

**RUSH PLANNING BOARD
PUBLIC HEARING
UNAPPROVED MINUTES
SEPTEMBER 20, 2005**

A regular meeting of the Rush Planning Board was held on Tuesday, September 20, 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
John Streeter, 300 Kavanaugh Rd
Joseph Lomedico, 7 Woodruff Rd
Cheryl Williams, 5118 Rt 96, Shortsville, NY
Mike & Heather Guggino, Bloomfield, NY
Alan Johnson, 72 East Main St, Avon, NY
Robert Docherty, Avon, NY

APPROVAL OF MINUTES:

The Minutes of August 16, 2005 were reviewed. Mr. Werner made a motion to approve the Minutes of August 16, 2005 as submitted. Mr. Simon seconded the motion and the Board Members were all in agreement.

PUBLIC HEARING:

TABLED APPLICATION from Public Hearing held on August 16, 2005.

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 submitted a letter to the Board Members from the New York State Office of Parks, Recreation and Historic Preservation stating that based on their review, the project will have no impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

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

TABLED APPLICATION from Public Hearing held on August 16, 2005.

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 submitted an updated map to the Board Members showing the reconfigured lot, as well as the correct numbering of the lots.

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

NEW APPLICATIONS:

Application 2005-17 P by Joseph Lomedico for revised Site Plan approval to build a single family dwelling on the west side of Woodruff Road, 1610 feet south of East River Road. Property is located in an R-30 Zoning District.

Mr. Parker described the Revised Site Plan to the Board Members. Mr. Lomedico had combined lots R1-A and R1-B and is planning to build a house on the combined lot. The Board Members discussed the flow rate of the existing well.

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. The Clerk was asked to remove comments #9, #10 & #12 from the Clough Harbour & Associates comment letter.

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

Application 2005-18 P by John & Winifred Streeter for Re-Subdivision approval to combine a 2.576 acre parcel into an existing 99.598 acre parcel. Property is located on the west side of Works Road and the north side of Kavanaugh Road. Property is located in an R-30 Zoning District.

Mr. Parker described that Mr. Streeter was planning on purchasing a strip of land from Mrs. Gwen Mack, which includes the hedgerow. This he plans to add to his existing parcel.

Mr. Felsen read comments from:

1. Monroe County Department of Planning & Development, Monroe County Development Review.

The Board Members discussed the application. There were no further comments and Mr. Felsen declared the Hearing closed.

INFORMAL:

Heather Guggino, wishing to open a coffee shop to be located at 6081 East Henrietta Road. (near Creekside Bar & Grill) Heather presently owns a full service restaurant in Mendon. She has spoken with the Monroe County Health Department as well as Gerry Kusse regarding this proposal.

Mr. & Mrs. Guggino provided the Board Members with a floor plan of the coffee shop. Crabby Dan's Coffee Shop is expected to open on October 31, 2005. The hours of operation will be Monday thru Saturday 6:00am till 3:00pm. Mrs. Guggino has all of the appropriate licenses to operate the coffee shop.

DECISIONS:

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **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, 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 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.
- 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. 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 approval to the Alan Johnson Site Plan condition upon:

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

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 2005-15 P** by Bruce & Linda Hellman for Re- Subdivision / Site Plan approval of Lot 2 of the Hellman Subdivision into 2 Lots, one with an existing house, the other with a proposed house. 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, for preliminary plat approval, 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:

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 Re-Subdivision of Lot 2 of the Hellman Subdivision 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.

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.

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 **WHEREAS**; this Board has examined **Application 2005-17 P** by Joseph Lomedico for Site Plan approval of the revised Site Plan of Lot AR1- AB to build a single family dwelling on the west side of Woodruff Road, 1610 feet south of East River 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 SEQRLaws requiring no further action by this Board.

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 to grant Site Plan approval to the revised Site Plan for Lot AR1-AB condition upon:

1. The Applicant complying with the comments of the Town of Rush Engineer.
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.
4. The Applicant obtaining the approval of the Monroe County Department of Health.
5. The Applicant either have the plans signed by a New York State Registered Professional Engineer or add the note to Mr. McGrail's N exemption under the New York State Education Law.

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 **WHEREAS**; this Board has examined **Application 2005-18 P** for preliminary plat review of the proposed Streeter property Re-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. 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 of the Streeter Property Re-Subdivision condition upon:

1. The Applicant submitting a second page of the map that doesn't have to be filed with the County of Monroe showing both the Mack property and the Streeter property with the subdivision. Delineate the portion of the Mack parcel that is going to be combined into the Streeter parcel.

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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. Werner seconded the motion and the Board polled:

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 9:40 P.M.

Respectfully submitted,

Darlene Pilarski
Deputy Town Clerk