

Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor William Udicious at 7:00 PM on October 28, 2009, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:

Donald Knab	----	Councilman, Deputy Town Supervisor
Richard Anderson	----	Councilman
Thomas Doupe	----	Councilman
Lisa Sluberski	----	Councilwoman
William Udicious	----	Town Supervisor
Pamela Bucci	----	Town Clerk
Chuck Steinman	----	Attorney for the Town

OTHERS PRESENT:

Dave Sluberski	----	Resident
Dan Woolaver	----	Resident
Sue Woolaver	----	Resident
Jim Kolb	----	Resident

I. OPEN FORUM – Supervisor Bill Udicious offered the floor for those present to address the board.

Resident David Sluberski asked for the outcome of the meeting with the Monroe County Water Authority regarding the extension of water to residents in West Rush.

Councilman Anderson stated that meeting with the MCWA is to discuss disconnection of water to the New York State Industry School. Councilman Knab stated that a meeting has not yet been held.

Councilman Knab conversed recently with Rick Dorschel, owner of the Dorschel Automotive property on Routes 15 and 251. The property is for sale and the land has been cleared to provide a fuller sale view. Mr. Dorschel is in the process of downsizing his operation and has removed his cars from the lot.

II. APPROVAL OF MINUTES

Councilman Anderson requested the following changes be made to the Minutes of October 14, 2009: Page 3,4th Paragraph - under Honeoye Falls Creek Dam Funding – (2) FEMA to be changed to local and the word FEMA to be added after applications; (3) remove the word for and add and state legislature; (4) add the words Rush to after the word and.

change on Page 1: under Others Present, after Jack Mould, remove Library Chair; Page 6th, 4th Paragraph strike the word an before allowing a use.

RESOLUTION #157-09

Councilman Doupe made a motion to approve the October 14, 2009, Minutes as amended: Page 3,4th Paragraph - under Honeoye Falls Creek Dam Funding – (2) FEMA to be changed to local and the word FEMA to be added after applications; (3) remove the word for and add and the state legislature; (4) add the words Rush to after the word and; Page 1: under Others Present, after Jack Mould, remove Library Chair; Page 6th, 4th Paragraph strike the word an before allowing a use. Councilman Knab seconded the motion.

Roll:

Councilman Anderson	aye	
Councilman Doupe	aye	
Councilwoman Sluberski	aye	
Councilman Knab	aye	
Supervisor Udicious	aye	carried.

III. APPROVAL OF ABSTRACT

RESOLUTION #158-09

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #10-2 in the amount of \$29,633.76 be allowed for vouchers #1131 through #1177. Councilman Doupe seconded the motion.

Roll:

Councilman Anderson	aye	
Councilman Doupe	aye	
Councilwoman Sluberski	aye	
Councilman Knab	aye	
Supervisor Udicious	aye	carried.

IV. CORRESPONDENCE

Supervisor Udicious received a letter from Naveed and Arooj Hussain, owners of the Rush Market property at 5946 East Henrietta Road, thanking him for his assistance in the acquisition of the property. Supervisor Udicious offered the Hussains Department of Environmental Conservation information, Town Code information and provided important financing information on Restore Rochester, New York and COMIDA.

V. REPORTS OF OFFICERS AND COMMITTEES

Library Roof Repair – Blueprints have been received by Councilman Knab. The bid for roofing, electrical and insulation will be next Thursday and specific information will be provided to the board for contractor selection.



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Town Park Pavilion – Councilwoman Sluberski asked for comments on the selection of metal roofing material for the restroom/pavilion. Supervisor Udicious stated that the roofing materials, which were approved by the Board in May 2009, and placed in the specifications of the Town Pavilion Project could not be changed as the Town Board had awarded the project contract to Tower Construction and the roofing was almost complete. Councilman Knab noted that the specs required a specialized shingle and color line. The purpose of the e-mail from the architect was to offer the contractor the shingle so that an appropriate color selection could be made.

Utility Services to Town Park and Town Hall Contractor Maintenance - Councilman Knab spoke with Rochester Gas & Electric in assisting the contractor with service to the town park property.

New York State Department of Transportation (NYSDOT) letter dated 10/26/09 – Councilman Knab received a copy of a letter of inquiry from NYSDOT regarding an encroaching fence and landscaping location at 6278 Rush-Lima Road. The state's issuance of a permit is contingent upon the resident's receipt of a variance of the Town Zoning Board of Appeals. Copies of the letter have been sent to the Zoning Board and additional copies will be distributed to the Town Board and Town Clerk.

Monroe County Water Authority (MCWA) Service in West Rush – Councilman Knab is rescheduling a cancelled preliminary meeting with the MCWA in connection with the disconnecting of water to homes located in West Rush. Findings will be reported when available.

Town Hall Plumbing, Electrical & Contractor work – Councilman Knab addressed a hot water problem in the court area with a plumber and an outside lighting problem with an electrician. Both have been resolved. The Town Hall front steps have also been repaired.

Greenway Project – Councilman Anderson has been in contact with Larsen Engineers regarding the Greenway project. New York State has requested additional copies of photos submitted. A final meeting of the Advisory committee is required within the next 2 weeks. The Advisory Committee is comprised of the Town of Rush, Village of Honeoye Falls, Town of Mendon, Genesee Valley Regional Transportation as well as regional planning and professional organizations interested in the greenway project. Topic of discussion will be recommendation of a sole agent handling further communication on the project or assigning of items to specific groups.

Also, Larsen Engineering will be sending grant funding information related to updating the Comprehensive Plan.



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Honeoye Falls Creek Dam - There is no further update from the Federal Emergency Management Agency (FEMA) as it relates to the dam project.

Rush Fire District – Liaison Councilman Doupe reported that the 2010 Fire District public hearing on the budget was held on October 20th and the Rush tax rate will remain unchanged from 2009. Clerk Bucci noted that she is in receipt of the adopted Rush Fire District 2010 Budget and a copy has been forwarded to the Finance Director.

7:15 PM - PUBLIC HEARING – 2010 TOWN OF RUSH PRELIMINARY BUDGET

Supervisor Udicious ordered the public hearing open at 7:15 PM.

Clerk Bucci read the Notice of Hearing for the record. Notice of Public Hearing was duly published in the Rush-Henrietta Post on October 8, 2009, with the same being posted on same date on the Town Clerk's Bulletin Board and the town web site.

Resident Dave Sluberski asked specific questions related to the cell tower on Page 22 of the Budget.

Supervisor Udicious responded that Verizon's co-location on the town's cell tower has been approved by the Town Board. Verizon requires additional ground space which has also been approved. Although they have not yet started the ground work, payments have commenced. As stated in the contract, payment of co-locating on the cell tower escalates yearly.

Councilman Anderson added that in the mandatory clause of the Local Cell Tower Law, the operator must permit co-location on its cell tower. It prohibits numerous cell towers and requires that additional requests to co-locate be accepted. Future applications must be entertained.

There being no further comments, Supervisor Udicious closed the Public Hearing on the 2010 Budget at 7:20 PM and the regular meeting was re-opened.

REPORT OF OFFICERS AND COMMITTEES Continued:

Councilwoman Sluberski reported that she attended the Planning Board meeting as did Councilmen Doupe and Knab. Comments submitted by Councilwoman Sluberski regarding changes in the Zoning Town Code §120-57(G) recreational vehicles were discussed at length.



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their comments on Town Code §120-57(G) recreational vehicles to the Town Board. Clerk Bucci stated that the Planning Board meeting minutes of October 20th will be available shortly. The Town Board is awaiting a written response from the Zoning Board in order to move forward on this code issue.

Councilwoman Sluberski requested information received by Supervisor Udicious regarding correspondence of Point of Distribution ("POD") from the Town of Mendon and Village of Honeoye Falls. Supervisor Udicious has reviewed the documents with Fire Marshall Rick Tracy. Action has not been taken. Councilwoman Sluberski attended previous POD meetings. A copy of the correspondence will be forwarded to all Board members.

Town Hall Closed – Town Clerk Bucci stated that the Town Hall offices will be closed on November 3rd for Election Day and that the polls would be open for voting from 6 AM until 9 AM.

VI. OLD BUSINESS

A. Town Board comments on the Sign Ordinance input from Residents – Supervisor Udicious requested input from the Board on the Sign Ordinance Public Hearing of September 9th and at this time has received one written response with recommendations by Councilman Doupe. Councilman Doupe is recommending that there be an increase of 16 square feet totaling 32 square feet for farm stands, to be consistent with churches.

Councilman Doupe also suggested increasing the square footage of directional signs of farm stands to 12 feet per sign.

B. Town Board comments on Planned Unit Development input from residents - American Legion member Councilman Anderson attended a Stevens-Connor American Legion Post meeting with Councilwoman Sluberski and American Legion member Supervisor Udicious. Councilman Anderson was asked to give a presentation on the concept of the Comprehensive Plan and how it worked. From comments arising at the meeting, it is Councilman Anderson's impression that the PUD was arbitrarily assigned elements of what Developer James Sickles proposed to residents at the Thunder Ridge and Boulder Creek private meeting. The Town Board was not informed of the meeting. It appears that at that meeting a PUD discussion was turned from urban planning to an apartment complex between two higher end developments. Public clarification on a PUD concept is warranted. There has been no formal application presented in the Town for a PUD.

Councilman Knab added that although he was not invited to attend the meeting with Developer James Sickles, he believed a plan of possible sewer units being connected to Boulder Creek and Thunder Ridge Drive was discussed. Such



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changes in zoning and ordinances and is not covered in the 2010 Comprehensive Plan.

Supervisor Udicious noted that the people speaking at the PUD public hearing were mainly from the centralized areas of Boulder Creek and Thunder Ridge Drive.

The PUD document specifies that the acreage necessary for a PUD is 50 acres. The area between Boulder Creek and Thunder Ridge that Developer Sickles has talked about is 38 acres. A PUD in that area would require a variance from the Zoning Board of Appeals if the proposed PUD were adopted as currently written.

Supervisor Udicious read aloud as follows the Planning Board's meeting minutes of May 2008 as it related to PUD:

"There was discussion regarding the request from the Town Board for the Planning Boards input on PUD's (Planned Unit Developments) and should a PUD concept be considered. Examples of other PUD's from surrounding towns were reviewed. Concerns arose about following the town's Master Plan and does this conform to the Master Plan. Minimum acreage was the next area of discussion, where PUD's would be acceptable along with types of amenities and zoning requirements."

John Morelli motioned and the Planning Board unanimously approved the following related to the PUD development:

"John Morelli made a motion that the Planning Board recommend to the Town Board that having reviewed the PUDs from four Monroe County towns, the Planning Board believes that the addition of a PUD zone accompanied by conditions would enable the Town to accomplish the goals of the Master Plan by requiring certain amenities of the developer for any PUD and that the location of the PUD zone would be limited to those areas identified as higher density development areas within the ameba area outlined in the Master Plan. Finally the Planning Board recommends that the Town Board consider sliding scale farmland development as proposed in the Master Plan as a means to protect active agricultural land as it is an integral part to the planning and development."

For those reading these minutes, at times, the Comprehensive Plan is referred to as the Master Plan. They are the same plan.

Councilman Doupe stated that in light of the Comprehensive Plan being updated, he proposed tabling the PUD until the Plan was updated. At that time, the PUD should be revisited.

Councilman Knab commented that the Comprehensive Plan should be updated and may include identification of a PUD.

The Planning Board met with the town's engineering firm, Clough Harbor and Associates, to discuss updating or modifying the Comprehensive Plan.

Councilman Anderson noted that a reoccurring suggestion is heard throughout the rush community and that is a need for affordable housing for seniors, young people and trained Rush Fire Department youth so that they remain in town and remain members of the volunteer department. Many persons in those categories cannot find housing in Rush and move elsewhere. There is a need for alternate housing and he believes that the Comprehensive Plan should include it.

He further stated that he plans on discussing Christine Nothnagle's comments made at the public hearing as they relate to the economy and a small scale PUD such as patio homes. Until that time, Councilman Anderson remains neutral with his decision.

Councilman Knab added that action on a PUD is not warranted at this time, however, in the Comprehensive Plan, affordable housing, density development and the review of areas to be used for a potential PUD or patio homes area needs to be identified. Ownership of a PUD must also be identified.

Councilwoman Sluberski realizes that a PUD has been discussed at length, however, at this time she is not in favor of a Rush PUD.

RESOLUTION #159-09

Councilwoman Knab made a motion to table the PUD discussion by the Town Board until the Master Plan on 2010 has been revised and approved. Councilman Doupe seconded seconded the motion.

Roll:

Councilman Anderson	aye
Councilman Doupe	Aye
Councilwoman Sluberski	Aye
Councilman Knab	Aye
Supervisor Udicious	aye carried.

B. Update on Rush Market Property at 5946 East Henrietta Road – Supervisor Udicious reported that two 8,000 gallon gas tanks have been removed from the property. Soil has been piled and will be relocated to an Ontario County landfill.

Update on Town Park Pavilion Construction – All work has been completed, excluding the pavilion sides. Water, gas and electric will be underground. Councilman Knab commented that the finish on the building is cement board and has been selected in order to satisfy “green energy” building construction requirements.

RESOLUTION #160-09

Councilman Knab motioned to adopt the 2010 Preliminary Budget as written. Councilman Doupe seconded the motion.

Roll:

Councilman Anderson	aye	
Councilman Doupe	Aye	
Councilwoman Sluberski	Aye	
Councilman Knab	Aye	
Supervisor Udicious	aye	carried.

VIII. OPEN FORUM

Resident Dave Sluberski questioned whether or not updating the Comprehensive Plan would include a town-wide survey for residents' input.

Councilman Anderson stated that workshops would be conducted in updating the Comprehensive Plan. The consultant will circulate a questionnaire to all citizens. All workshops are open to the public.

IX. EXECUTIVE SESSION

Supervisor Udicious adjourned to Executive Session at 7:50 PM in order to discuss a personnel matter.

Roll:

Councilman Anderson	aye	
Councilman Doupe	aye	
Councilwoman Sluberski	aye	
Councilman Knab	aye	
Supervisor Udicious	aye	carried.

Supervisor Udicious returned to the regular session of the meeting at 8:04 PM.

There being no further business, a motion was made by Councilman Knab and the meeting was adjourned at 8:05 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk