

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF MARCH 19, 2013**

A regular meeting of the Rush Planning Board was held on March 19, 2013 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 PM.

MEMBERS PRESENT: John Felsen, Chairman
John Morelli, Vice Chairman
Don Sweet
Scott Strock
Meribeth Palmer, Deputy Town Clerk

EXCUSED: Rick Wurzer

OTHERS PRESENT: Councilman Bill Riepe, Town Board Liaison
Todd Ewell, Town Engineer
Karen Hopkins, Resident
Bruce Howlett, Resident
Dennis Willey, Land Surveyor
Albert Choate, Resident
Bethany Choate, Attendee
Matthew Helmbueger, Attendee
Ralph Harding, Resident
Nick Montanaro, Land Surveyor
Robert McRae, Resident
Todd McRae, Resident

Chairman Felsen welcomed all to the March Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of February 19, 2013 were reviewed.

Board Member Sweet made a motion to accept the minutes of February 19, 2013 as corrected.

Vice Chairman Morelli seconded the motion and the Board members polled:

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

Scott Strock was excused from the February 19, 2013 Planning Board meeting.

PUBLIC HEARING:

Application 2013-01P by Karen Hopkins requesting subdivision of 91.512 acres from an existing parcel of 131.3 acres. Remaining lands will retain existing house and out buildings. Property is located at 8899 East River Road and zoned Residential-30.

Karen Hopkins explained to the Board that she is requesting to subdivide and will be transferring ownership of the 91.512 acres to Mr. Howlett. There are no plans for development or roads. Mr. Howlett has access to the land from his adjacent parcel to the south. Mrs. Hopkins has received comments from Town Engineer Todd Ewell and Monroe County.

There is a question regarding drainage district easements and access to the Genesee River due to its very steep bank. An easement would not impact tillable land but it would provide the town access to the river if needed.

The drainage ditch indicated on the plan was there when Mrs. Hopkins purchased the property. Mr. Howlett maintains the drainage ditch. The drainage ditch is shallow enough that Mr. Howlett farms right over it.

Mrs. Hopkins stated that both she and Mr. Howlett have had issues with the miss-use of land easements in the past. Mr. Howlett explained that utility companies are the main offenders. Mr. Howlett also asked if banks moves do the easements move with the bank.

Board Member Sweet stated that in his opinion easements on this particular parcel are not needed, there is no direct impact to neighbors or roads.

After further discussion Town Engineer Todd Ewell and the Board will ask for input from the Rush Highway Superintendent Mark David regarding the necessity of the easements for the river and the drainage ditch.

Mrs. Hopkins was asked to add adjoiners and existing buildings to the map.

Chairman Felsen reviewed the comments from Monroe County Department of Planning and Development and the Rush Conservation Board.

With no further comments Chairman Felsen declared the public hearing closed.

PUBLIC HEARING:

Application 2013-02P by Albert Choate requesting site plan approval to construct a single family dwelling on a 28.54 acre parcel located on Honeoye Falls #6 Road, west of 348 Honeoye Falls #6 Road. Property is zoned Residential-30.

Albert Choate appeared with land surveyor Dennis Willey. Mr. Choate explained that he purchased land next door to his existing house for the purpose of building a home for his daughter. The site will follow the ridge with very little disturbance.

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

Although it is not a requirement, the Rush Board of Fire Commissioners recommends installing sprinklers in the home due to the lack of accessible water and the distance to the road.

Mr. Choate stated that when his well was dug, they hit a cave at 110 feet. The water reception rate is 30 plus gallons per minute. There is also a pond on the property that the Fire Department has used it in the past.

The proposed house will be one level on a heated slab and they are planning on using solar cells. The goal is to create an energy net zero house.

Mr. Willey asked about the accuracy in which the easement needs to be depicted on the map such as surveyed bearings and distances versus a suitable description.

Engineer Todd Ewell will check with CHA surveyors and with the Town Attorney regarding the descriptions that move with a meandering creek and if it would be acceptable for filing.

With no further comments Chairman Felsen declared the Public Hearing closed.

INFORMAL:

Ralph Harding and Land Surveyor Nick Montanaro discuss a proposed subdivision and site plan for property located at 40 Scofield Road. Property is located in an R-30 zoning district.

Mr. Harding appeared with Land Surveyor Mr. Montanaro to present and review Mr. Harding's subdivision proposal to the Board. Mr. Harding has 2 lots consisting of approximately 50 acres. Lot 1 is 5.602 acres and contains the existing house that is serviced by a long driveway. Lot 2 begins at the road to the east and wraps around the 5.602 acre lot. Mr. Harding is looking to sell the current house on lot 1 and build another house to west on lot 2 in addition to creating a third lot to the east closer to the road.

Mr. Harding is proposing to adjust the property lines of the long driveway of the original lot to give both Lot 1 and 2 a parcel width of 50 feet from to Scofield Road back to the homes where the parcels expand. Mr. Harding's new lot will retain a majority of the

current driveway and the original house will have an easement to use the driveway for ingress and egress. The proposed house sites have passed perk testing.

There is a 155 foot wide easement that runs the length of the driveway to Scofield Road that currently belongs to Mr. McRae for ingress and egress to his parcel directly to the east of Mr. Harding's property. Mr. Montanaro stated that the proposal will not interfere with the easement.

Mr. Harding stated that when he purchased the property his intent was to maintain it as agricultural. A large portion of the property has been actively farmed for over 20 years. Mr. Harding also stated that he has no intention of further subdividing the property.

Mr. Harding explained to the Board the topography and contours that do not show on the map.

Mr. Harding stated that he and Mr. Montanaro have met twice for workshops with the Zoning Board.

Board Member Sweet asked what the Zoning Board said knowing that shared driveways are an issue in town.

Mr. Montanaro implied that Zoning Board was opposed to shared driveways. Mr. Montanaro stated that he can show aerial photos of many shared driveways in Rush. Chairman Felsen replied; that does not mean more should be created. There are currently several that have ongoing neighbor disputes.

Mr. McRae informed the Board that his son has future plans to build a house on the parcel to the east and he will have a choice of access on 15A or the deeded easement. Although the NYSDOT approved a driveway on 15A directly opposite of Mr. McRae's property, it is still a dangerous location. Therefore, Mr. McRae will likely use the easement. This means that Mr. Harding's property has the potential for 3 separate home owners using one driveway for ingress and egress.

The Board further discussed the width and potential use of the easement. It was noted that the easement also runs along 1 side of the proposed house on lot 3. There are legal concerns regarding how many and what kinds of paths of ingress and egress can exist on the easement in addition to setbacks of the house in relationship to the easement. The Planning Board suggested moving the proposed house site on lot 3 away from the easement and a driveway for lot 1.

Mr. Harding stated that constructing a second drive way would be very difficult and costly. Mr. Harding would rather own the driveway and have the responsibility of maintaining it while giving the buyer of the original house an easement to use the driveway for ingress and egress. Mr. Harding would also make that easement and his responsibilities part of the deed at the time of purchase.

Town Engineer Todd Ewell observed that Lot 1 and 2 will need lot width variances and asked how the Zoning Board responded to the variance request. Mr. Harding stated that 2 members of the Zoning Board have viewed the property recently and the public hearing has been scheduled for April 11th.

Again Mr. Montanaro acknowledged that the town is opposed to flag lots. However due to the configuration of the property, this is the only way the property can be developed.

The Board discussed accessibility of emergency vehicles. Mr. Harding stated that the current house has a large turn around for emergency equipment and he is proposing a large turn around for the new house.

The Planning Board stated that the Zoning Board will have to make a determination regarding variances before Mr. Harding comes to the Planning Board with a formal application.

The Planning Board also discussed obtaining input from the Town Attorney regarding the easement and will wait until after the Zoning Board has made their determination regarding Mr. Harding's variance request.

DECISIONS:

Chairman Felsen made a Motion **WHEREAS**; this Board has examined **Application 2013-02P** by Albert Choate requesting site plan approval to construct a single family dwelling on a 28.54 acre parcel located on Honeoye Falls #6 Road, west of 348 Honeoye Falls #6 Road. Property is zoned Residential-30 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 SEQRA laws requiring no further action by this Board.

Vice Chairman Morelli seconded the motion and the Board Members polled:

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

Chairman Felsen made a Motion to grant site plan approval of **Application 2013-02P** by Albert Choate conditioned upon:

1. The applicant complying with all of the requirements of the Town Engineer and the Monroe County Department of Planning and Development,
2. The applicant indicating all environmentally steep slopes on the site plan,

3. The applicant indicating on the site plan a drainage easement of 20 feet on both sides of the stream from top of bank,
4. The applicant submitting a description of the proposed drainage easement for approval by the Town Engineer and Town Attorney prior to filing with the Monroe County Clerk's Office.

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.

Chairman Felsen made a Motion **WHEREAS**; this Board has examined **Application 2013-01P** by Karen Hopkins requesting Subdivision approval to subdivide of 91.512 acres from an existing parcel of 131.3 acres located at 8899 East River Road. Remaining lands will retain existing house and buildings. Property is property is zoned Residential-30 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.

Vice Chairman Morelli seconded the motion and the Board Members polled:

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

Chairman Felsen made a Motion to grant preliminary subdivision approval of **Application 2013-01P** by Karen Hopkins conditioned upon:

1. The applicant complying with all the requirements of the Town Engineer and the Monroe County Department of Planning and Development.

Board Member Strock seconded the motion and the Board Members polled:

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

Chairman Felsen made a Motion to wave the final subdivision hearing for **Application 2013-01P** by Karen Hopkins conditioned upon:

1. The applicant obtaining approvals from the Town Engineer Todd Ewell and the filing of any drainage easements upon the recommendation of the Rush Highway Superintendent Mark David.

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.

BOARD DISCUSSION:

A revised Drainage Easement form was received from the Town Attorney. Deputy Town Clerk Palmer will send the revised form electronically to the Board members. Applicants will be informed of the Town's Drainage District and the form will be added to the subdivision and site plan application package.

Board Member Sweet discussed requirements from New York State Department of Environmental Conservation (NYSDEC) regarding work within classified streams and creeks. Townships and other agencies are also required to obtain Article 15 permits from the NYSDEC.

The Board further discussed maintenance easements, conservation easements and the drainage study conducted in the 1990's. The study was conducted to prioritize and set up a maintenance system.

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

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk