

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF SEPTEMBER 21, 2010**

A regular meeting of the Rush Planning Board was held on September 21, 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
Don Sweet
Scott Strock
Meribeth Palmer, Deputy Town Clerk

Excused: John Morelli
Rick Wurzer

OTHERS PRESENT: Bill Riepe, Town Board Liaison
Gerry Kusse, Code Enforcement Officer
Todd Ewell, Town Engineer
Laurence Heininger, Engineer
Edmund S. Martin, P.E., LandTech
John Chernavin, applicant
James Missell L.S.
Michael Czora, Resident
David Jenkins
Patricia Weaver, Resident
Raymond Ryan, Resident
Richard Foster, Resident
Jerry Stoutenberg, Resident
Ray Vosefski, Resident

APPROVAL OF MINUTES:

The Minutes of August 17, 2010 were reviewed.

Deputy Clerk Palmer stated that changes to Board Minutes of August 17, 2010, would be made as follows:

Page 4: Paragraph 4: Line 15: replace topal with topol.

Don Sweet made a motion to accept the minutes of August 17, 2010 as amended.

Scott Strock seconded the motion and the Board Members polled:

Roll: John Felsen aye
Don Sweet aye

Scott Strock aye carried.

Application 2010-05P by Walter Kozimore to subdivide a 2.40 acre lot into 2 parcels. Property is located at 690 Phelps Road and is in an R-30 zoning district.

Applicant or agent failed to appear.

Application 2010-06P by MVC Enterprises LLC to subdivide and convey a portion of a 1.53 acre lot located at 37 Boulder Creek Drive. Property is located in an R-30 zoning district.

James Missell L.S. appeared on behalf MVC Enterprises LLC of to request subdivision approval to subdivide approximately a tenth of an acre off the southwest corner of the parcel. The portion to be conveyed is currently used by Wildwood Country Club under a license agreement as part of the golf course. Lot R18 will continue to conform with Rush zoning requirements. Planning Board Chairman stated that the water service location running to the house and septic system location should be indicated on the map. Comments from Todd Ewell, Town Engineer, stated that the applicant should remove the signature lines for Town Superintendent of Highways, Town Engineer and the Town of Rush general notes since no site development has been proposed.

The applicant has also submitted a letter stating that James Missell has authorization to act on their behalf.

Application 2010-07P by German Chernavin for site plan approval to build a single family dwelling. The parcel is located off the Telephone Road Extension and is in an R-30 zoning district.

German Chernavin and Engineer Edmund Martin appeared to request site plan approval for a single family dwelling. Mr. Chernavin has submitted a purchase offer on the above said parcel of land currently owned by the Town of Rush. This offer is contingent on site plan approval. The proposed site conforms to all zoning and setback requirements set forth by the Town of Rush. The proposed residence will be serviced by an on site private modified raised bed septic system. Testing for the septic system has been witnessed by the Monroe County Health Department. Public water will service the proposed residence with a 1 ½ inch tap at the Telephone Road Extension and routed along the south edge of the driveway to the proposed home. Mr. Martin has received comments from Town Engineer Todd Ewell and will be addressing and re-submitting any required additions/changes. Mr. Martin also stated that the parcel is in a New York State Archaeologically Sensitive area and the site is not going to be disturbed any more than what has already been disturbed in the past, therefore, there is no threat to any archeological artifacts, flora or fauna. Chairman Felsen stated that a letter of authorization from the Town of Rush allowing Mr. Chernavin to seek site plan approval will be required. The Rush Fire District recommended that due to

the distance of the proposed residence off the main road, the applicant install a sprinkler system. The Rush Fire District also questioned if there is enough room to turn a fire truck around, again due to the length of the driveway. The Town Engineer commented that an emergency pull-off along the midpoint of the proposed driveway is recommended pending the design intent of the proposed 3 foot shoulders. Mr. Ewell also commented on improving drainage flow direction along the driveway. Plans should include grading for swales. The 2 inch water main will be for this project only. The applicant indicated that the gravel parking lot would be removed and turned into lawn unless the area is need for an emergency vehicle turn around. Mr. Martin proposed installing Mirafi stabilizers with topsoil over the top so that it would look like lawn yet still accommodate a fire truck turn around. This turn around area would also be indicated with markers. The applicant stated at this point the athletic backstops would most likely remain on the property. Mr. Martin stated that the electric service would be run underground. Mr. Martin will also provide Mr. Ewell with the hydrant flow results once they are obtained from Monroe County.

Chairman Felsen reviewed all comments from Monroe County Department of Planning and Development, Rush Fire District, Rush Conservation Board and Town Engineer Todd Ewell.

Resident Ray Vosefski inquired about the location of the underground electric service. Chairman Felsen stated that it would be indicated on the final site plan.

Resident Raymond Ryan asked for clarification on parcel lot lines. It was stated that the parcel is 18.728 acres and it is one lot. The purchase will include all holdings by the town.

Resident Patricia Weaver asked if the town is going to provide a safe road for the applicant. It was stated that the Telephone Road Extension is a dedicated road and conforms to Town of Rush road specifications. The proposed driveway will run from the Telephone Road Extension hammerhead to the dwelling. Ms. Weaver also inquired about the size of the water service pipe. As stated previously, it will be a 2 inch water main.

Chairman Felsen requested that the Engineer show the entire parcel on the plans.

There was a discussion between Code Enforcement Officer Gerry Kusse and the applicant regarding the erection of a barn prior to the main dwelling in order to store building materials. The applicant was told that Rush Town Code does not permit accessory structures to be built before the main dwelling. Building plans for an accessory structure can be submitted at the same time as the dwelling.

Chairman Felsen declared the Public Hearing closed.

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.

Engineer Larry Heininger appeared on behalf of applicant Mr. Borrelli. Mr. Heininger has submitted a Storm Water Pollution Prevention Plan (SWPPP) to the Planning Board and Code Enforcement Officer Gerald Kusse. Mr. Heininger has also responded to the most recent comments from Town Engineer Todd Ewell. Currently the road side drainage site contains 40 feet of 24 inch high density poly smooth flow drainage pipe. Yet to be installed is an additional 60 feet upstream and 20 down stream. Mr. Heininger recommends the use of H25 grade Nyloplast tee with a 12 or 15 inch riser to accommodate a 25 ton axle load. Although there is a Stop Work Order in place at this time, Mr. Borrelli has been allowed to install erosion control requested by Code Enforcement Officer Gerald Kusse. Town Engineer made comments on the SWPPP that was submitted. Mr. Heininger stated that all requested items will be added and a new site map will be sent to Mr. Ewell for review early next week. Stabilizing the ditch south of the driveway is the only item left to complete the required erosion control set forth by the Code Enforcement Officer. Upon site approval, Mr. Borrelli intends to build in the spring after the April rains.

Councilman Riepe stated his concern for the steep ditch north of the driveway. Mr. Kusse replied that the intent for the future is to widen the shoulder after the area becomes re-engineered.

Mr. Kusse also stated that the matter of punitive damages will be addresses for what has occurred at that above mentioned site.

INFORMAL DISCUSSION:

Michael Czora and Dave Jenkins appeared before the board to discuss the use of an existing practice berm at 336 Woodruff Road for firearm safety and education classes with certified instructors. Mr. Czora submitted a detailed outline of his proposal to the Planning Board. Mr. Czora is the owner of the above said property. The practice area consists of a backstop 18 to 20 feet in height and side walls are 15 to 16 feet in height. Currently Mr. Czora uses the berm for personal shooting practice use only. Mr. Jenkins is the owner of Rochester Personal Defense. Mr. Jenkins and Mr. Czora would like to obtain a special permit to hold very small or one on one educational classes; they stressed that their proposal is not for public use. The main type of firearm use would be hand guns and occasionally riffles. No state laws would be violated. Mr. Czora has a very large parcel of land and has done sound testing and stated that the surrounding elevations and wooded areas buffer the sound. Mr. Czora stated that his main priority is his neighbors and keeping noise at a minimum. There would not be traffic issues, the groups are very small and it would not be used daily.

The Planning Board discussed how this would fit into the town code. The Planning Board discussed Code 120-7B(6) and would like to obtain the Town Attorney's input regarding the actual verbiage. Mr. Czora and Mr. Jenkins also will determine if they can operate as a not for profit, member club. It was suggested, as an alternative, that Mr. Czora and Mr. Jenkins may need to appear before the Town Board to request a change in the code. If Mr. Czora and Mr. Jenkins decide to apply for a special permit, other items for consideration would be lighting, hours/day of operation, sound levels, parking, traffic, ingress, egress, water, sewage, trash, maximum number of people on site at one time, sketch of target and range layout.

Chairman Felsen discussed the request from Supervisor Udicious regarding the Planning Board's opinion on wind turbine code. Supervisor Udicious is looking for a response by the end of October. Chairman Felsen would also like the Town Board to consider a site work law and an outdoor wood boiler law.

Councilman Riepe submitted a site detail for the future storage shed near the pavilion. The board briefly discussed the town's security cameras.

Deputy Clerk Palmer passed out a preliminary draft of updates to the Town of Rush Subdivision/Site Plan Application package.

The Planning Board briefly discussed the water service at the New York State School at Industry. Repair work by the City of Rochester on the Rush Reservoir will begin in the near future.

DECISSIONS:

Application 2010-05P by Walter Kozimore to subdivide a 2.40 acre lot into 2 parcels. Property is located at 690 Phelps Road and is in an R-30 zoning district.

John Felsen made a Motion that Deputy Clerk Palmer draft a letter on the boards behalf to Mr. Kozimore stating that both subdivision and conveyance of the parcel be shown as one application.

Don Sweet seconded the motion and the Board Members polled:

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

John Felsen made a Motion to table **Application 2010-05P** by Walter Kozimore. The reasons for tabling the application are as follows:

1. The applicant failed to appear at the Public Hearing.

2. The Planning Board would like the applicant to show the subdivision of the above said parcel and it's conveyance to the second parcel.

Don Sweet seconded the motion and the Board Members polled:

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

Application 2010-06P by MVC Enterprises LLC to subdivide and convey a portion of a 1.53 acre lot located at 37 Boulder Creek Drive. Property is located in an R-30 zoning district.

John Felsen made a Motion **WHEREAS**; this Board has examined **Application 2010-06P** by MVC Enterprises LLC to subdivide and convey a portion of a 1.53 acre lot located at 37 Boulder Creek Drive. Property is located in an R-30 zoning district. Preliminary plot review of the proposed site plan 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 SEQRLaws requiring no further action by this Board.

Don Sweet seconded the motion and the Board Members polled:

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

John Felsen made a Motion to grant preliminary subdivision approval for **Application 2010-06P** by MVC Enterprises LLC conditioned upon:

1. The applicant showing the proposed water service to lot 18 and the location of the septic system.
2. The applicant complies with the comments set forth by Town Engineer Todd Ewell.

Don Sweet seconded the motion and the Board Members polled:

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

John Felsen made a Motion to waive the final subdivision hearing for **Application 2010-06P** by MVC Enterprises LLC conditioned upon the applicant meeting the requirements for preliminary approval.

Don Sweet seconded the motion and the Board Members polled:

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

Application 2010-07P by German Chernavin for site plan approval to build a single family dwelling. The parcel is located off the Telephone Road Extension and is in an R-30 zoning district.

John Felsen made a Motion **WHEREAS**; this Board has examined **Application 2010-07P** by German Chernavin for site plan approval to build a single family dwelling. The parcel is located off the Telephone Road Extension and is in an R-30 zoning district. Preliminary plot review of the proposed site plan 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 SEQRLaws requiring no further action by this Board.

Don Sweet seconded the motion and the Board Members polled:

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

John Felsen made a Motion to grant preliminary site plan approval for **Application 2010-07P** conditioned upon:

3. The applicant obtaining a letter from the Town of Rush authorizing applicant Mr. Chernavin to seek site plan approval for town owned property.
4. The applicant complying with the requirements from the Town Attorney, Rush Highway Superintendent and Town Engineer including the emergency pull off along the mid point of the proposed driveway.
5. The applicant obtaining approvals from the Monroe County Water Authority, Monroe County Department of Public Health, Town Engineer and Rush Highway Superintendent.
6. The applicant indicating on the map the over all acreage of the parcel and what will be done with the gravel driveway.

7. The applicant showing the lay out of the water service outside of the road right of way or how the applicant will push the water service under the existing hammer head.
8. The applicant showing the proposed underground electrical service to the property.
9. The applicant exploring the installation of a fire sprinkler system in the proposed dwelling.
10. The approval is conditioned upon the applicant obtaining a clear title for the land from the Town of Rush.

Don Sweet seconded the motion and the Board Members polled:

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

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.

John Felsen made a Motion **WHEREAS**; this Board has examined **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. Preliminary plot review of the proposed site plan 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.

Scott Strock seconded the motion and the Board Members polled:

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

John Felsen made a Motion to grant site plan approval for **Application 2010-04P** conditioned upon:

11. The applicant install any remaining erosion sediment control requirements including silt fencing, check dams, installation of the pipe, and stabilizing the soil surfaces.

12. The applicant correct or revise the Storm Water Pollution Prevention Plan as reviewed by the Town Engineer and comply with all other requirements set forth by the Town Engineer
13. The applicant obtaining approvals from the Town Engineer, Monroe County Department of Public Health, Rush Highway Superintendent.
14. The applicant establishing the easement description for the storm water swale north of the pipe, length and width to be determined by the Rush Highway Superintendent and the Town Engineer. The description of the easement is to be reviewed by the Town Engineer, Rush Highway Superintendent, and Town Attorney and upon approval filed in the Monroe County Clerk's office.

Don Sweet seconded the motion and the Board Members polled:

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

With no further business, a motion was made by John Felsen and agreed by common consent that the meeting be adjourned at 10:05 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk