

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF JANUARY 21, 2014**

A regular meeting of the Rush Planning Board was held on January 21, 2014 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 PM.

PRESENT: John Felsen, Chairman
John Morelli, Vice Chairman
Don Sweet, Member
Scott Strock, Member
Rick Wurzer, Member
Pamela Bucci, Town Clerk
Shivaun Featherman, Deputy Town Clerk

OTHERS PRESENT: Cathy Frank, Town Board Liaison
Gerry Kusse, Code Enforcement Officer, Resident
Todd Ewell, Town Engineer
Lee Hankins, Resident
James Glogowski, Land Surveyor
Thomas Gust, Resident
JoAnn Gust, Resident
Karen Quackenbush, Resident
Gary Quackenbush, Resident
Dan Woolaver, Town Board

Chairman Felsen welcomed all to the January Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of December 17, 2013 were reviewed.

Vice Chairman Morelli made a motion to accept the minutes of December 17, 2013.

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

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

PUBLIC HEARING:

TABLED APPLICATION:

Application 2013-011P by Gary and Karen Quackenbush requesting a special permit for an In-law apartment. The single family dwelling with existing apartment is located at 2526 Rush Mendon Road and is zoned R-30.

Chairman Felsen stated that all necessary documentation had been received. With no further comments or questions, Chairman Felsen declared the public hearing closed.

TABLED APPLICATION:

Application 2013-08P by Hankins Development Corporation acting as agent for Thomas and JoAnn Gust, requesting subdivision and site plan approval to subdivide approximately 17.98 acres into 3 lots. Proposed lot 1 is to contain the existing single family dwelling. Single family dwellings are proposed for lots 2 and 3. Property is located at 1658 Middle Road. Property is zoned R-30.

Mr. Hankins and land surveyor Mr. Glogowski appeared to discuss the changes that had been made. The old plan had a 6-inch water main. However, after working with the Monroe County Water Authority, they have decided to install two 2-inch water services; one for each lot and put in a 15' easement. Monroe County Water Authority has given their approval.

Mr. Hankins asked Todd Ewell, Town Engineer, if there is any way they can grandfather the driveway into the vicinity road at 20', with 2' on each side, instead of 30'. Mr. Hankins explained that they had previously talked with the Rush Highway Superintendent, who had been in agreement for the 20' road. Chairman Felsen advised that they would need to petition the Town Board regarding acceptance of the old standard for the road. Todd Ewell, Town Engineer, does not recommend the old standard. He brought up the point that in granting this, it will set a precedent. Chairman Felsen made the comment that this is a unique situation, as the resident had asked for the rules, and were given the rules, and made decisions based on those rules; the Town is obligated to accommodate the resident.

Town Clerk Bucci stated that Highway Superintendent David inadvertently provided the resident with an outdated design criteria. The Town Clerk is the Official Records Officer.

Chairman Felsen suggested Mr. Hankins make a request to the Town Board for grandfathering the criteria. Mr. Hankins replied that he will need to discuss the option with the homeowners.

Chairman Felsen entered into the record a ruling from the New York State Office of Parks, Recreation and Historic Preservation that this project will have no impact upon

cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

Chairman Felsen asked Mr. Hankins if his clients have made a decision on installing home sprinkler systems. Mr. Hankins replied that they are not looking to install sprinklers.

With no further questions or comments, Chairman Felsen declared the public hearing closed.

DECISIONS:

Part 2 and 3 of the Short Environmental Assessment Form (“Short EAF”) was completed by the Board at this time.

Chairman Felsen made a Motion:

WHEREAS; this Board has examined **Application 2013-11P** by Gary and Karen Quackenbush requesting a special permit for an in-law apartment. The single family dwelling with existing apartment is located at 2526 Rush Mendon Road and is zoned R-30; and

WHEREAS, maps and other materials were filed along with the Application, including the Short Environmental Assessment Form (“Short EAF”), pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Board has referred the application to the Town of Rush Conservation Board for its review; and

WHEREAS, the Conservation Board has reported to the Board that it has not found any aspect of the proposed action to be environmentally significant; and

NOW, THEREFOR, upon consideration by the Board of the Application and the other materials submitted by Gary and Karen Quackenbush, including the Short EAF, and the Board having given the submitted documentation matter due consideration; it is

RESOLVED, that the Board declares itself Lead Agency for purposes of conducting an Uncoordinated Review of the Application pursuant to SEQRA; and it is further

RESOLVED, the Board classifies the Application as an Unlisted Action, as that term is defined pursuant to SEQRA subject to uncoordinated review under 6 N.Y.C.R.R. § 617.6; and it is further

RESOLVED, that upon its examination and study of the Short EAF and the maps and plans submitted with the Application, and upon the advice and recommendations of the Conservation Board, the Board determines that the Application will not present a potential significant adverse environmental impact and thus issues a Negative

Declaration concluding the SEQRA process. 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.

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

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

Chairman Felsen made a Motion to grant approval of Application 2013-11P by Gary and Karen Quackenbush to allow the accessory in-law apartment at 2526 Rush Mendon Road conditioned upon the applicants completing the accessory apartment affidavit.

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

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

Chairman Felsen made a Motion **WHEREAS**; this Board has examined **Application 2013-08P** by Hankins Development Corporation acting as agent for Thomas and JoAnn Gust, requesting subdivision and site plan approval to subdivide approximately 17.98 acres into 3 lots. Proposed lot 1 is to contain the existing single family dwelling. Single family dwellings are proposed for lots 2 and 3. Property is located at 1658 Middle Road. Property is zoned R-30; and

WHEREAS, maps and other materials were filed along with the Application, including the Environmental Assessment Form pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Board has referred the application to the Town of Rush Conservation Board for its review and comment

WHEREAS, the Conservation Board comments have been considered and

NOW, THEREFOR, upon consideration by the Board of the Application and the other materials submitted by Hankins Development Corporation acting as agent for Thomas and JoAnn Gust, including the EAF, and the Board having given the submitted documentation matter due consideration; it is

RESOLVED, that the Board declares itself Lead Agency for purposes of conducting an Uncoordinated Review of the Application pursuant to SEQRA; and it is further

RESOLVED, the Board classifies the Application as an Unlisted Action, as that term is defined pursuant to SEQRA subject to uncoordinated review under 6 N.Y.C.R.R. § 617.6; and it is further

RESOLVED that upon its examination and study of the EAF and the maps and plans submitted with the Application, the Board determines that the Application will not present a potential significant adverse environmental impact and thus issues a Negative Declaration. The reasons for this determination are that the proposed action cannot reasonably be expected to lead to any of the following consequences:

- K. a substantial adverse change to ambient air or water quality or noise levels or in solid waste production, drainage, erosion or flooding.
- L. 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.
- M. 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.
- N. the creation of a material conflict with the Town's existing plans or goals as officially approved or adopted.
- O. the impairment of the character or quality of important historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character.
- P. a major change in the use of either the quantity or type of energy.
- Q. the creation of hazard to human health or safety.
- R. 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.
- S. the creation of material demand for other actions which would result in one of the above consequences.
- T. 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.

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

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

Chairman Felsen made a motion to grant preliminary approval of

Application 2013-08P by Hankins Development Corporation, acting as agent for Thomas and JoAnn Gust, conditioned upon:

- The applicant determining if they will be petitioning the Town Board for a road variance.
- The applicant change the set back from 100' from the center line on Middle Road to 110' from the center line on Middle Road.
- The reference for Thomas and JoAnn Gust, the liber number, updates and page numbers be completed on the map.

Don Sweet seconded the motion and the Board Members polled:

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

Chairman Felsen made a motion that the Board waive the final subdivision hearing conditioned upon the applicant obtaining the approval of:

- the Rush Town Engineer
- the Monroe County Department of Planning and Development
- the Monroe County Department of Transportation
- the Monroe County Department of Public Health
- the Monroe County Water Authority

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

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

Chairman Felsen made a motion that the Board waive the final subdivision hearing conditioned upon the applicant obtaining a letter of credit for the dedicated road approved by both the Town Engineer and the Town Attorney.

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

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

BOARD DISCUSSIONS

Chairman Felsen stated that Town Supervisor Anderson asked the Planning Board to discuss the status of the Rush Town Comprehensive Plan. It was stated that in March 2003 the Planning Board had gone through the Comprehensive Plan and developed a list of questions and concerns for the Town Board to address. Chairman Felsen also stated that a decision needs to be made to advise the Town Board to hire a consultant or revisit the list.

Vice Chairman Morelli stated that the Town Board first needs to make a decision on what they will or will not act on from the list the Planning Board had previously submitted. Vice Chairman Morelli further stated that there is no reason to have a plan if it is not acted on, addressed or implemented in any way. He stated that so much of the Comprehensive Plan rests on the initial steps of the Town Board.

Chairman Felsen stated that the Zoning Board and Planning Board are involved and responsible as well.

Vice Chairman Morelli stated that he would like a determination from the Town Board regarding their willingness to carry the plan out, and to make decisions from the list before issuing a RFP to have a consulting firm start the process all over again.

Chairman Felsen said that he will speak with Supervisor Anderson and let him know that that the Planning Board would like a Town Board review of the previous list submitted.

Town Clerk Bucci asked the Planning Board if they have an update on the new Code Change proposal in regards to Jim Kolb.

CEO Kusse updated the Board. Mr. Kolb believed that the new proposed legislation would have a positive impact on his proposal. Mr. Kolb has since talked to someone who said he will not be eligible, so Mr. Kolb has provided a new set of plans to present to the Board.

Chairman Felsen stated that Mr. Kolb is proposing a septic system for the event barn.

With no further business, a motion was made by Chairman Felsen and agreed by common consent that the meeting be adjourned at 8:32 PM.

Respectfully Submitted,

Shivaun Featherman
Deputy Town Clerk