

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF DECEMBER 16, 2008**

A regular meeting of the Rush Planning Board was held on December 16, 2008 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
Al Simon
Don Sweet
Rick Wurzer

OTHERS PRESENT: Richard Anderson, Town Board Liaison
Gerry Kusse, Code Enforcement Officer
John Clark, DDS Engineers LLP
Amber Corbin, Resident
Chester Suda, Resident
Marcianne Suda, Resident
Richard Chasman, Resident
Jonathon Volpe, Resident
Jeanne Bowman, Resident
David Vaughn, Resident
Mike Perry

APPROVAL OF MINUTES: November 18, 2008

The Minutes of November 18, 2008 were reviewed.

John Felsen made a motion to approve the Minutes of November 18, 2008 as amended.

Al Simon seconded the motion and the Board Members polled:

Roll:	John Felsen	aye	
	John Morelli	aye	
	Al Simon	aye	
	Don Sweet	aye	
	Rick Wurzer	aye	carried.

PUBLIC HEARING:

Application 2008-05 P by John Clark acting as agent for Diane Nesmith for Re-Subdivision / Site Plan approval to subdivide 10.143 acre parcel of the Sielaff West Subdivision into 4 lots. A single family dwelling is planned for each lot. Property is located on the west side of East River Road at the Woodruff Road intersection. Property is in an R-30 Zoning District.
This application was tabled on November 18, 2008.

John Clark stated that several items have been addressed. Driveways have been moved to accommodate the Monroe County Department of Transportation requirements for site distance. The driveway for proposed lot 2 was moved south and proposed driveway for lot 4 was moved north.

A twenty foot easement to the town has been created behind the right-of-way on lot 4. This will give the town the ability to enforce the 18+ height restrictions of plantings in this area. The board also discussed limiting the types of plants that can be planted in the easement.

Lots 1 and 3 septic systems have been changed to tanks with dosing chambers. John Felsen stated that there be a note on lots 1 and 3 stating that the home owner is responsible for the maintenance of the dosing chamber pump system. All lots should have a note stating: see note regarding water well treatment system. Mr. Clark added that the pump systems will have alarms. A report was also prepared that compares the water treatment systems for the individual wells in comparison to extending the existing water main. Mr. Clark and the board discussed at length the cost difference between the water treatment systems and having the water main extended. The water treatment system costs have been estimated to be an addition 10 to 15 thousand dollars per lot for installation and there would be additional yearly maintenance costs as well.

There is a concern regarding the naming of the re-subdivision that still requires some investigating.

There was also a question pertaining to the property owner listed on the plans directly north of lots 2 and 4.

INFORMAL DISCUSSION:

Amber Corbin appeared to discuss a lot line adjustment. The board explained that if there is a subdivision filed with the Monroe County Clerk's Office for this property, then the subdivision process will have to be followed. If there is no subdivision on file with the Monroe County Clerk's Office, the lot line adjustment can be done administratively.

The Planning Board has completed their draft of the Planned Unit Development (PUD). This will be forwarded to the Town Board, Zoning Board and the Conservation Board for their review and comments. In response to audience questions, the Planning Board explained that the Town Board has not adopted anything regarding the PUD. The Planning Board has been requested to prepare the requirements and the language for a possible PUD to be considered for adoption. Audience members were invited to come forward to look at the map of the hamlet area in the Rush Master Plan.

Councilman Anderson inquired with the Planning Board about the need for outside engineering services to aide in the updating of the 2010 Master Plan.

Town Councilman Richard Anderson liaison to the Planning Board stated that he would start looking into locating funds in the budget for the update. There was further discussion regarding the process of updating the Rush Master Plan.

DECISIONS:

The Planning Board discussed tabled application 2008-01P by Chad Lochman.

John Felsen made a motion **WHEREAS**, this Board has examined **Application 2008-01 P** by Chad Lochman for a Special Permit to use the premises at 1807 Rush Scottsville Road to park a Ford E- 350 commercial work related vehicle. Property is owned by Carolyn Lochman and is located in an R-20 Zoning District, and the maps and other materials which were filed with the Application and

WHEREAS, the proposed action is a Type II action under the State of New York SEQRLaws requiring no further action by this Board.

John Morelli seconded the motion and the Board Members polled:

Roll:	John Felsen	aye	
	John Morelli	aye	
	Don Sweet	aye	
	Al Simon	aye	
	Rick Wurzer	aye	carried.

Mr. Felsen made a motion to deny **Application 2008-01P** by Chad Lochman for a Special Permit to park a Ford E-350 commercial work vehicle in an R-20 zone. The reason for this action is the parking of an E-350 commercial work vehicle is not allowed and is a violation of the Town of Rush zoning ordinance 120-57G.

John Morelli seconded the motion and the Board Members polled:

Roll:	John Felsen	aye	
	John Morelli	aye	
	Don Sweet	aye	
	Al Simon	aye	
	Rick Wurzer	aye	carried.

The Planning Board further discussed application 2008-05P by Diane Nesmith and the possibility of extending public water to this area.

John Felsen made a Motion **WHEREAS**, this Board has examined **Application 2008-05P** by John Clark acting as agent for Diane Nesmith for Re-Subdivision and Site Plan approval to subdivide 10.143 acre parcel of the Sielaff West Subdivision into 4 lots 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 SEQRLaws, and

WHEREAS, the proposed action is an unlisted action to the Town of Rush Conservation Board for its consideration and recommendations, and

WHEREAS, The Conservation Board's comments have been addressed, 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.

John 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 to grant preliminary approval for the Re-Subdivision and Site Plan of lot 5 of the Sielaff West Subdivision conditioned upon:

1. The applicant putting a note on each of the proposed lots stating: see note regarding well treatment system and operation.
2. The applicant adding a note to the plan for lots 1 and 3 stating that the future home owner will be responsible for the operation and maintenance of the dosing chamber and pump.
3. The applicant to specify that the 20 foot easement to the Town of Rush be planted with permanent grass or groundcover and maintained at a maximum height of 18 inches.
4. The applicant is to check the owner and tax account number for the lot located north of proposed lots 2 and 4.
5. The applicant is to check with Sheriff Monsour at the Monroe County Maps and Records Department regarding the correct wording of the proposed re-subdivision.

Mr. 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 and Site Plan Hearing for **Application 2008-05P** condition upon the applicant obtaining the approvals of the Monroe County Department of Health, the Monroe County Department of Transportation, and Todd Ewell, Town Engineer.

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.

With no further business, a motion was made by John Felsen and agreed by common consent that the meeting be adjourned at 9:15 PM.

RUSH PLANNING BOARD
DECEMBER 16, 2008

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk