to go before the Zoning Board to request a variance before the Planning Board will consider a subdivision. If the applicant does obtain a variance from the Zoning Board, then a Subdivision application can be submitted to the Planning Board. The application must be submitted by November 15<sup>th</sup> for a December 11, 2014 Public Hearing.

There was discussion pertaining to the August 21, 2012 Planning Board Minutes when Mr. Pearl and Ms. Rapport came informally to discuss the same proposed subdivision. At the time, the Town Attorney had suggested that a condition of the subdivision approval is that the pole barn no longer be used as an accessory structure. The Board could require an Affidavit with conditions of compliance for non-use and/or requiring that the barn be removed within a certain amount of time if a main dwelling is not built.

Mr. Pearl will proceed with submitting a variance application and a Subdivision application.

Mr. Kolb, agent for 7272 West Henrietta Road, appeared to provide an update on the site plan progress of the property. Mr. Kolb stated that in response to Town Engineer Ewell's review letter dated October 2, 2014, Mr. Kolb has obtained a permit from NYS for the light pole within the NYS Rt. 251 right of way.

Mr. Kolb advised that Board that he and property owner Duane Stevens will be meeting with the neighbor on the bordering property to discuss the drainage easement. The neighbor is waiting for a drainage design plan from Land Tech before he will agree to sign a drainage easement.

Mr. Kolb stated that he is currently working with a new engineer to redesign the septic system. Mr. Kolb will attend the November Planning Board meeting to provide another update.

With no further business, it was agreed by common consent that the meeting be adjourned at 9:15 PM.

Respectfully submitted,

Shivaun Featherman  
Deputy Town Clerk