

RUSH TOWN BOARD
 Minutes of June 25, 2014

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on June 25, 2014, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Richard Anderson ----- Supervisor
 Daniel Woolaver ----- Councilperson
 Cathleen Frank ----- Councilperson, Deputy Town Supervisor
 Rita McCarthy ----- Councilperson
 Pamela Bucci ----- Town Clerk
 John Mancuso, Esq. ----- Attorney for the Town

EXCUSED: Kathryn Steiner ----- Councilperson

OTHERS PRESENT:

| | | | |
|------------------|----------------------------------|----------------------|------------------------------------|
| Mark David | Highway Superintendent, Resident | Jack Mould | Resident |
| Kirsten Flass | Library Director, Resident | Carol Barnett | Resident |
| David Flass | Resident | Matt Schwashman | Resident |
| Dave Sluberski | Resident | Bill Udicious | Resident |
| Marianne Rizzo | Resident | Bill Riepe | Resident |
| Sandra Beyson | Resident | Dick Andrews | Resident |
| John Morelli | Resident | Kirk Olsen | Resident |
| Julia Lederman | Resident | Dorothy Wing | Resident |
| Donald Scheg | Resident | Jim Chaize | Resident |
| Cecil Palmer | Resident | Ken Lally | Resident |
| Robert Bock | Resident | Chuck Wolcott | Resident |
| James Kolb | Resident | Peter Harissis | Resident |
| Beth Hoak | Resident | Joan Potenza | Resident |
| Scott Farrington | Resident | Robert Kuhls | Resident |
| Dave Slayton | Resident | Heidi Farrington | Resident |
| Mary Slayton | Resident | Tom Gust | Resident |
| JoAnn Gust | Resident | Pat Kraus | Resident |
| Jeanne Morelli | Resident | Yong Bom Kim-Fredell | Resident |
| Jordan Kleiman | Resident | Gerry Kusse | Code Enforcement Officer, Resident |
| Debbie Kusse | Resident | | |

I. OPEN FORUM

Supervisor Anderson welcomed all to the meeting and explained the timeframe of both the meeting and public hearing and provided guidelines for public speaking. The Board would entertain questions or comments pertaining to subjects that do not apply to the public hearing.

II. APPROVAL OF MINUTES

Town Clerk Bucci amended and posted the June 11, 2014, to clarify Highway Superintendent David's Report.

RESOLUTION #106-2014

Councilperson Frank moved to approve the Minutes of June 11, 2014, as submitted by Town Clerk Pamela Bucci. Councilperson Woolaver seconded the motion.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

III. APPROVAL OF TRANSFER

RESOLUTION #107-2014

Councilperson Frank moved to approve the Transfer of Funds #5 through #8 in the amount of \$4,580.36. Councilperson McCarthy seconded the motion.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

BUDGET TRANSFERS 6/26/2014 - 2014 FUNDS

Transfer from the unexpended balance of an existing appropriation'(s).

General Funds

| Transfer Number | Amount | Decrease Appropriation | | Increase Appropriation | |
|--------------------|----------|------------------------|---|------------------------|---|
| | | Account | Description | Account | Description |
| 5 | 2,246.92 | A.9060.800 | Fringe Benefits Health Insurance To cover Interest & Fees since 2009 on Credit Card | A.1410.490 | Town Clerk Chase Card |
| 6 | 1,676.88 | A.9060.800 | Fringe Benefits Health Insurance To overage unplanned Tank coverage | A.1910.400 | Insurance |
| 7 | 176.56 | A.9060.800 | Fringe Benefits Health Insurance To cover Flag purchases variance | A.6510.400 | Veterans Contractual |
| 8 | 480.00 | A.9060.800 | Fringe Benefits Health Insurance To cover rental unit Sump Pump install | A.1620.210 | Building Capital-Internal Sources |

Total 4,580.36

IV. APPROVAL OF ABSTRACT

RESOLUTION #108-2014

Councilperson Frank moved Be It Resolved that having audited all the claims against the funds listed on Abstract of June 25, 2014 for vouchers #2014 681 through #2014 739 excluding 734 which were duplicates are allowed for payment in the amount of \$34,734.82. Councilperson Woolaver seconded the motion.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

V. CORRESPONDENCE

Supervisor Anderson received and discussed the following:

Monroe County Sheriff's Office – Zone B – The Monroe County Sheriff Department reported a break-in during the week of June 12th wherein a pistol was removed from a home on Fishell Road, Rush. The Marketplace Mall, Henrietta, had multiple merchandise thefts.

Monroe County Free Movies in the Parks 2014 – Free movies can be seen by all beginning July 1, 2014 at Ontario Beach Park and continue at the Highland Bowl throughout the summer.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver attended the Zoning Board of Appeals meeting wherein an application for setback variance for a pole barn and an application for a fire display was discussed.

Councilperson Frank attended the Fire Commissioners meeting. The Planning Board meeting was previously cancelled.

Councilperson McCarthy attended a 1 ½ hour meeting of the Recreation Agricultural Citizens Committee (RACC) for liaison Councilperson Steiner. A progress report was not provided.

Being called to the Town Hall on a non-emergency security alarm, Supervisor Anderson also attended the RACC meeting. The RACC continues to move forward and possibly create walking trails.

Supervisor Anderson attended the Monroe County Supervisor's meeting. Topics of conversation included the Veteran's Outreach, whom is soliciting input from achieving the goals of taking service people to their appointments to actually counseling with the veterans. The other topic was the Lead Safe Consortium who provided brochures on lead recertification, training and lead-safe practices. Code Enforcement Officer Kusse will be consulted on implementing policies.

Supervisor Anderson met with the representative from the New York State Museum of Transportation and has discussed a few items that they wish to be improved upon. Supervisor Anderson will be meeting the town attorney to review those items and discuss long-term planning.

Town Clerk Pamela Bucci stated that the May Monthly Clerk's report was filed with Supervisor Anderson. Revenues were collected in the amount of \$12,196.64. They were specifically attributed to afterschool payments, building permits and pavilion rentals.

Highway Superintendent Mark David stated that the surface treating on town and county roads in Rush, Henrietta and Mendon have been completed. Nova-chip paving will be performed on Honeoye Falls #6 Road to the east. The State's ill-placed yellow stripping was in error and they are unsure if it will be removed or covered.

VII. OLD BUSINESS

A. Insurance Recommendation Update – Supervisor Anderson stated that the town's selected insurance company did an audit of the Town Hall, Library and Garage. Age-appropriate swings are in the proper playground bays.

B. Zoning Code Citizens Committee –Supervisor Anderson has received and distributed 7 interested resident requests. All Board members were asked to rank the residents 1 through 7. A recommendation will be completed before the close of the meeting in order to appoint 5 members.

C. Solar Proposal Update – Supervisor Anderson stated that the Fire Department has been presented a Memorandum of Understanding (MOU) in reference to the solar proposal. We currently have a MOU with respect to fuel consumption and cost billed to the District. The utilities used would be billed the same way and reimbursed through the Fire Department.

VIII: NEW BUSINESS

A. Lead Safe Certification – Supervisor Anderson stated that lead safe testing for lead content is part of a recommended pediatric practice of 1 and 3 year old children. Rush will be seeking to distribute information through the Code Enforcement Officer.

Attorney John Mancuso noted that the Public Hearing could not begin until 7:30 PM, however, the Board could move to Executive Session.

IX. EXECUTIVE SESSION

Supervisor Anderson made a motion to adjourn to executive session at 7:15 PM to discuss an attorney client privileged matter.

On the motion of Supervisor Anderson, the meeting was returned to regular session at 7:30 PM.

X. PUBLIC HEARING – PROPOSED REZONING OF 7262 WEST HENRIETTA ROAD

Following distribution of the proposed rezoning application to the Town Board members, Town Clerk Bucci stated that the Notice of Public Hearing was duly published in the Henrietta Post, Sentinel and the Pennysaver in the required timeframe and at the same being posted on the town clerk's bulletin board, town newsletter and the town website. For the record, Town Clerk Bucci read the Legal Notice in its entirety.

**NOTICE OF PUBLIC HEARING
OF THE TOWN OF RUSH REGARDING
APPLICATION FOR REZONING BY RUSH ASSOCIATES, LLC**

PLEASE TAKE NOTICE, a public hearing will be held by the Rush Town Board, at the Rush **Town Hall, 5977 East Henrietta Road**, Town of Rush, New York, on Wednesday, June 25, 2014, **at 7:30 PM**, local time, for the purpose of amending the Zoning Law of the Town of Rush by changing the Official Zoning Map of the Town of Rush adopted pursuant to Section 120-3 of the Zoning Law of the Town of Rush to rezone 5.8 acres of property located at 7262 West Henrietta Road from Residential (R-30) to Commercial (C).

Copies of the revised petition to re-zone the property are available for inspection at the Town Clerk's Office during normal business hours.

At such hearing any person may be heard in favor of or against the revisions to the Rush Town Code as proposed at the above time and date.

May 14, 2014, By Order of the Rush Town Board

Supervisor Anderson explained that the applicant's agent John Sciarabba of Landtech will provide a presentation, the floor will be open to the public and following comments, the agent will be provided additional time to comment on specific issues raised by the audience.

Landtech Engineer John Sciarabba, agent for Rush Associates, LLC, provided a site drawing sketch to be used as a guide of the proposed property. Mr. Curt Olsen is also present for additional specific answers if needed. The changes to the project were made based on the comments heard at the February public hearing which included but are not limited to buffering, commercial open space, light spillage and traffic.

The project rezoning request has been changed as follows:

- Rezoning of 25.7 acres to 5.8 acres
- 7 buildings to 4 buildings; reduction from 70,000 square footage to 23,000 square footage
- Previously 300 parking spots on the eastern part of the parcel; that area is now being undisturbed; impervious area has been drastically downsized
- Point - all adjacent corners to the property are zoned commercial
- No destruction of federal wetlands
- Reduction in water usage
- Lighting has been changed to the opposite side of the buildings
- 19.5 acres will be donated to town as open space with a legacy easement (conservation) so that it is not land-locked; possible parking spots for trail access. The open space plan will be further discussed before the Planning Board for approval
- Additional detail and concepts will be presented when appearing at the Planning, Zoning and Conservation Boards; rezoning is step 1
- Buildings will be moved closer to Route 15 and angled to reduce light spill (Resident Matt Schwasman is most affected by buildings and consideration has been taken, including his input of buffering)
- Buffering of the residential zoned parcel is essential; major trees are behind the resident's parcel and they will not be disturbed
- Prior to Mr. Dorschel's purchasing the property, the previous owner sold their Route 15 access right of way rights to New York State. The only access allowed on this private property is, by law, from Route 251.
- Original plan which was submitted to the State provided permission for a driveway cut with required additional plans to follow
- Traffic issues and detailed drawings are to be provided in the planning stages and traffic safety will be addressed.

- The New York State Department of Transportation (NYSDOT) site process will occur before the Planning Board at the planning stage of the project; Town Engineer's comments will also be received
- With the reduction of 300 parking spots, traffic flow will be significantly decreased.
- Any commercial property such as a doctor's office or a bank will have a peak traffic time
- Rezoning is in line with the Master Plan of 2010, Page 6 Section 8 ...town embrace the philosophy of having service based businesses along the Interstate 390 corridor...and recognize that the town may capitalize on it.
- The property is 370 feet from the Schwasman's property line (more than a football field)
- Relief may be requested to the Zoning Board to push the buildings further west to Route 15 for additional buffering of the residential area
- Pond will be required and created with appropriate NYSDEC approvals
- Leach field area was reviewed as previously presented
- A copy of the Memorandum from the Town Planning Board was received last year endorsing the project

Agent Sciarabba One-third of the property is currently zoned commercial (1.7 acres) of which a Dunkin' Donuts or like restaurant, bank or establishment could be built there now, however, that is not good planning. A project development is more beneficial to the community and the client.

Supervisor Anderson opened the public hearing to comment.

Resident Peter Harrisis, Wardell Road, asked about target occupants and the building style to be used. Will buffering occur at the part of the parcel being donated to the town to buffer the current resident most affected. Also, will the parcel being donated to the town be developed in any way.

Mr. Sciarabba answered that communication has transpired with a bank, possibly an urgent care facility, however, a commercial tenant has not yet been targeted. The building style will have a residential feel; one story, slab construction with an elevated roof. All building elements will be presented to the Planning Board. Although donated, a buffer will exist between it and the affected residential property. The parcel being donated to the town will be developed to a certain extent including getting water to the creek, creating storm easements and creating an easement for the Schwasman's to protect the trees that buffer their home.

Resident Carol Barnett, Lyons Road, submitted a letter in opposition as did her husband. She stated that she does not like to hear that the town should be

grateful that Mr. Dorschel is not going to develop 300 parking spaces in a plan that was never approved or never granted and he may never have wanted to develop the second Phase of the parcel previously presented. The idea that it is in line with the master plan is inevitable with commercial coming here is incorrect. It is zoned residential. At the last public hearing, stated was that the NYSDOT approved a cut and that part would only move forward and the Planning Board had provided initial support. The rezoning is the Town Board's decision. Mrs. Barnett stated that she didn't like government entities leaning on half-made decisions by other towns. Mrs. Barnett read excerpts from her letter that this project would take away precious green space, it's a dangerous traffic intersection, the town relies on the zoning map in choosing where to live and the comprehensive plan needs revising to establish priorities. Mr. Dorschel is trying to wear the residents down. We feel that it is no more deserving than the first proposal and oppose it.

Resident Ron Scheg, Stonybrook Road, lives directly across the valley from the Schwasman's home. Mr. Scheg stated that his children and a family friend are attending the meeting with him. He strongly favors the project for the following stated reasons. The plan is very small and it's for a business in town. It will create jobs, especially for young people or seniors who would like to supplement their income. Traveling this intersection daily, he admits that it is heavily traveled, however, it's heavy and steady at certain times but not extremely congested and moves efficiently. Having a coffee shop isn't going to increase traffic, its merely going to offer an opportunity for service to someone. Mr. Scheg doesn't understand the argument that Route 251 is a gateway to the town and it should not be projected as a commercial entrance. Whether or not businesses fail, and not personally know Rick Dorschel, he'd rather see him in town, whose business appearance is nothing but a "class act, fully funded and operates with high standards". Town residents should support town businesses so that they do not fail and there are no empty buildings. Mr. Scheg has lived in town for the past 30 years and Rush has held onto its rural flavor during that time. Rush used to have 2 grocery stores, hardware stores, 2 diners, one being a small diner at the same corner being addressed. Residents should support the men and women who have the courage to start a business in Rush and provide a positive place for future generations. Mr. Scheg urged the Board to support the rezoning.

Resident Joan Potenza, Rush West Rush Road, has an issue with the traffic. A serious traffic constriction occurred last year when 1 lane of the bridge was closed at Route 15 and 251. Ms. Potenza submitted a complaint to the NYSDOT and requested a change in traffic flow. The closure created a 10 minute delay to work and likely will behoove others to reroute their travel to work in order to stop for a purchase prior to work causing again a delay in traffic flow. Ms.

Potenza opposes the project. There are 2 empty buildings in Rush; we don't need any more.

Resident Chuck Wolcott, Five Points Road, stated that he is in favor of the rezoning. Those types of businesses bring jobs to town and help the town's tax base. Being a contractor, Mr. Wolcott drives through the intersection at least 6 times if not more a day. He used to live across from the Pine Hill Cemetery. Getting on the expressway from Route 15 is no different than getting on the expressway from Route 251. There is both a surge of traffic in the morning and in the evening rush hour. Anyone traveling in the morning through the intersection will be turning in and turning out and not coming from all over other towns to do business at peak travel hour times in Rush. Seeing a nice commercial property when entering into this intersection would be a welcomed addition.

Resident John Morelli is undecided whether he supports or opposes the rezoning. The town has a history of neglecting to update the master plan. The plan does not recommend this property being commercial. This area of town is suggested to be high density residential. If it is rezoned, Mr. Dorschel is under no obligation to develop it as presented. He has an option to sell it once it is rezoned. As a Planning Board member, Mr. Morelli did write a letter recommending consideration of a new zone of restrictive commercial zone which would address high traffic specifically for this parcel. It's the town's obligation to help and put restrictions in certain areas.

Resident Jim Kolb, Rush Scottsville Road (Route 251), and owner of Colby's Restaurant directly across from the proposed rezoning travels this road more than anyone will ever. Prior to opening Colby's Restaurant, Mr. Kolb was informed by Monroe County that 13,500 cars drive through the intersection daily. The issue that the corner cannot handle volume is wrong. Accidents that occur on Route 15 occur on the off ramp and the drive path across Route 251. There have been no accidents in front of Colby's/Diamond Limousine. Thirty four residents of Rush have applied for jobs at Colby's in the last 3 months. Nineteen teens from this area have worked at Colby's. Ask yourself why a bank would come to Rush. Simply, it creates commerce. Mr. Kolb drives daily to the bank in Scottsville or in Henrietta to do business. The village will perk with commerce. The tax base will be increased with additional commercial business.

Resident Dave Sluberski, Rush West Rush Road, Leader of the Rush Democratic Committee, believes that the rezoning is an unacceptable proposal with many unknowns. Mr. Sluberski read his letter in its entirety. Recently the Town of Irondequoit School District voted down a school budget only to have a revote and a no vote again. How many times will Rush allow a project to be presented in various forms in hopes that the pot will be sweetened. Recently the business

across the street from the parcel was granted the ability to hold additional events, over 30 weddings this summer. More business is a good thing and the traffic around this intersection will increase. Nobody knows what that impact will bring. Businesses are good and create a tax base, however, some fail even with community support. The empty business in town, Big M, has been an eyesore for 8 years and it is not the wish of the intersection at Route 15 and 251 to be the same. Mr. Sluberski suggested that the town dismiss the rezoning and hear the opinions of all other town boards so the citizens of Rush could benefit from a collected perspectives.

Mr. Sluberski, Rush West Rush Road, stated that he visited the commercial property, Exit 11, and asked their opinion of the rezoning. Their opinion was that a current sign on Interstate 390 directs people to a Tim Horton's and gas and people are very upset that it is not located at the Rush exit but down the road. They also stated that many businesses in town have too many obstacles to overcome and need a bit of support from the community. Mr. Dorschel says that this parcel creates a hardship all the while he knows the corner intimately.

Jordan Kleiman, Five Points Road, is opposed to the proposal. The proposal is not a matter of job creation it is a matter of development. The comprehensive plan needs to be updated. A planning simulation by a non-profit organizational center called Rochester Regional Design would provide ways to get the hamlet revitalized rather than building outside of the hamlet in populated areas. This project amplifies the possible cascade affect. Urban planning talks about an unintentional effect on long term farmland preservation.

Resident Marianne Rizzo, Stuhl Road, read aloud her opposition to the proposal. Changing the zoning law to accommodate this request will have a negative effect on the town and change its nature. The Town Board should be making long-range decisions about our town which affect our homes, health, safety and wellbeing. Smart growth approach should be taken with a sustainable goal approach of health, community, and conservation. The town has started to revive the hamlet by include sidewalks which aid in creating a healthy community. Preserving our open space and farmlands is critical to our community and keeping commercial growth in the hamlet will increase vitality. Ms. Rizzo urges the Board to decline this offer and any future offers to change the corner of 15A and 251 from residential to commercial.

Resident Ken Lally, Phelps Road, travels through the 15A and 251 area and characterize it as the busiest intersection in town where his only car accident occurred. He was not for or against the development but there is a safety issue at the intersection. A good suggestion was heard to rezone; it should be a restrictive use for rezoning. There are a few commercial properties in town that

are vacant. In conclusion, the chart looks nice but he does not support the project.

Resident Robert Kraus, Pinnacle Road, made a brief point that Dorschel seems to be indecisive. Commercial development in a residential zone is problematic and it is spot rezoning. Action by the town board in rezoning this property opens the door to unforeseen uses. Mr. Kraus reject the re-zoning of the parcel.

Peter Harissis, Wardell Road, stated that the location point designated for high density housing is not an improvement over the diagram showing light commercial use and forever wild. Rush already has businesses on other corners of this intersection. What kind of housing would locate to Route 15 or by Interstate 390. As you drive down Pinnacle Road, development encroachment is occurring by way of high density housing. The housing is an area on Pinnacle which now houses a cemetery for all purposes and is basically quiet. Residents must choose your battles. Route 15A and 251 is a highly traveled area in which a business can survive. Businesses do come and go. Rush is not the same as it was years ago, including traffic and stores. Creativity in town must draw businesses. There is not much rural character at the intersection.

Resident Mary Slayton, Rush West Rush Road, is neither for or against the project, however, is concerned of the speed of traffic. The right on red light requires no stop. A plan must be presented for this safety.

Resident Dorothy Wing, Five Points Road, stated that she grew up across from the intersection which is still commercial and always was commercial. This is not a full rezoning. The property once housed gas pumps, a dining business serving the public and a grocery store. Just because the owners died doesn't mean the property isn't still commercial. When Interstate 390 was built much of the frontage of the 1.7 acres was taken from the property.

Resident Bill Riepe, Rush West Rush Road, stated that he supports commercial development, however, he believes that the Master Plan should first be updated. There are 19 acres that should be considered if donated to the town. If donated, the acreage will be removed from the tax roll.

Supervisor Anderson asked for additional comments before Mr. Sciarabba resumed the floor.

Resident Matt Schwasman, Route 251, inquired about the septic location and requested more detailed information.

Resident Chuck Wolcott, Five Points Road, added, after listening to all the comments, that Rush isn't Irondequoit and shouldn't be compared as such. The 19 acres donated to the town could still be farmed and still provide revenue for the town. This project, if rezoned, must still be presented and addressed through the Planning Board. The hamlet of Rush does not have property available for commercial businesses and is out of the way. The largest commercial property is the BigM that can't be any bigger because of the necessity of a septic system and being close to the creek. The bottom line is traffic running through the 4 way intersection in the hamlet going west is the same traffic going the intersection being discussed. Light spillage isn't occurring in the hamlet and it remains basically peaceful.

Resident Matt Schwasman, Rush Scottsville Road, stated that Mr. Sciarabba has expressed an additional legacy portion on the plan with an additional 150 feet included to protect the property. Mr. Schwasman complimented Mr. Sciarabba on the lightwash of the design noting that a great concern was headlights in his bedroom. Lighting concerns have been addressed to the Schwasman's satisfaction. As far as commercial use of the property, Rick Dorschel seems to develop good projects. Mr. Schwasman would be concerned with someone with less resource. These are the best options seen to date. The rest is up to the Town Board.

John Morelli, Five Points Road, questioned the access to the donated property.

Mr. Sciarabba stated that 19 acres will be donated to the town and there is currently no public access to the parcel. Access must be incorporated via a parking area and a trail is to be constructed. There will be ingress and egress easements incorporated into the plan with logical methods. Rezoning is the first step. The Planning and Zoning Boards have already been visited informally once with positive feedback. Updates have been done to the previous proposal and now, after the February public hearing, updates have been done on this proposal. Traffic studies will follow. A traffic plan has been reviewed by the DOT and access has to be approved by both the DOT and town engineer.

Traffic is an emotion subject. This is not a bait and switch project, it is planning. Landtech and DOT will be working together to make the intersection as safe as possible. The proposal has been scaled back. The Master Plan, which is a guide, does say residential but it also says commercial along Route 15. It is not spot rezoning. The area discussed includes a 4.1 acre of rezoning expansion. If it is rezoned, many areas of the town's code must be addressed in approving this parcel's development as a commercial property. Previously, the Planning Board Chair strongly suggested that perk hole testing be done to support a leach field which will most likely be a pressurized, most efficient system for each

building. Sensitivity to bad smell will be proven negative. Soil testing will be witnessed by the Health Department. This is a well thought out plan.

Resident Dave Sluberski, Rush West Rush Road, visited the subject of sound which is his specialty. Mr. Sluberski stated that lighting won't be as big of an issue as sound of Interstate 390. Sound can be measurable. A wedding barn across the street will project music and should also be considered.

Mr. Sciarabba stated that sound including that of the sound board have been addressed with Mr. Schwasman. Mr. Sciarabba welcomed Mr. Sluberski's suggestions off-line.

Resident Pat Kraus, Pinnacle Road, stated that Mr. Sciarabba continues to state that he understands the concerns, however it is hard to hear. The Comprehensive Plan contradicts what is being presented. The Conservation Board has made corrections to the contradictions previously presented, however, wording in the Comprehensive Plan in Chapter 6 is being ignored. Mrs. Kraus read portions of the Comprehensive Plan aloud.

Mr. Sciarabba stated that it is an individual opinion and interpretation of the Comprehensive Plan.

Supervisor Anderson stated that this period is not for debate but for public comment.

Resident Heidi Farrington, West Henrietta Road, stated that she can see the corner from her home and questioned the lighting and sound that will be projected from the west side of the buildings.

Mr. Sciarabba stated that the park and ride is directly across from the property at Route 15 and he will not be able to shelter persons angled on the west side of road from visualizing the property, however, the intent is not to shine light at residential homes. There will be signs, however, they will be lit for visibility and safety.

Resident Don Scheg, Stonybrook Road, stated that lights and traffic have been heavily discussed. The number one resource is people and providing an opportunity for jobs in Rush is important. Mr. Scheg asked of the anticipated job number created.

Resident Kleiman, Five Points Road, after hearing all comments, stated that he prefers living in Rush rather than living in Henrietta even if it is a lower tax based community with more jobs available.

Resident Carol Barnett asked whether or not the sign announcing a public hearing was placed at 7262 West Henrietta Road. She and others have not seen it.

Code Enforcement Officer Kusse stated that the sign was placed on the property.

Supervisor Anderson made a final request for additional comments.

RESOLUTION #109-2014

Supervisor Anderson stated that there were no additional comments and moved to declared the public hearing closed at 8:55 PM and that the meeting be adjourned to the regular session. Councilperson Woolaver seconded the motion.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

XI. OLD BUSINESS Continued.

B. Zoning Code Citizen's Committee Selection – Supervisor Anderson polled the count provided by all members of the Town Board.

RESOLUTION #110-2014

Supervisor Anderson moved to appoint the following members to the Zoning Citizens Committee as selected by the Town Board as follows: Selden Chase, John David, Carol Barnett, Jim Bucci and Chuck Wolcott. The members are charged with making recommendations to the Town Board for modifications to the zoning portion of the Rush Town Code, where it deems appropriate, and provide a report of their findings to the Town Board. Councilperson McCarthy seconded the motion.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

Councilperson Woolaver will serve as the liaison to this ZCC.

C. Appointment of Jillian Moore to the Zoning Board of Appeals – Supervisor Anderson stated that the Board conducted interviews and has chosen Jillian Moore to serve on the Zoning Board of Appeals for the unexpired term of Kelly Pruden effective June 25, 2014, through December 21, 2017.

RESOLUTION #111-2014

Supervisor Anderson moved to appoint Jillian Moore to serve on the Zoning Board of Appeals for the unexpired term of effective June 25, 2014, through December 21, 2017. Councilperson Frank seconded the motion.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

XII. OPEN FORUM

An open forum was not proposed.

XIII. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 9:00 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk