

**RUSH PLANNING BOARD  
PUBLIC HEARING  
UNAPPROVED MINUTES  
MAY 17, 2005**

A regular meeting of the Rush Planning Board was held on Tuesday, May 17, 2005, 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  
Al Simon  
John Morelli

**EXCUSED:** Jeff Werner

**OTHERS PRESENT:** Todd Ewell, Engineer for the Town, Clough Harbour & Associates  
Gerald Kusse, Code Enforcement Officer  
Luther Keyes, Town Board Liaison  
Arnold Carmichael, P.E.  
Wendy Jo Kuhn, 635 Phelps Rd  
Bob Enright, 809 Five Points rd  
Ralph Piccinino, 665 Five Points Rd  
Chuck & Cindy Wolcott, 700 Five Points Rd  
Michael Perry, 209 Overland Trail, W Henrietta  
Robert Cook, 690 Five Points Rd

**APPROVAL OF MINUTES:**

The Minutes of April 19, 2005 were reviewed. Mr. Simon made a motion to approve the Minutes of April 19, 2005 as amended. Mr. Sweet seconded the motion and the Board Members were all in agreement.

**PUBLIC HEARING:**

**Application 2005-07 P** by Charles & Cindy Wolcott for a Special Permit to park construction equipment at 700 Five Points Road. Property is located in an R-30 Zoning District.

Mr. Wolcott described the intended use for the property. Questions were asked regarding:

1. The number of vehicles to be parked on the property during working hours.
2. The intended length of time the business will operate under the Special Permit.

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3. Equipment maintenance, are any repairs done at this location.
4. Screening the view of the parked equipment from passing traffic.
5. The storage of building materials for the business.

Mr. Wolcott addressed these questions.

Mr. Felsen read comments from:

1. Mr. Robert Cook, 690 Five Points Road.
2. Monroe County Department of Planning & Development, Monroe County Development Review.
3. Town of Rush Conservation Board.
4. Mr. Todd Ewell, Engineer for the Town, Clough Harbour & Associates.
5. Rush Fire District, Board of Fire Commissioners.

Mr. Robert Cook, residing at 690 Five Points Rd expressed his concern for the proposed Special Permit.

Mr. Bob Enright representing the Rotary Sunshine Camp stated that there were no concerns from their standpoint. On behalf of the camp, they approved of the application.

Mr. Ralph Piccinino, residing at 665 Five Points Rd, stated that he approved of the application.

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

**Application 2005-08 P** by Wendy Jo Kuhn for Subdivision / Site Plan approval to subdivide a parcel containing 300'x 233' into two building lots. One single-family dwelling is planned for each of the lots created. Property is located on Phelps Road, north of the Phelps and Works Road intersection. Property is located in an R- 30 District.

Mr. Carmichael described the proposed subdivision.

Mr. Felsen read comments from:

1. Monroe County Department of Planning & Development, Monroe County Development Review.
2. Mr. Todd Ewell, Engineer for the Town, Clough Harbour & Associates.

There were detailed discussions regarding detention ponds and the septic system for the proposed subdivision.

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

**INFORMAL:**

Rich Capini, Howlett property located on Rush West Rush Road. Proposing Multiple Dwelling / Senior Housing.

Mr. Capini was proposing single family dwellings, condominiums and senior housing for property located on Rush West Rush Road. The Board Members and Mr. Capini discussed the proposal as well as a sewage treatment package plant and its location for the project.

**DECISIONS:**

In making this decision, the Rush Planning Board took into consideration that two existing Special Permits were granted to Applicants who previously had Temporary Use Permits issued by the Town of Rush Zoning Board of Appeals to store commercial business equipment on their property. In this case, when the applicant first began his business, the Rush Town Board had placed a moratorium on accepting applications for Temporary Use Permits until the law was amended. To that extent, some consideration was given to more or less grandfather the applicant in this situation.

Mr. Felsen made a Motion **WHEREAS;** this Board has examined **Application 2005-07 P** by Charles & Cindy Wolcott for a Special Permit to park construction equipment at 700 Five Points Road. Property is located in an R-30 Zoning District, 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.

Mr. Sweet seconded the motion and the Board polled:

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

Mr. Morelli made a Motion **WHEREAS;** this Board has examined **Application 2005-07 P** by Charles & Cindy Wolcott for a Special Permit to park construction equipment at 700 Five Points Road. Property is located in an R-30 Zoning District. After consideration under § 120-7 B (13) of the Code of the Town of Rush, the Rush Planning Board hereby approves this Application for a Special Permit with the following conditions:

1. The Applicant having no more than 9 pieces of construction equipment and or vehicles stored outside at anytime, 5 employee vehicles may be parked at the residence.
2. The Applicant show on the plans the berms constructed for screening purposes, to be modified to provide screening during the winter as well as the summer months.
3. The Applicant show on the plans the location of the fuel storage tanks.

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4. The Applicant show on the plans the location of the dumpster to be placed behind the pole barn.
5. The Applicant store all construction materials inside the pole barn, with the exception of the gravel pile.
6. The hours of operation will be from 6:00 A.M. – 5:00 P.M., Monday – Saturday.
7. The maintenance of construction vehicles shall be limited to the inside of the pole barn.
8. The disposal of any waste vehicle fluids, oil, antifreeze, brake fluids shall be in accordance with the Monroe County Department of Environmental Conservation.
9. The storage of fuel shall comply with NFPA and Monroe County Department of Environmental Conservation.
10. This Special Permit is issued to the land owners.

Mr. Simon seconded the motion and the Board polled:

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

Mr. Felsen made a Motion **WHEREAS**; This Board has examined **Application 2005-08 P** by Wendy Jo Kuhn for Subdivision / Site Plan approval to subdivide a parcel containing 300'x 233' into two building lots. One single-family dwelling is planned for each of the lots created. Property is located on Phelps Road, north of the Phelps and Works Road intersection. Property is located in an R- 30 District, for preliminary plot review, 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 SEQRL laws, and **WHEREAS**, this Board has referred this Application to the Town of Rush Conservation Board for their consideration and recommendations and **WHEREAS**, the Conservation Boards comments have been reviewed and addressed. **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.

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- 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 polled:

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

Mr. Felsen made a Motion to Table **Application 2005-08 P** due to the many changes to be made to the Subdivision Plans.

Mr. Simon seconded the motion and the Board polled:

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

**INFORMAL DISCUSSION:**

The July 19, 2005 Planning Board Meeting will be changed to July 26, 2005.

Mr. Ewell will not be able to attend the June 21, 2005 Planning Board Meeting.

There were no further comments and the meeting was adjourned at 11:05 P.M.

Respectfully submitted,

Darlene Pilarski  
Deputy Town Clerk