

**RUSH PLANNING BOARD  
REGULAR MEETING  
APPROVED MINUTES  
DECEMBER 18, 2007**

A regular meeting of the Rush Planning Board was held on December 18, 2007 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 P.M.

**MEMBERS PRESENT:** John Felsen, Chairman  
John Morelli  
Don Sweet  
Rick Wurzer  
Al Simon

**OTHERS PRESENT:** Gerald Kusse, Code Enforcement Officer  
Richard Anderson, Town Board Liaison  
Todd Ewell, Clough Harbour & Associates, Engineer for the Town of Rush  
Lisa Sluberski, 69 Rush West Rush Rd.  
Glenn Thornton, Thornton Engineering LLP  
Jack & Winnie Streeter, 330 Kavanaugh Rd  
Steve Pum, Avery Engineering  
D. Jeffrey Over, E. River Rd  
Michael Tallon, 1709 Rush Scottsville Rd  
Tom Doupe, 1920 Middle Rd.  
Lynn Gorton, Ethox International

**APPROVAL OF MINUTES:** November 20, 2007

The Minutes of November 20, 2007 were reviewed. Mr. Felsen made a motion to approve the Minutes of November 20, 2007 as submitted. Mr. Morelli seconded the Motion and the Board Members were all in agreement.

**PUBLIC HEARING:**

**Application 2007-09 P** by STS Division of Ethox International Inc. for Site Plan approval for the addition of a temporary office trailer unit on property located at 7500 West Henrietta Road. Property is located in a Commercial Zoning District.

Mr. Lynn Gorton stated that STS would like to add a free standing trailer to the north side of the existing building, he provided comments from the county regarding erosion and said a silt fence is to be used. The trailer would house approximately 16 offices. Employment will not be increased, people would be moved from another part of the facility and no additional parking is needed. Lynn Gorton stated that they had to sign another five year lease and felt that within five years STS would be seriously looking for another facility or adding on to what they have there.

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Mr. Felsen read comments from:

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

The Board Members and the Applicant discussed the above comments.

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

#### **TABLED APPLICATIONS:**

**Application 2007-06 P** by D. Jeffrey Over for Site Plan approval to build a single family dwelling and pole barn on property located at 8025 East River Road. Property is located in an R-30 Zoning District.

Mr. Pum addressed the comments from:

1. Mr. Todd Ewell, Engineer for the Town of Rush,
2. Monroe County Department of Planning & Development, Monroe County Development Review. Dated June 13, 2007 and Addendum to County Planning & Development Department referral # RU07-5Z dated July 25, 2007.
3. Based on the letter from New York state Office of Parks, Recreation and Historic Preservation dated December 14, 2007, the identified archeological site will not be impacted by the planned construction.

Mr. Over presented a power point presentation for the proposed wind turbine and its use. Mr. Over also stated that he will remain on the power grid.

There were no further comments.

**Application 2005-19 P** by John Streeter for Subdivision / Site Plan approval to subdivide a 107.18 acre parcel into 10 lots, a single family dwelling exists on one of the lots. A single family dwelling is planned for each of the remaining 9 lots. The Proposed Subdivision is located on Kavanaugh Road at the intersection of Works Road. Property is located in an R-30 Zoning District.

As requested by the Planning Board at their meeting on October 18, 2005, Mr. Streeter had been asked to explore the possibility of extending the public water main to serve the project. Mr. Streeter found a lack of support from the neighbors and the over all cost was too high. Mr. Thornton submitted updated maps showing a reconfiguration of the lot lines on lots seven, eight, and nine to address The Monroe County Department of Transportation's request for acceptable site distances around the curves on Works Road. The driveways have been moved south to increase the site distance. Speed analysis was conducted on Works Road to find an average speed of 48 miles per hour. Mr. Thornton is waiting to hear from The Monroe County Department of Transportation regarding the

change to new driveway locations. The Board Members and Mr. Thornton discussed the wells, the well depths, water quality and the possible requirement for test wells. Suggesting a possibility of two test wells for every five lots. Mr. Streeter stated he has no further plans to develop the remaining lands. Todd Ewell, the Engineer for the Town of Rush has requested a comprehensive package with a final site plan map be submitted to him along with drainage plans and driveway intentions (paved or gravel).

Mr. Felsen made a Motion regarding **Application 2006-08 P** by Diane Nesmith for Re-Subdivision / Site Plan approval to subdivide a parcel containing 10.143 acres of the Sielaff West Subdivision into 4 building lots. This board will deny approval without prejudice because the applicant has not complied with the conditions of the Planning Board and has hired a new engineer to prepare a new submittal.

Mr. Morelli seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion **WHEREAS;** this Board has examined **Application 2007-09 P** by STS Division of Ethox International Inc. for Site Plan approval for the addition of a temporary office trailer unit on property located at 7500 West Henrietta Road. Property is located in a Commercial Zoning District. **WHEREAS,** the proposed action is an unlisted action under the State of New York SEQR laws, **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. Sweet seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion to grant Site Plan approval to **Application 2007-09 P** for STS Division of Ethox for addition of the temporary trailer on the north side of the building at 7500 West Henrietta Road. Conditioned upon:

1. The Applicant indicating on the plan that the lighting on the proposed temporary building will be directed downward.
2. The Agricultural Data Statement needs to show the acreage change from 100 acres to 37.5 acres.
3. Erosion siltation controls to be shown on the plans.
4. The Town of Rush location map showing N. Rush Road to be changed to Rush Scottsville Road.
5. Arrangements for providing overhead power to the temporary building are shown on the map.

Mr. Al Simon seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion **WHEREAS;** this Board has examined **Application 2007-06 P** by D. Jeffrey Over for proposed Site Plan to be called Over-East River Road and approval to build a single family dwelling with a pole barn on property located at 8025 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 SEQRL laws requiring no further action by this Board.

Mr. Al Simon seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion to grant Site Plan approval to **Application 2007-06 P** for the Over residents conditioned upon:

1. The Applicant is to reference the subdivision as Sielaff West Re-Subdivision lot #2
2. The Applicant obtaining the approval from the Monroe County Department of Public Health.
3. The Applicant obtaining the approval from Monroe County Department of Transportation.
4. The Applicant obtaining the approval from Mr. Todd Ewell, Engineer for the Town of Rush.

Mr. Al Simon seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2005-19 P** by John Streeter for Subdivision / Site Plan approval to subdivide a 107.18 acre parcel into 10 lots, a single family dwelling exists on one of the lots. A single family dwelling is planned for each of the remaining 9 lots. The Proposed Subdivision is located on Kavanaugh Road at the intersection of Works Road. Property is located in an R-30 Zoning District. **WHEREAS**, the proposed action is an unlisted action under the State of New York SEQRL laws, **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. Sweet seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion to grant preliminary Site Plan approval to **Application 2005-19 P** for the John Streeter subdivision conditioned upon:

1. The existing house and property be labeled as lot #10 of the subdivision and notes be added to each of the nine lots proposed for building that states that purchaser or developer of the lot will be responsible for providing, operating and maintaining a private water treatment system.

Mr. Al Simon seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion to wave the final subdivision hearing for **Application 2005-19 P** of the John Streeter subdivision conditioned upon:

1. The Applicant obtaining the approval from the Monroe County Department of Public Health, both for the proposed septic systems and private wells.
2. The Applicant obtaining approval from The Monroe County Department of Transportation.
3. The Applicant obtaining approval of the Town of Rush Superintendent of Highways.
4. The Approval of Todd Ewell, Engineer for the Town of Rush.

Mr. Rick Wurzer seconded the motion and the Board Members polled:

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

There were no further comments and the meeting was adjourned at 9:20 P.M.  
Respectfully submitted,

Meribeth Palmer  
Clerk