

**RUSH PLANNING BOARD
PUBLIC HEARING
UNAPPROVED MINUTES
AUGUST 16, 2005**

A regular meeting of the Rush Planning Board was held on Tuesday, August 16, 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
James Parker, Land Surveyor
James Glogowski, Land Surveyor
Mike Dilalla, 102 Covered Wagon Trail
Floyd Schlosser, 102 Covered Wagon Trail
David & Mary Slayton, 1658 Middle Road
Dan Taylor, 1714 Middle Road
Gregory Cammett, 17 Five Points Road
Richard & Margaret Wing, 5782 East Henrietta Road
Bruce & Linda Hellman, 901 Rush Scottsville Road
Alan Johnson, 72 E. Main Street, Avon, NY
Robert Docherty, 2383 Avon-Geneseo Rd, Avon, NY
Bruce & Ann O'Neil, Pleasant Dr
David & Karis Manning, Jeffords Road
Harold Manning, Jeffords Rd

APPROVAL OF MINUTES:

The Minutes of July 26, 2005 were reviewed. Mr. Simon made a motion to approve the Minutes of July 26, 2005 as submitted. Mr. Sweet seconded the motion and the Board Members were all in agreement.

PUBLIC HEARING:

TABLED APPLICATION from Public Hearing held on 6/21/05

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. Docherty, Attorney for Mr. Johnson submitted to the Board Members a Short Form Stage 1 A/B Cultural Resource Investigation for the property located at 8045 East River Road. The Board Members discussed waiting for the comments from the State of New York regarding SHPO Project Review No: 05PR4088 before a final decision could be made.

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

NEW APPLICATIONS

Application 2005-12P by Bruce & Ann O'Neil, William & Carolyn Woolaver for Resubdivision approval to adjust the lot line between Lots #53 & #65. Property is located on the north side of Pleasant Drive, east of East Henrietta Road. Property is located in an R-20 Zoning District.

The Board Members discussed the Application.

Mr. Felsen read comments from:

1. Town of Rush Conservation Board. This Board had no concerns with the application.
2. Monroe County Department of Planning & Development, Monroe County Development Review.

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

Application 2005-13P by Richard Wing for Subdivision / Site Plan approval to subdivide a 1.5 acre lot from an existing parcel containing 56.4 acres. A single family dwelling is planned for the new lot created. Property is located on the west side of Five Points Road, 420 feet south of Rush West Rush Road. Property is located in an R-30 Zoning District.

Mr. Parker discussed the details of the Subdivision with the Board Members. The original application was amended.

Mr. Felsen read comments from:

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

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

Application 2005-14 P by Floyd & Joyce Schlosser for Site Plan approval to build a single family dwelling on the east side of Middle Road, 1900 feet south of Rush Henrietta Townline Road. Property is located in an R-30 Zoning District.

Mr. Parker described the Site Plan, noting the wetlands on the property.

Mr. Felsen read comments from:

1. Town of Rush Conservation Board.
2. Mr. Todd Ewell, Engineer for the Town, Clough Harbour & Associates.

Mr. Slayton, residing at 1658 Middle Road made comments regarding the direction of the water to be pumped from the house.

The Board Members discussed the application.

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

Application 2005-15 P by Bruce & Linda Hellman for Subdivision / Site Plan approval to subdivide a 6.1 acre lot with an existing house from a parcel containing 69.6 acres. A single family dwelling is planned for the lot containing the remaining 63.5 acres. Property is located on the south side of Rush Scottsville Road, 4400 feet east of East River Road. Property is located in an R-30 Zoning District.

Mr. Parker described the proposed Subdivision and Site Plan. There was a discussion regarding the numbering of the lots within the Subdivision.

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 application.

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

Application 2005-16 P by Nancy Ralston acting as Agent for Josephine Clifford for Subdivision approval to subdivide a 2.3 acre lot from a 41.4 acre parcel. The lot being subdivided contains an existing house. No development is planned for the new lot. Property is located on the east side of Ryder Hill Road, 575 feet south of Rush Scottsville Road. Property is located in an R-30 Zoning District.

Mr. Parker described the 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.

The Short Environmental Form was amended.

The Board Members discussed the application.

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

INFORMAL:

David Manning, Subdivision of Pfluke property located on Pinnacle Road.

Mr. & Mrs. Manning proposed a 5 Lot Subdivision located on the east side of the Lehigh Valley Railroad, at the intersection of Pinnacle Road & Jeffords Road. The Board Members had suggestions for the proposal.

DECISIONS:

Mr. Sweet made a Motion to Table **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 until the Planning Board receives the review back from the New York State Office of Parks, Recreation & Historic Preservation, regarding the review of the Stage 1A/B Cultural Resource Investigation # 05PR4088.

Mr. Werner seconded the motion and the Board polled:

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| 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 2005-12P** by Bruce & Ann O'Neil, William & Carolyn Woolaver for Resubdivision approval to adjust the lot line between Lots #53 & #65. Property is located on the north side of Pleasant Drive, east of East Henrietta Road, 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:

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

Mr. Felsen made a Motion to grant preliminary approval to **Application 2005-12 P** condition upon:

1. The Applicant changing the owners for Lots #53, #54 & #55 to William & Carolyn Woolaver at 8 Pleasant Drive
2. The Applicant show on the plans the names & tax account numbers for the adjacent property owners on the opposite side of Pleasant Drive and on Hanlon Drive across from the proposed resubdivision.

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 Public Hearing for Subdivision approval condition upon:

1. The Applicant meeting the requirements of preliminary approval.

Mr. Sweet 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 2005-13P** by Richard Wing for Subdivision / Site Plan approval to subdivide a 1.5 acre lot from an existing parcel containing 56.4 acres. A single family dwelling is planned for the new lot created. Property is located on the west side of Five Points Road, 420 feet south of Rush West Rush Road. Property is located in an R-30 Zoning District for preliminary plat review of the proposed 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 SEQRLaws requiring no further action by this Board.

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 grant preliminary approval to Section 5 of the Henry T. Krenzer Subdivision Lot #10 condition upon:

1. The Applicant addressing the comments from the Town of Rush Engineer.
2. The Applicant obtaining the approval of the Monroe County Department of Health.

3. The Applicant obtaining the approval of the Monroe County Water Authority.

Mr. Simon seconded the motion and the Board polled:

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| 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.

Mr. Werner seconded the motion and the Board polled:

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| 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 2005-14 P** by Floyd & Joyce Schlosser for approval 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.

Mr. Simon seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to approve the Site Plan condition upon:

1. The Applicant obtaining the approval of the Town of Rush Engineer.
2. The Applicant obtaining the approval of the Monroe County Department of Health.
3. The Applicant obtaining the approval of the Monroe County Water Authority.
4. The Applicant obtaining the approval of the Monroe County Department of Transportation.
5. The Applicant shows on the map the boundaries of the woodlands and heavy brush.

The Planning Board sees no reason why the discharge from the sump pump and roof drains cannot be directed towards the wet lands.

Mr. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to Table **Application 2005-15 P** by Bruce & Linda Hellman due to the fact that the Planning Board has reviewed the records regarding the subdivision map known as Lots #1 & #2 of the Hellman Subdivision which was filed in the Monroe County Clerk's Office on November 2, 2001 in Liber 310 of maps, page 31 which shows the existing house to be on Lot #2. The proposed subdivision will need to be changed to show a re-subdivision of Lot #2 into the proposed new lot and the lot with the existing house on it.

The Planning Board would like to see the reconfiguration of the proposed lot with the existing house on it, the reason for this recommendation is to try to achieve 150 feet of road frontage on Rush Scottsville Road. The location of the reconfiguration should be between lot #1 and the re-subdivided lot #2 with existing house on it.

Mr. Werner seconded the motion and the Board polled:

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| 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 2005-16 P** by Nancy Ralston acting as Agent for Josephine Clifford for preliminary plat review of the proposed subdivision 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.

Mr. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to grant preliminary approval for Lot #1 of the Clifford Subdivision condition upon:

1. The Applicant changing the address to 22 Ryder Hill Road for tax account number 212.01-1-1.

Mr. Werner seconded the motion and the Board polled:

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| Roll: | Mr. Felsen | aye | |
| | Mr. Sweet | aye | |

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| Mr. Werner | aye | |
| Mr. Simon | aye | carried. |

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

1. The Applicant meeting the requirements for preliminary approval.

Mr. Simon seconded the motion and the Board polled:

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

There were no further comments and the meeting was adjourned at 10:35 P.M.

Respectfully submitted,

Darlene Pilarski
Deputy Town Clerk