

**RUSH PLANNING BOARD  
PUBLIC HEARING  
UNAPPROVED MINUTES  
JUNE 21, 2005**

A regular meeting of the Rush Planning Board was held on Tuesday, June 21, 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  
Jeff Werner

**ABSENT:** John Morelli

**OTHERS PRESENT:** Todd Ewell, Engineer for the Town, Clough Harbour & Associates  
Jim Parker, Land Surveyor  
Charles Salvaggio, 8300 West Henrietta Road  
Jim Glogowski, 1996 Spencerport, NY  
Amy Ackerson, 330 Kavanaugh Rd  
Ken Towner & Jenna Paquin, 6563 Rush Lima Rd

**PUBLIC HEARING:**

**Application 2005-09 P** by Alan Johnson for Site Plan approval for the construction of a single family dwelling on Lot #3 of the Sielaff Subdivision. Property is located at 8045 East River Road. Property is located in an R-30 Zoning District.

Mr. Jim Glogowski provided the Board Members with an updated map of the proposed site plan. The updated map contained the changes to the site plan from the comment letters received from the Town of Rush Engineer and Monroe County Department of Planning & Development, Monroe County Development Review.

Mr. Felsen read comments from:

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

The Board Members discussed the above comments.

Mr. Werner stated that during the original subdivision a note was added to each of the approved lots stating that the lots may contain archaeological artifacts and if ground disturbing activities were to occur within the parcel, there must be an archaeological

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survey conducted. Mr. Glogowski was asked if this had been done, he stated that it had not been done. The Board Members and Mr. Glogowski discussed this issue.

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

**Application 2005-10 P** by Peter Lana for Subdivision approval to subdivide a 0.518 acre parcel from Lot #2 of the Waidila Subdivision and combine it into Lot #3 of the Waidila Subdivision. Property is located on the south side of Kavanaugh Road, 1380 feet west of Works Road. Property is located in an R-30 Zoning District.

Mr. Jim Parker described the proposed Re-Subdivision to the Board Members. Mr. Parker stated that no development is planned for the lot.

Mr. Felsen read comments from:

1. Town of Rush Conservation Board.
2. Monroe County Department of Planning & Development, Monroe County Development Review.

The Board Members discussed the above comments.

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

**Application 2005-11 P** by Charles Salvaggio for Subdivision / Site Plan approval to subdivide 9.983 acres into three (3) lots. There is an existing house on Lot #1. A single family dwelling is planned for each of Lots #2 & #3. Property is located on Keyes Rd at the southwest corner of Keyes Rd and Rush Lima Rd. Property is located in an R- 30 Zoning District.

Mr. Jim Parker described the proposed 3 lot subdivision to the Board Members. Mr. Felsen read comments from:

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

The Board Members discussed the above comments.

There was a discussion regarding sight distance for the proposed subdivision. Mr. Salvaggio was asked when he planned on removing the existing building on Lot # 1 as noted on the map. He stated that it would be removed be soon. The house to be built on Lot #3 will be close to the side set back of 25 feet. Mr. Parker stated that he could center it on the lot if needed.

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Mr. Ken Towner, residing at 6563 Rush Lima Road had concerns for the sight distance and drainage in the area of the proposed subdivision. The Board Members discussed this concern.

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

### **DECISIONS:**

On January 18, 2005, New York SEQR of a Type II action was given to **Application 2004-22 P** by Charles & Nancy Hughes for Revised Site Plan approval to change the location of the house and septic system for Lot #3 of the Hughes Subdivision located on Telephone Road, 1400 feet north east of East River Road. Property is located in an R-30 Zoning District.

On January 18, 2005 Mr. Felsen made a Motion to table **Application 2004-22 P** due to the comments from Monroe County Department of Transportation regarding only allowing one access point from Telephone Road. This condition would allow one access point and would require a redesign of the proposed driveway and a re-review and approval by the Town of Rush Board of Fire Commissioners. This Board is willing to approve the Application as presented.

After re-review and approval from the Town of Rush Board of Fire Commissioners for the redesign of the driveway, Mr. Felsen made a Motion to grant approval to **Application 2004-22 P** for revised Site Plan approval to change the location of the house and septic system for Lot #3 of the Hughes Subdivision located on Telephone Road, 1400 feet north east of East River Road. Property is located in an R-30 Zoning District condition upon:

1. The Applicant obtaining the approval of the Monroe County Department of Health.
2. The Applicant obtaining the approval of the Town of Rush Engineer.
3. The Applicant obtaining the approval of the Monroe County Department of Transportation.

Mr. Werner seconded the motion and the Board polled:

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

### **APPROVAL OF MINUTES:**

The Minutes of May 17, 2005 were reviewed. Mr. Simon made a motion to approve the Minutes of May 17, 2005 as amended. Mr. Sweet seconded the motion and the Board Members were all in agreement. Mr. Werner abstained.

**DECISIONS:**

Mr. Felsen made a Motion to Table **Application 2005-09 P** by Alan Johnson for Site Plan approval for the construction of a single family dwelling at 8045 East River Road until the applicant complies with the note on Lot #3 of the original subdivision map stating:

This lot may contain archaeological artifacts and if ground disturbing activities are to occur within this parcel, there must be an archaeological survey conducted.

Mr. Werner seconded the motion and the Board polled:

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

Mr. Felsen made a Motion **WHEREAS;** this Board has examined **Application 2005-10 P** by Peter Lana for Re-Subdivision approval to subdivide a 0.518 acre parcel from Lot #2 of the Waidila Subdivision 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. Simon seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to grant preliminary approval of the land Re-Subdivision of Lots #2 & #3 of the Waldila Subdivision condition upon:

1. The Applicant noting on the plans the tax account number west of Lot R-2.

Mr. Werner seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to waive the final Public Hearing for Subdivision approval condition upon:

1. The Applicant meeting the requirements of preliminary approval.

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Mr. Werner seconded the motion and the Board polled:

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

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2005-11 P** by Charles Salvaggio for Subdivision / Site Plan approval to subdivide 9.983 acres into three (3) lots. There is an existing house on Lot #1. A single family dwelling is planned for each of Lots #2 & #3. Property is located on Keyes Rd at the southwest corner of Keyes Rd and Rush Lima Rd. Property is located in an R- 30 Zoning District, and **WHEREAS**, the proposed action is an unlisted action under the State of New York SEQR laws, and

**WHEREAS**, this Board has referred this Application to the Town of Rush Conservation Board for its consideration and recommendations, and

**WHEREAS**, the Conservation Board has reported to this Board and we have addressed the comments of the Conservation Board, now therefore,

**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.
- 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.

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- 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. Simon seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to grant preliminary approval to the Predue Subdivision condition upon:

1. The Applicant changing the location of the proposed house on Lot # 3 to be approximately 15 feet to the north.
2. The existing building on Lot #1 shall be removed prior to the issuance of a building permit for the construction of the house on Lot #3.
3. The Applicant complies with the comments from Monroe County Department of Planning & Development, Monroe County Development Review.
4. The Applicant complies with the comments from the Town of Rush Engineer.
5. The existing driveway for Lot #1 shall be shown on the plans.
6. The Rush Planning Board makes a recommendation to the Rush Town Board and the Town of Rush Highway Superintendent to approach the New York State Department of Transportation for the purpose of lowering the speed limit to 45 mph on Route 15A, starting at a point 500 feet south of the intersection of Keyes & Scofield Road to the existing 35 mph.
7. The Rush Planning Board makes a recommendation to the Rush Town Board and the Town of Rush Highway Superintendent to approach the New York State Department of Transportation regarding the installation of a sign indicating a driveway heading both north and south on Route 15A. The placement of the proposed driveway signs is to be reviewed by the Town of Rush Highway Superintendent.

Mr. Simon seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to waive the Final Subdivision Public Hearing condition upon:

1. The Applicant obtaining the approval of the Monroe County Department of Health.
2. The Applicant obtaining the approval of the Monroe County Water Authority.
3. The Applicant obtaining the approval of the Town of Rush Engineer.

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4. The Applicant obtaining the approval of the New York State Department of Transportation.
5. The Applicant obtaining the approval of the Town of Rush Highway Superintendent.

There were no further comments and the meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Darlene Pilarski  
Deputy Town Clerk