

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF AUGUST, 19 2008**

A regular meeting of the Rush Planning Board was held on August 19, 2008 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 P.M.

MEMBERS PRESENT: John Felsen, Chairman
John Morelli
Al Simon
Don Sweet
Rick Wurzer

OTHERS PRESENT: Richard Anderson, Town Board Liaison
Lisa Sluberski, Town Board member, Resident
Tom Doupe, Town Board member, Resident
Gerry Kusse, Code Enforcement Officer
Todd Ewell, Town Engineer
Chris Martin, Corneles Engineering
John Clark, DDS Engineers
Naveed Hussain
Arooj Hussain
James Manning, Resident
Ron Schneider, Resident
James Naugle, Resident
Phillis Gerringe, Resident
Terry Renner, Resident
David Slayton, Resident
Mary Slayton, Resident
Mike Perry
Larry Heininger

APPROVAL OF MINUTES: June 17, 2008

The Minutes of June 17, 2008 were reviewed.

Al Simon made a motion to approve the Minutes of June 17, 2008 as submitted.

John Morelli seconded the motion and the Board Members polled:

Roll:	John Felsen	abstained	
	John Morelli	aye	
	Al Simon	aye	
	Don Sweet	abstained	
	Rick Wurzer	aye	carried.

PUBLIC HEARING:

Application 2008 – 03P by Chris Martin P.E., acting as Agent for Al DiMaria Properties LLC, for Subdivision / Site Plan approval to subdivide 43.6 acre parcel into three lots. One single family dwelling is planned for each lot. Property is located on the west side of Middle Road, 177 feet north of Farmcrest Drive. Property is in an R-30 zoning district.

Mr. Chris Martin presented some background history on the current application submitted. The project has been reduced from five lots to three lots. One lot width variance was granted by the Zoning Board in February of 2008. Mr. Martin stated that they will keep any disturbance or moving of trees to a minimum. There is a wetland in close proximity, however, it will not be disturbed. There will be a 2 to 2 1/2 inch water line running from the street to the homes and hydro-flo testing data is being done to check water pressure levels. Individual septic systems will be used, lots 1 and 3 have a partially raised filled system and lot 2 will be a conventional system. The houses are designed to be four bedroom homes. The houses have been placed toward the back of the lot on top of the ridge to facilitate good perk test rates. Storm runoff is going to be controlled with a series of swales and a retention pond. Mr. Martin stated that he understands that if more than five acres of land is disturbed, they will have to follow the Monroe County Department of Environmental Conservation Phase II requirements.

John Felsen read correspondence from the Monroe County Department of Environmental Services Survey Office and the Monroe County Department of Transportation. Mr. Felsen also read comments from Richard Tracy, Town of Rush Fire Marshall. Mr. Tracy stated that he is extremely pleased with the sprinkler systems being installed in each home and that the driveways will meet the National Fire Protection Association standards for ingress and egress. Correspondence was also read from Rush Fire Commissioner Alvin Sweet proposing that the driveway turnarounds be 30 feet and that a fire hydrant be installed between lots 1 and 2.

Comments and questions from the Conservation Board:

1. The culvert on lot 3 should be larger due to downstream location. Mr. Martin will check the dimension and capacity of the culverts.
2. Who will maintain the pond? The topic of town maintenance verses lot owner maintenance was discussed.
3. Is there room for septic system expansion? Mr. Martin stated that they usually allow for 50% expansion.
4. Will the pond be part of the drainage district? Everyone in the Town of Rush is in the drainage district and the pond will be a benefit to the downstream residents.
5. Will the pond be in place before construction starts? Mr. Martin stated yes. That is actually part of the plan requirement.

John Felsen had a comment on page 9 under general notes, number 6 should be addressed. Mr. Martin will correct number 6 it to state the use splash blocks. Mr.

Felsen also made a clarification on the last part of the SEQR review regarding the maximum development of the site. This should read as the number lots that could potentially fit the area based on current zoning of R-30.

Driveway site distance requirements were discussed and all meet the specific criteria. Underground utilities will be water, gas and electric.

Comments from the audience:

Mr. Naugle commented on the care and responsibility regarding the pond as well as concern for the maintenance of the swales.

There were no further comments and Mr. Felsen declared the hearing closed.

INFORMAL DISCUSSION:

Mr. John Clark for Diane Nesmith regarding the Seilaff West Re Subdivision located at 8005 East River Road. Mr. Clark is proposing to divide the 10 acre lot into 4 parcels and is looking for some direction from the Planning Board as to the best way to proceed with the plan. Mr. Clark is aware that the previous plan did not account for the wetland, drainage corridor and the 100 year flood plain. Based on requirements from the Monroe County Health Department, the septic systems will need to have a 100 foot buffer. There is concern with a high water table in that area. Sump pumps would be necessary and the basements may also need to be raised up and have rear walkouts. Mr. Clark presented a plan with flag lots that would need variances. Mr. Clark was referred to the Zoning Board of Appeals for these variances.

Naveed and Arooj Hussain came before the Planning Board regarding the property located at 5946 East Henrietta Road. They are interested in the property and proposing a plan that would include the demolition of the old building and replacing it with a new building of approximately 6000 square feet for a convenient type grocery store with a pharmacy. They would also like to be able to pump gas and inquired about adding another tank for diesel fuel as well as moving the location of the tanks and pumping Islands. They would also like to move the curb cuts in order to create better parking and traffic flow. The Planning Board will ask the Town Attorney for an interpretation of the zoning ordinance regarding the addition and moving of fuel tanks and pumping islands.

Mike Perry for the Planned Unit Development (PUD) proposal. There was discussion regarding guidelines for possible PUD projects. The PUD concept is still in the discussion process. Yet to be determined for any PUD are amenities that may be project specific depending on the design of a PUD. There are some project specific questions to address regarding Mike Perry's proposal before developing an entire PUD, such as sewage discharge, has the New York State Department of Environmental Conservation calculated treatment limits based on the classification of the creek? The assimilation capacity would determine the number of gallons per day which in turn would determine the number of houses

that could be accommodated. Mr. Perry will need to follow up on this question. Other areas in question would be the impact on traffic, utilities and schools.

DECISIONS:

Mr. Felsen made a Motion **WHEREAS**, this Board has examined **Application 2008-03P 03P** by Al DiMaria properties requesting preliminary Subdivision and Site Plan approval and the maps and other materials which were filed with the Application, including the Environmental Assessment form; and

WHEREAS, the proposed action is an unlisted action under the State of New York SEQR laws; and

WHEREAS, the proposed action is an unlisted action to the Town of Rush Conservation Board for its consideration and recommendations, and

WHEREAS, The Conservation Boards comments have been addressed, now therefore,

BE IT RESOLVED, that upon its examination and study of the environmental Assessment Form and the maps and plans submitted with the Application, this Board determines that the proposed action will not have a significant effect on the environment. The reasons for this determination are that the proposed action cannot reasonably be expected to lead to any of the following consequences:

- A. A substantial adverse change to ambient air or water quality or noise levels or in solid waste production, drainage, erosion or flooding.
- B. The removal or destruction of large quantities of vegetation or fauna, the substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on critical habitat areas, or the substantial affecting of a rare or endangered species of animal or plant or the habitat of such a species.
- C. The encouraging or attracting of a large number of people to a place for more than a few days, relative to the number of people who would come to such place absent the action.
- D. The creation of a material conflict with the Town's existing plans or goals as officially approved or adopted.
- E. The impairment of the character or quality of important historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character.
- F. A major change in the use of either the quantity or type of energy.
- G. The creation of hazard to human health or safety.
- H. A substantial change in the use, or the intensity of use of land or other natural resources or in their capacity to support existing uses where such a change has been included, referred to, or implicit in an official comprehensive plan.
- I. The creation of material demand for other actions which would result in one of the above consequences.
- J. Changes in two or more elements of the environment, no one of which is substantial, but when taken together result in a material change in the environment.

Mr. Morelli seconded the motion and the Board Members polled:

Roll:	Mr. Felsen	aye	
	Mr. Morelli	aye	
	Mr. Sweet	aye	
	Mr. Simon	aye	
	Mr. Wurzer	aye	carried.

Mr. Felsen made a Motion to grant preliminary Subdivision and Site Plan approval for **Application 2008-03P** by Al DiMaria conditioned upon:

1. The applicant adding a Fire Hydrant as per the Rush Fire Commissioner's comments.
2. The Site Plan being modified to include and show a drainage easement around the proposed pond, extending 25 feet outward from the top of the bank.
3. The Site Plan being modified to include and show easements along both sides of the swales tributary to the pond, extending 20 feet from the centerline of the each swale.
4. The pond be designed to meet the New State Department of Environmental Conservation Phase II Storm Water Regulations and that a Pollution Prevention Plan be prepared meeting the requirements of and being approved by the Town Engineer, Mr. Todd Ewell.
5. The applicant addressing the comments of the Town Engineer, Mr. Todd Ewell.

Mr. Simon seconded the motion and the Board Members polled:

Roll:	Mr. Felsen	aye	
	Mr. Morelli	aye	
	Mr. Sweet	aye	
	Mr. Simon	aye	
	Mr. Wurzer	aye	carried.

Mr. Felsen made a Motion to wave the final Subdivision and Site Plan Hearing for **Application 2008-03P** condition upon the applicant obtaining the approvals of the Monroe County Water Authority, the Monroe County Department of Health, the Monroe County Department of Transportation, Todd Ewell Town Engineer, and The Town of Rush Highway Superintendent.

Mr. Morelli seconded the motion and the Board Members polled:

Roll:	Mr. Felsen	aye	
	Mr. Morelli	aye	
	Mr. Sweet	aye	
	Mr. Simon	aye	
	Mr. Wurzer	aye	carried.

RUSH PLANNING BOARD
AUGUST 19, 2008

The Planning Board has asked Deputy Town Clerk, Meribeth Palmer to draft a letter to the Town Attorney regarding the inquiry of adding and/or moving fuel tanks and pumping islands at 5946 East Henrietta Road.

With no further business, a motion was made by John Morelli and agreed by common consent that the meeting be adjourned at 9:50 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk