

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF MAY 21, 2013**

A regular meeting of the Rush Planning Board was held on May 21, 2013 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 PM.

MEMBERS PRESENT: John Felsen, Chairman
John Morelli, Vice Chairman
Don Sweet
Rick Wurzer
Scott Strock
Meribeth Palmer, Deputy Town Clerk

OTHERS PRESENT: Councilman Bill Riepe, Town Board Liaison
Gerry Kusse, Code Enforcement Officer, Resident
Scott Phetteplace, Land Surveyor
Curran Brown, Resident
Christine Brown, Resident
Thomas DeNoto, Property Owner
Joy Raforth, Attendee

Chairman Felsen welcomed all to the May Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of April 16, 2013 were reviewed.

Board Member Strock made a motion to accept the minutes of April 16, 2013 as corrected.

Board Member Sweet seconded the motion and the Board members polled:

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|-------|--------------|-----------|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | abstained | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

Vice Chairman Morelli was excused from the April 16, 2013 Planning Board meeting.

PUBLIC HEARING:

Application 2012-11P by Robert Turner and land owner Henry Hansen requesting Subdivision and Site Plan approval to subdivide 25 acres from an 81.6 acre parcel located at 7566 West Henrietta Road. Development of 12,750 square foot building is planned for the 25 acre lot and no further development is planned for the remaining

land. Property is located in a commercial zoning district. **The application to the Zoning Board of Appeals for a required variance has been withdrawn, therefore this Planning Board Public Hearing has been cancelled.**

Application 2013-03P by Curran and Christine Brown requesting re-subdivision approval to combine two existing parcels into one parcel. Properties are located at 7670 East River Road and 30 Rotzel Road. Properties are zoned R-20.

Mr. and Mrs. Brown appeared with Land Surveyor Scott Phetteplace. Mr. Phetteplace explained that the Brown's own two adjacent parcels and they would like to combine them to create 1 tax parcel.

Chairman Felsen read all comments from Town Engineer Todd Ewell and Monroe County Department of Planning and Development (MCDP&D).

The Conservation Board reviewed the application and they do not find any aspect of the project to have a negative impact on the environment.

The Rush Board of Fire Commissioners also had no concerns regarding the application.

Chairman Felsen commented that the water service location should be indicated on the map.

With no further comments Chairman Felsen declared the Public Hearing closed.

Application 2013-04P by Thomas DeNoto requesting approval to subdivide .788 acres including an existing house from a 15.076 acre lot. No further development is planned for the remaining land. Property is located at 5714 East Henrietta Road. Property is zoned R-30.

Thomas DeNoto and Joy Raforth explained to the Board that they are proposing to subdivide the house from the land. Their plans are to sell the house and retain the remaining land. They will also continue to farm a portion of the remaining land.

Chairman Felsen read all comments from Town Engineer Todd Ewell and MCDP&D.

The Board discussed the classified feeder stream on the property and informed Mr. DeNoto that an easement 20 feet from top of bank on both sides of the stream is required for the Town Wide Drainage District.

Town Engineer Todd Ewell explained that the R-30 zoning requirements must be indicated on the map and the town notes can be removed. In addition, Engineer Ewell stated that the owners and tax numbers for the parcels on the west side of East Henrietta Road need to be added to the map. The Board determined that the pre-existing, non-conforming front setback should also be noted on the plan.

The Rush Board of Fire Commissioners had no concerns regarding the application.

The Conservation Board reviewed the application and stated that they do not find any aspect of the project to have a negative impact on the environment. The Conservation Board suggested that the septic system be located on the map.

Chairman Felsen informed the applicant that the standard sub-surface septic system must be a minimum of 10 feet from the property line.

With no further comments Chairman Felsen declared the Public Hearing closed.

DECISIONS:

Chairman Felsen made a Motion **WHEREAS**; this Board has examined **Application 2013-03P** by Curran and Christine Brown requesting re-subdivision approval of Lot 5, section 2 of the LePome subdivision. The applicants are requesting to combine 2 existing parcels into 1 parcel. Properties are located at 7670 East River Road and 30 Rotzel Road. Properties are zoned R-20 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.

Vice Chairman Morelli seconded the motion and the Board Members polled:

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|-------|--------------|-----|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

Chairman Felsen made a Motion to grant preliminary re-subdivision approval of **Application 2013-03P** by Curran and Christine Brown conditioned upon:

1. The applicant showing the water main and service on the map,
2. The applicant indicating the right of way for East River Road on the map,
3. Correcting the site zoning on the map from R-30 to R-20 with corresponding zoning requirements,
4. The applicant adding a note to the map stating the house does not meet the current front setback requirements of 100 feet from center line of Rotzel Road as it is a pre-existing condition.

Vice Chairman Morelli seconded the motion and the Board Members polled:

Roll: John Felsen aye
 John Morelli aye
 Don Sweet aye
 Rick Wurzer aye
 Scott Strock aye carried.

John Felsen made a Motion to waive the final subdivision hearing for **Application 2013-03P** by Curran and Christine Brown conditioned upon:

1. The applicant meeting the requirements of the preliminary approval.

Board Member Sweet seconded the motion and the Board Members polled:

Roll: John Felsen aye
 John Morelli aye
 Don Sweet aye
 Rick Wurzer aye
 Scott Strock aye carried.

Chairman Felsen made a Motion **WHEREAS**; this Board has examined **Application 2013-04P** by Thomas DeNoto requesting approval to subdivide .788 acres including an existing house from a 15.076 acre lot. No further development is planned. Property is located at 5714 East Henrietta Road. Property is zoned R-30 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.

Vice Chairman Morelli seconded the motion and the Board Members polled:

Roll: John Felsen aye
 John Morelli aye
 Don Sweet aye
 Rick Wurzer aye
 Scott Strock aye carried.

Chairman Felsen made a Motion to grant preliminary re-subdivision approval of **Application 2013-04P** by Thomas DeNoto conditioned upon:

1. The applicant showing the water main and service on the map,
2. The applicant showing the location of the septic system on the map,

3. The addition of adjoining property owners and tax numbers for the parcels located on the west side of East Henrietta Road to the map,
4. The removal of the Town of Rush notes from the subdivision map,
5. The applicant indicating on the site plan a drainage easement of 20 feet on both sides of the stream that passes through the property,
6. The applicant submitting a description of the proposed drainage easement for approval by the Town Engineer and Town Attorney prior to filing with the Monroe County Clerk's Office,
7. Adding the existing R-30 zoning and zoning requirements to the map,
8. The applicant adding a note to the map stating the existing house and garage do not meet the current front setback requirements of 110 feet from center line of East Henrietta Road as it is a pre-existing condition.

Vice Chairman Morelli seconded the motion and the Board Members polled:

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|-------|--------------|-----|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

John Felsen made a Motion to wave the final subdivision hearing for **Application 2013-04P** by Thomas DeNoto conditioned upon:

1. The applicant complying with the conditions of the preliminary approval.

Board Member Sweet seconded the motion and the Board Members polled:

| | | | |
|-------|--------------|-----|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

BOARD BUSINESS:

Code Enforcement Officer (CEO) Kusse informed the Board that the special permit granted earlier this year for 2500 Rush Lima Road has been violated and the owner will be receiving a ticket to appear before the Rush Town Court.

In addition CEO Kusse addressed the property located at 7272 West Henrietta Road. A substantial amount of dirt has been brought onto the property and piled near the septic field. There has also been a posting on Craig's List advertising the sale of a car lot and office. The ad also indicated that there are other businesses on the property such as Diamonds Limousine Service, Colby's BBQ, a bakery, a manufacturer, a contractor and a small body shop.

The Board also discussed the inquiry by Mr. Kolb, as a business owner at 7272 West Henrietta Road related to the transfer of sand from a nearby farm to that location. The purpose for the sand is unclear at this time. Mr. Kolb was told that if the sand is for septic system purposes, the owner of the property must have the sand certified by the Monroe County Department of Public Health (MCDPH). He was also informed that the current septic system needs to be reengineered by a design professional and approved by MCDPH.

CEO Kusse stated that he is hesitant to view the property or make any comments until the property owners, Duane and Debbie Steven's appear before the Planning Board with their updated plan.

The Planning Board received a letter dated May 8, 2013 from the Steven's stating that they would like to appear before the Planning Board in June.

Chairman Felsen asked Deputy Town Clerk Palmer to draft a response letter to the Steven's inviting them to appear informally at the June 18th meeting.

With no further business, a motion was made by Chairman Felsen and agreed by common consent that the meeting be adjourned at 8:55PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk