

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF AUGUST 17, 2010**

A regular meeting of the Rush Planning Board was held on August 17, 2010 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
Don Sweet
Rick Wurzer
Scott Strock
Meribeth Palmer, Deputy Town Clerk

OTHERS PRESENT: Bill Riepe, Town Board Liaison
Gerry Kusse, Code Enforcement Officer
Todd Ewell, Town Engineer
Susan Swanton, Land owner
Norma A. Polizzi, Esquire
Marianne Rizzo, Resident
Amber Corbin, Resident, Zoning Board member
Paul Corbin, Resident
Joe Ardieta, Engineer
Walter Kalina, Principal Planner, CHA

APPROVAL OF MINUTES:

The Minutes of June 15, 2010 were reviewed.

Don Sweet made a motion to accept the minutes of June 15, 2010.

John 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.

The Minutes of July 20, 2010 were reviewed.

John Morelli made a motion to accept the minutes of July 20, 2010.

Rick Wurzer seconded the motion and the Board Members polled:

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

John Felsen and Don Sweet were excused from the July Planning Board meeting.

Tabled Application 2010-04P by Joseph Borrelli requesting site plan approval to construct a single family dwelling on an 18.09 acre parcel located at 199 Stonybrook Road. Property is located in an R-30 zoning district.

Joe Ardieta, Engineer, appeared on behalf of Larry Heininger, engineer for Joseph Borrelli. Mr. Ardieta brought a third updated map to submit to the board. Mr. Ardieta reviewed the wetland issue. A new survey has been done and Environmental Resources has delineated the property showing the wetland and the 100 foot buffer. As a result of the new delineation, the leach field has been moved 15 feet to the east. Although this project does not meet the requirements, the applicant has submitted a Notice of Intent (NOI) under the New York State Department of Environmental Conservation (NYSDEC) Storm Water Phase II Regulations. The proposed culvert extension for the road side drainage ditch on the applicant's property is not shown on the newest site map. There are also fewer check dams shown on the new map. Mr. Ardieta suggested an additional check dam just upstream of the drop inlet.

Engineer Todd Ewell stated his concern regarding the site maps. Each map submitted has new items while other previous items are missing. Mr. Ewell really needs to see everything on one map in order to make a final analysis. The second map showed the profile and inverts for the culvert, the new map does not have the items. The new map needs to show the catch basin detail, pipe profile, inverts, sizing of the culvert pipe to match the existing down stream pipe, wetlands identified, 100 foot buffer, soil erosion control, silt fencing, any additional check dams, grading, seeding, roof drains and private well detail. The applicant also needs to meet the New York State guidelines for erosion and sediment control.

The applicant has been working on the site and has disturbed enough land that there are concerns regarding erosion and soil control. Code Enforcement Officer Kusse has issued a Stop Work Order that is currently in effect. At this time, the applicant has not provided the required NYSDEC permit or installed the necessary Storm Water Pollution Prevention measures requested by Mr. Kusse.

The topic of Storm Water Pollution Prevention Plan (SWPPP) inspections was raised. Code Enforcement Officer Gerry Kusse stated that SWPPP inspections

should be required. Typically, inspections are once every 7 days and signed by a licensed engineer.

Engineer Todd Ewell stated that the applicant is required to abide by the erosion and sediment regulations. The applicant is under the threshold for quantity and quality of storm water management. However, it was stated that the town has the authority to be stricter than the actual regulations, if they so choose.

Code Enforcement Officer Gerry Kusse has had a discussion with a representative from Monroe County Soil and Water. The NYSDEC did not offer support regarding the erosion concerns at that time.

The applicant has filed an NOI with the DEC that outlines a plan in which they intend to follow. At this point it is imperative that the plan is put into action to prevent anymore erosion and discharge from the site.

The Planning Board recommended that Code Enforcement Officer Gerry Kusse call Monroe County Soil and Water to have them visit the site as soon as possible.

The Planning Board cannot move forward with the application until the applicant addresses the above said items.

A letter dated July 16, 2010 from residents Nancy and James Miller supporting the proposed project was read into the record.

John Morelli made a motion having reviewed the materials presented for tabled application 2010-04P by Joseph Borrelli that the status of the application remain tabled until Town Engineer Todd Ewell and Code Enforcement Officer Gerry Kusse have approved the correction of the erosion control issues and until the Stop Work Order has been lifted.

Don 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.

INFORMAL DISCUSSION:

Jim Kolb to discuss possible retail food sales in the front portion of the commercial building located at 7272 West Henrietta Road.

Mr. Kolb did not appear.

Enforcement Officer Gerry Kusse is currently looking into the type of operating permit under which Mr. Kolb is currently operating at that location.

Review of the Swanton bed and breakfast home petition.

After a lengthy discussion, the Planning Board recommends and is providing ordinances from Mount Morris, NY and Riverhead, NY for review should the Town Board entertain changing the code to accommodate zoning for Bed and Breakfast Homes/Inns.

The Planning Board also recommends that if the Town Board entertains Bed and Breakfasts in residential zones that the town as a whole be considered and recommends that Bed and Breakfasts be required to obtain a Special Permit.

Although this was not a public hearing, residents Marianne Rizzo, Paul Corbin and Amber Corbin made brief statements regarding the proposed bed and breakfast location.

Walter Kalina to provide and discuss updates to the comprehensive plan.

Mr. Kalina provided the board with maps created from Monroe County Geographic Information System (GIS) and a set of maps that Clough Harbour and Associates (CHA) is producing that combines various information that will be used to develop future land use. These maps are currently in draft form for the Planning Boards review and can be changed or updated as required. Color distinction within the maps may need to be fine tuned. These maps are also available in Portable Document Format (PDF) for review. The Monroe County maps include wetlands with DEC wetlands on top of the National Wetland Inventory (NWI) wetlands, prime farm land soil, aquifers, community facilities, road types within the town, soil types based upon glacial till and steep slope, watersheds, wetlands in reverse with NWI wetlands on top of the DEC wetlands, and flood planes. All of these maps will assist with future land use and development. The maps that CHA has produced so far include a transparent scanned version of the comprehensive plan (future use) map with the existing zoning overlaid, an enlarged version of the hamlet, a topal view of the town, existing land use with the existing zoning overlaid, existing land use with development constraints (such as wetlands, steep slopes, wooded areas, streams, flood planes). The mapping system will have the ability to turn on and off different mapping layers. All this information will be useful for decision making and viewing individual parcels, large areas and especially for the development of the future land use map.

Deputy Clerk Palmer will forward the most recent zoning map and zoning ordinance to Mr. Kalina.

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Mr. Kalina stated that after the Planning Board has had time to review all the maps submitted to date, the next step will be to develop the future land use map. Work sessions were suggested for this.

Review of preliminary updates to the Town of Rush Subdivision/Site Plan Application package.

The Planning Board reviewed the application with Town Engineer Todd Ewell. Several changes were made. Mr. Ewell will have the main portion of the application updated and retyped. Deputy Clerk Palmer will provide the current zoning and make corrections to page 1 of the application.

Mr. Ewell also submitted the site development details that were recently updated for the Planning Boards review. The Planning Board asked Mr. Ewell for a list of the changes and additions that have been made.

With no further business, a motion was made by John Felsen and agreed by common consent that the meeting be adjourned at 10:15 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk