

**RUSH PLANNING BOARD  
REGULAR MEETING  
MINUTES OF MARCH 20, 2018**

A regular meeting of the Rush Planning Board was held on March 20, 2018 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:00 PM.

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

**OTHERS PRESENT:** Dan Woolaver, Councilperson, Town Board Liaison  
Todd Ewell, Town Engineer  
Jerry Farrell, Resident, MCFA Member  
Bob Sass, New York Museum of Transportation

Chairman Felsen welcomed all to the March Planning Board meeting.

**APPROVAL OF MINUTES:**

The Minutes of October 17, 2017 were reviewed.

Vice Chairman Morelli made a Motion to accept the Minutes of October 17, 2017 as written by Deputy Town Clerk Featherman.

Board Member Wurzer seconded the Motion, and the Board polled:

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

Board Member Strock was absent at the October 17, 2017 meeting.

**PUBLIC HEARING:**

**Application 2018-01P** by the Monroe County Fair Association, lessee of property owned by the Town of Rush, requesting a Modified Special Permit to conduct additional Fair activities and improvements. Property is located at 6565 East River Road and is zoned Residential-30.

Vice Chairman Morelli stated that the Planning Board had approved a Special Permit for the Monroe County Fair Association ( MCFA) to operate basic Fair activities on July 12, 2017.

Jerry Farrell of the MCFA explained the additional activities they are proposing, which include a fenced horse arena and renovations to Buildings 7 & 8. Any seating installed for events will not be permanent.

Board Member Stroock stated of this application, approval would include only these changes. Any further changes would require an additional Planning Board application.

Mr. Farrell stated that the MCFA has recently learned that any grants they receive must be used one at a time, so proposed improvements will be in stages. The proposed stage and pole barn won't happen until the next grant.

Vice Chairman Morelli explained that once Planning Board approval is granted, the MCFA must obtain approval from the Code Enforcement Officer and required building permits and Certificates of Occupancy from the Building Inspector prior to structures being used.

Vice Chairman Morelli read from the January 24, 2018 Town Board Minutes: "The Fair can now construct those items included in the Lease. As soon as the Fair has invested the grant funds from the State in the site, the Town will no longer be able to unilaterally terminate the Lease. Attorney Mancuso has no further concerns at this point. The Lease can only then be terminated upon the occurrence of a default of the lease."

Vice Chairman Morelli advised that what the Planning Board is reviewing and possibly approving tonight is based on what is in the Lease at present.

Vice Chairman Morelli asked about the animal wash station area and the animal waste containment area. Mr. Farrell pointed out the locations on the site map. Pads will be used under the areas as secondary containments. A 500 gallon underground tank will be used for animal waste containment and pumped out.

Board Member Sweet explained that he is knowledgeable of the animal waste containment system. The solid container has three cement walls and a cement floor. It has a slight slope. There is a screen to catch the water draining into the tank before the tank is pumped out.

Chairman Felsen inquired about the water line. Mr. Farrell explained this year the temporary water line will be run from the south. Chairman Felsen would like that to be shown on the plan.

Vice Chairman Morelli opened the floor for public comment and asked anyone speaking to state their name and address for the record.

Bob Sass of the New York Museum of Transportation inquired about the location of the horse arena in relation to the railroad tracks. Trains will be running during the Fair

dates, and he is concerned the trains may scare the horses. The Board invited Mr. Sass to view the Site Plan. Mr. Farrell pointed out the location of the horse arena and a big field separating the horse arena from the railroad tracks. Mr. Farrell is satisfied that there is enough distance so horses will not be startled.

With no further questions or comments, Vice Chairman Morelli declared the public hearing closed.

## **DECISIONS:**

Chairman Felsen made a Motion **WHEREAS**; this Board has examined **Application 2018-01P** by the Monroe County Fair Association, lessee of property owned by the Town of Rush, requesting a Modified Special Permit to conduct additional Fair activities and improvements. Property is located at 6565 East River Road and is zoned Residential-30; and the maps and other materials which were filed with the application, including the Short Environmental Assessment Form (Short EAF); and

**WHEREAS**, the proposed action is a Type II Action under the State of New York SEQRA laws and that the Town Board has previously found that there are no significant environmental impacts with the proposal.

Vice Chairman Morelli seconded the Motion, and the Board polled:

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

Vice Chairman Morelli made a Motion **WHEREAS**, the Town of Rush Planning Board (the "Planning Board") has reviewed **Application 2018-01P** by the Town of Rush in association with and on behalf of its tenant, the Monroe County Fair Association (the "MCFA"), along with additional materials provided by the Town (including *an Additional Sheet to Part 3 of the Full Environmental Assessment Form* and an accompanying *Resolution by Town Board to issue and Amended Negative Declaration*), to amend approvals given under Application 2017-06 in order to modify and/or construct new facilities as specified below, and to continue to operate the Monroe County Fair through December 31, 2028 at the property located at 6565 East River Road; and

**WHEREAS**, the Rush Town Board has reviewed the substantive changes to the property proposed to start in the year 2018, including a tractor pull area, horse riding area, gazebo area, stage, and pole barn area, among other smaller improvements; and

**WHEREAS**, the MCFA proposes to use Building 5 (green house), Building 6 (horse arena), Building 7 (hip-roof barn with its attached addition), and Building 8 (concrete block building with old forge vents), together with the surrounding area for

activities including a tractor pull area, horse riding area, gazebo area, stage and pole barn area, and for general operation of the Fair; and

**WHEREAS**, the MCFA, through grants obtained from the New York State Department of Agriculture and Markets, proposes to make improvements and renovations to these buildings and facilities for the mutual benefit of the MCFA and the Town of Rush; and

**WHEREAS**, the MCFA proposes to install and use a temporary water line to provide water to the Property for the operation of the Fair in 2018 and subsequent years; and

**WHEREAS**, the Rush Town Board, as Lead Agency for purposes of undertaking a coordinated review under the New York State Environmental Quality Review Act. has resolved that the actions proposed in this Application for new construction activities including a tractor pull area, horse riding area, gazebo area, stage and pole barn area, among other improvements, will result in no significant adverse impacts on the environment and that therefore, an environmental impact statement need not be prepared, and thus issued an Amended Negative Declaration pursuant to 6 N.Y.C.R.R. § 617.7(e); and

**WHEREAS**, the Town Attorney has determined that as a consequence of the Town Board issuing an Amended Negative Declaration for the proposed actions, that the Planning Board will not need to undertake any SEQRA review for the activities proposed under this Application but need only review the Application against the criteria for a special permit under the Town Code; and

**WHEREAS**, the Planning Board has reviewed and considered comments submitted by:

- Town of Rush Conservation Board
- Rush Board of Fire Commissioners
- Monroe County Department of Planning & Development

; and

**WHEREAS**, the Planning Board has conducted a Public Hearing on March 20, 2018 and considered the comments submitted verbally and/or in writing from attendees;

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board approves **Application 2018-01P** submitted by the Town of Rush and the MCFA for use of the property at 6565 East River Road for the purpose of holding the annual Monroe County Fair and other related activities, subject to the following conditions:

- That the plans for the installation of the proposed temporary water main be shown on the plan and reviewed and approved by the Monroe County Water Authority and the Monroe County Department of Public Health.

- That the water main shall not be placed into operation until the Monroe County Department of Public Health has determined that the water is satisfactory for human consumption.
- That the MCFA shall obtain all necessary building permits from the Town of Rush Building Inspector for the repair and construction of the existing and proposed structures shown on the Site Plan.
- That the MCFA shall obtain all necessary Certificates of Occupancy from the Town of Rush Building Inspector and Fire Marshall prior to the use of the structures shown on the Site Plan.
- That the MCFA shall obtain a permit to operate Agricultural Fairground from the Monroe County Department of Public Health prior to the Fair opening.
- That the MCFA shall install an animal waste collection pad with a containment berm and connected to a 500 gallon underground waste tank to be shown on the plan and that a certified planner design and construct the animal waste facility in accordance with the Department of Environmental Conservation and obtain the Monroe County Soil and Water Conservation District approval.
- That the MCFA show the proposed fence around the riding arena and the proposed tent around the stage area on the Site Plan.

***Plus, add all relevant conditions from the 2017 approval:***

1. The duration of the intended overall use is from the date of approval until December 31, 2028, coterminous with the 10-year lease by and between the Town of Rush and the Association, approved by the Town Board on July 12, 2017 for operation of the fair (the "Lease") as amended on January 24, 2018; provided, however, that the special permit shall expire and be null and void upon the expiration or early termination of the Lease;
2. The fair event will run three to four days each year in the month of July or August. The MCFA will use the facilities for up to two weeks before the fair for set-up purposes and for up to two weeks after the fair in order to clean up and secure the facilities;
3. The fair event's "public" hours will run from 11 am until 10 pm on weekdays and Saturday, and from 11 am until 5 pm on Sunday; Activities associated with closing up daily operations shall be completed by 11 pm on weekdays and Saturday and 6 pm on Sunday;
4. There will be no amplified music after 9 pm on weekdays and Saturday or after 5 pm on Sunday;
5. During operation of the Fair, the MCFA will provide three portable light towers, one in each parking area; Existing outdoor lights on Buildings 5,

- 6, 7 and 8 will be used; Lighting will be dark-sky compliant, faced inward, shielded above and in compliance with the Town Code;
6. Temporary water service will be provided through a connection to the Monroe County Water Authority system;
  7. The MCFA will provide at least three portable toilets and one portable bathroom shower with a grey water tank during the operation of the fair;
  8. Ingress and egress will be via the main driveway and will be facilitated with the assistance of one or more attendant(s) provided by the MCFA;
  9. Parking areas and driveways, as indicated on the Site Plan submitted with the application, will be adequately prepared to accommodate vehicular traffic and parking in accordance with the requirements of the Town Code;
  10. Up to ten overnight campers/tents will be allowed to accommodate animal/livestock caretakers;
  11. There will be a total of 200 parking spaces in three parking areas as identified on the Site Plan submitted with the application; At least six parking spaces will be designated for the convenience of handicapped visitors;
  12. Subject to the terms of the Lease, Building 6, the Riding Arena, will be used to house livestock and other animals to be exhibited during the fair;
  13. No other buildings will be used for the Fair until such time as the MCFA constructs the improvements as are necessary for the buildings to be suitable for use by the MCFA and the public as determined by the Town Board of the Town of Rush in accordance with the terms of the Lease;
  14. Exhibits, displays, vendors, farm market stands, and the portable bandstand may be located in tents in the area bounded by Buildings 5, 6, 7 and 8 as reflected on Exhibit B of the Lease;
    - a. The attractions at the fair are more fully described in the Lease but generally consist of:
      - i. Competitive exhibits include livestock, horse & small animal shows; fine arts & photography; food competitions; domestic arts & crafts; flowers & vegetables; pulling competitions; and talent shows
      - ii. Live music from local and regional acts
      - iii. Demonstrations and educational displays such as robotics clubs, gardening talks, craft demonstrations, etc.
      - iv. Petting zoos, pony rides, and similar animal interaction events
  15. There will be no “carnival-type” games or rides, other than small children’s rides;
  16. Alcoholic drinks will not be available except as otherwise provided under the Lease;

17. Animal waste will be collected and stored in a dumpster to be located adjacent to the east side of Building 6; Secondary containment will be provided to capture and contain any runoff from the dumpster; Animal waste and captured runoff will be properly disposed of within three days of the end of the Fair.
18. There will be 24-hour on-site security with at least two security people at all times, including overnight; the MCFA will also provide an emergency medical technician during operation of the fair and a first aid station located prominently next to the fair office.
19. In addition to the Fair event, and subject to the terms of the Lease, the MCFA may hold two single-day fundraising events during other times of the year;
  - a. Examples of such events include: a pancake fundraiser during maple syrup season and a rabbit or poultry show during the winter;
20. Approval of the activities set forth above will be permitted for the duration of the special permit (unless it shall otherwise expire as a result of expiration of early termination of the Lease). Notwithstanding the foregoing, it is expressly understood and acknowledged by the MCFA that in the event the MCFA intends to conduct additional future activities associated with fair events beyond those described in this amended special permit approval and/or in the Lease, the MCFA to the extent required by applicable law shall submit a modified Special Permit Application indicating all additional activities that it may wish to pursue, together with obtaining any necessary approvals for such additional activities.
21. This Special Permit is subject to the approval of the Town Engineer, and subject to receipt of any necessary approvals from the Monroe County Development Review Committee, the Monroe County Department of Public Health, the Monroe County Water Authority, the Monroe County Department of Transportation, and the New York State Department of Environmental Conservation (Storm Water Pollution Prevention Plan) and the Monroe County Soil and Water Conservation District.
22. The MCFA shall comply with all applicable federal, state, and local laws and regulations.
23. The MCFA shall comply with the terms and conditions of the Lease, as well as any other approvals from or agreements with the Town of Rush.

Chairman Felsen seconded the Motion and the Board polled:

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

Chairman Felsen made a Motion to rescind his previous Motion for **Application 2018-01P** being a Type II Action under SEQRA as that has been previously covered.

Board Member Wurzer seconded the Motion, and the Board polled:

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

With no further business, it was agreed by common consent that the meeting be adjourned at 8:07 pm.

Respectfully submitted,

Shivaun Featherman  
Deputy Town Clerk