

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF JANUARY 20, 2009**

A regular meeting of the Rush Planning Board was held on January 20, 2009 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 P.M.

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

OTHERS PRESENT: Richard Anderson, Town Board Liaison
Thomas Doupe, Town Board Member, Resident
Todd Ewell, Town Engineer
Gerry Kusse, Code Enforcement Officer
James Parker, Land Surveyor
David Merchant, Resident
Cora Lee Merchant, Resident

APPROVAL OF MINUTES: The Minutes of December 16, 2008 were reviewed.

Al Simon made a motion to approve the Minutes of December 16, 2008.

John Morelli 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 2009-01P by Paula S. Johnson to subdivide a 29.4 acre parcel into 2 lots. No development is planned for the new parcel. Property is located at 9196 West Henrietta Road and is in an R-30 Zoning District.

James Parker acting as agent for the applicant is proposing to subdivide a 6.5 parcel from the current 29.4 acre lot for the purpose of selling as a building lot. No perk tests have been done at this time. The board asked why the applicant is not submitting a site plan along with the subdivision. The Planning Board stated that if the purpose is to sell the lot for development, they would like to see the

subdivision and site plan all at once. Mr. Parker stated that his client prefers to do it this way because it is less expensive. Mr. Parker was unable to state if there were any problems with well water and septic in the area. There is a permanent easement to New York State at the north end of the proposed 6.5 acre lot and a jog in the lot line to accommodate a hedge row. The Board expressed their concern for approving an application like this without approval to build. There is a possibility that it might not pass approval for building in the future. The Planning Board reviewed the comments received from the Monroe County Department of Planning and Development and comments from Todd Ewell, Town Engineer. There were no review comments submitted from the Town or Rush Conservation Board. The Planning Board also discussed notifying the Town Assessor regarding property changes to parcels that have agricultural exemptions.

John Felsen declared the public hearing closed.

Application 2009 – 02P by Charles Salvaggio for Subdivision and Site Plan approval to subdivide section 4 of the Nowak Subdivision. Seven lots are proposed for the 29.6 acre parcel. Single family dwellings are planned for 4 of the 7 lots. Property is located at 8300 West Henrietta Road and it is in an R-30 zoning district.

James Parker acting as agent for Mr. Salvaggio, reviewed sections 1, 2, and 3 for the board. Mr. Salvaggio is proposing 7 lots, 4 lots with houses for section 4 of the Nowak Subdivision. There are no building plans for lots 11 and 12, as they have potential buyers by neighboring lot owners. The new road will be dedicated to the town. Test wells have not been done for the new section of this subdivision. Past test wells that were done for the Honey Hill area were very good. The Monroe County Health Department will determine if test wells are needed. Mr. Salvaggio is purchasing 40 feet from the Swift lot to make up the footage needed for the new road width. There was discussion regarding road construction issues that came up during the construction of Honey Hill. The Town of Rush has specific design criteria for road construction that applicants need to follow. This was reviewed by the board and the applicant. There is also concern about the proposed road sitting too close to the neighboring Viera lot. There is actually 70 feet allotted for the right of way. The new road will not sit on the lot line of the Viera property and there is a hedge row that will also act as a buffer. This property is also in the Agricultural District, therefore, the Planning Board will notify the Assessor's Office. The board is requesting a road name correction to the plans; Five Points Road should read Honeye Falls Five Points Road. John Felsen reviewed the comments from the Monroe County Department of Planning & Development, the Monroe County Department of Transportation, the New York State Department of Transportation, and Todd Ewell.

John Felsen declared the public hearing closed.

INFORMAL DISCUSSION:

Resident Dave Merchant appeared to discuss the addition of an accessory apartment. The Rush Town Code requirements for accessory apartments state that they must be a minimum of 400 square feet, maximum 800 square feet and no more than 25% of the floor area of the principle dwelling. Mr. Merchant stated that he needs to make the apartment wheelchair accessible. In doing so, the square footage of the proposed apartment is over the allowable maximum footage. It was also discussed that the minimum required lot size in an R-30 district is 1 acre. The Planning Board informed Mr. Merchant that he would need to obtain three variances from the Zoning Board for the rear setback, the size of the proposed structure, and the lot size. Parking was discussed and there seems to be ample parking. The septic system is located in the front of the house and Mr. Merchant has already checked the calculation to make sure that the septic system can take on the addition. Location of drainage pipes and swales were also discussed.

DECISIONS:

The Planning Board further discussed their concerns regarding the subdivision of agricultural lands.

Application 2009-01P by Paula S. Johnson to subdivide a 29.4 acre parcel into 2 lots. No development is planned for the new parcel. Property is located at 9196 West Henrietta Road and is in an R-30 Zoning District.

John Felsen made a Motion **WHEREAS**; this Board has examined **Application 2009-01P** by Paula S. Johnson to subdivide a 29.4 acre parcel into 2 lots. No development is planned for the new parcel. Property is located at 9196 West Henrietta Road and is in an R-30 Zoning District. Preliminary plot 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 SEQR laws requiring no further action by this Board.

John Morelli 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.

John Felsen made a Motion to grant preliminary subdivision approval for **Application 2009-01P** by Paula S. Johnson conditioned upon:

1. The applicant meeting the requirements of the Monroe County Department of Planning and Development and Todd Ewell, Town Engineer.
2. The Planning Board Clerk contacting the Town Assessor regarding the proposed subdivision that is currently in the Southeastern Agricultural District and asking the Assessor to review the agricultural exemption on the property.

Don Sweet 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.

John Felsen made a Motion to wave the final subdivision hearing for **Application 2009-01P** by Paula S. Johnson conditioned upon the applicant meeting the requirements of the preliminary approval, and receiving approvals from the Monroe County Department of Planning and Development and Todd Ewell, Town Engineer.

Mr. Sweet 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.

Application 2009 – 02P by Charles Salvaggio for Subdivision and Site Plan approval to subdivide section 4 of the Nowack Subdivision. Seven lots are proposed for the 29.6 acre parcel. Single family dwellings are planned for 4 of the 7 lots. Property is located at 8300 West Henrietta Road and is in an R-30 zoning district.

There was further discussion regarding the stages of road construction and time lines in conjunction with the construction of the homes. The Planning Board feels there should be a schedule that the applicant should adhere to.

John Felsen made a Motion **WHEREAS**, this Board has examined **Application 2009 – 02P** by Charles Salvaggio for Subdivision and Site Plan approval to subdivide a 29.6 acre parcel of section 4 of the Nowack Subdivision into 7 lots. A single family dwelling is planned for 4 of the 7 lots. Property is located at 8300 West Henrietta Road and is in an R-30 zoning district. Preliminary plot 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 an unlisted action under the State of New York SEQR laws, and

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

WHEREAS, there was no reply from 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.

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 Subdivision and Site Plan approval to section 4 of the Nowack Subdivision, conditioned upon:

1. The applicant adding to the plans the details from the Town of Rush Design Criteria for the #2 medium road section and meeting all other requirements specified for the #2 medium road section.
2. The applicant submitting a schedule/time line for construction of the road for review by Todd Ewell, Town Engineer.
3. The applicant providing an estimate of the road project construction costs, based on the Town of Rush Design Criteria, to be reviewed and approved by Todd Ewell, Town Engineer.
4. The applicant preparing and submitting a letter of credit, based on the specifications listed in the Town of Rush Design Criteria, to Todd Ewell, Town Engineer for his review and approval.
5. The applicant constructing the road to the binder course in order to obtain any certificate of occupancy for any constructed dwellings.
6. The applicant showing and labeling the existing hedge row on the north side of the proposed road out to West Henrietta Road.
7. The applicant meeting all the requirements from Todd Ewell, Town Engineer and all requirements from the Monroe County Department of Planning and Development.

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 wave the final Subdivision and Site Plan Hearing for **Application 2009-01P** conditioned upon the applicant obtaining the approvals of Todd Ewell, Town Engineer, Steve King, The Town of Rush Highway Superintendent, the Monroe County Department of Health, and the New York State Department of Transportation.

Al Simon seconded the motion and the Board Members polled:

Roll:	Mr. Felsen	aye
	Mr. Morelli	aye
	Mr. Sweet	aye

RUSH PLANNING BOARD
JANUARY 20, 2009

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 9:50 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk