

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF SEPTEMBER 16, 2014**

A regular meeting of the Rush Planning Board was held on September 16, 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
Shivaun Featherman, Deputy Town Clerk

OTHERS PRESENT: Cathy Frank, Town Board Liaison
James Glogowski, Land Surveyor
Amy Schubach, Resident
Kimberly Compson Kolb, Resident
James Kolb, Resident
Debbie Stevens, Resident
Gerry Kusse, Code Enforcement Officer
Chuck Wolcott, Resident
John Lombardo, Attendee

Chairman Felsen welcomed all to the September Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of May 20, 2014 were reviewed.

Vice Chairman Morelli made a motion to accept the Minutes of May 20, 2014 as amended.

Board Member 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 explained to all that although no quorum had assembled at the August Planning Board Meeting, Chairman Felsen had allowed informal discussions, however, he has since been advised by Town Attorney Mancuso that the meeting should have been cancelled. Chairman Felsen briefly reviewed what had been discussed informally at the August meeting. There are no approved August Planning Board Minutes, however, there are notes of the informal discussions. Chairman Felsen stated that in the future when there is no quorum, the meetings will be cancelled.

PUBLIC HEARING:

Application 2014-03P by James Glogowski, agent for Amy Schubach, for subdivision and site plan approval to subdivide 6.0 acres with an existing house from a parcel containing 14.4 acres. A single family dwelling is planned for the lot containing the remaining 8.4 acres. Property is located at 8106 East River Road and is lot # 2 of the Sielaff Subdivision. Proposed new lot will be on the west side of Woodruff Road. Property is located in an R-30 Zoning District.

Amy Schubach appeared with agent James Glogowski. Mr. Glogowski stated that there have been no changes to the site plan. Board Member Strock asked if electrical lines are shown on the map. Mr. Glogowski replied that the electrical lines are not noted on the map, however, he did point out where the electrical poles are located.

Chairman Felsen reviewed the comments from Town Engineer Ewell and the Monroe County Department of Planning and Development.

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

INFORMAL DISCUSSION:

Mr. Kolb appeared with property owner Mrs. Stevens and Mr. Wolcott of Wolcott Contracting to provide an update on the progress of property at 7272 West Henrietta Road.

Mr. Kolb informed the Board that Land Tech had submitted a new design for the septic system based upon the values from the 3 month holding tank study, which was conducted June through August 2014. However, Mr. Kolb stated that the new design is very big, so he had asked Mr. Wolcott to review it.

Mr. Wolcott stated that the new design is typically what would be used in a very large commercial space. The design is elaborate, expensive and includes a duplex pumping station. Mr. Wolcott advised that Mr. Kolb work with a new engineer to design a modified, more conventional system which would be more cost effective, and possibly installing two beds instead of the duplex pumping system. The possibility exists that Mr. Kolb would be able to purchase property from the neighboring parcel, which would allow space for one of the beds.

Mr. Kolb asked the Board for an extension of time to redesign the system. Chairman Felsen stated that the temporary Certificate of Occupancy (C of O) expires on September 30, 2014. The Planning Board does not grant an extension, rather, Code Enforcement Officer Kusse would.

Chairman Felsen reminded Mr. Kolb that the Temporary C of O was granted based upon the competition of the final design, approval and installation of the new septic system by September 30, 2014, along with Town Engineer Ewell's final approval.

Chairman Felsen added that the Planning Board Members and Town Engineer Ewell have not received monthly updates from Mr. Kolb's engineers regarding the site plan, which was a requirement of the May 20, 2014 approval. There are two issues: (1) the 9 conditions of the site plan completed within 30 days from the approval date of May 20, 2014 and (2) the septic system installation by September 30, 2014.

Mr. Kolb provided an update of the 9 conditions from the May 20, 2014 Planning Board approval:

- Neighboring property owner Jeffrey Marks is waiting for the septic tank study results and the design plan before signing the drainage easement.
- Mr. Sciarabba of Land Tech has completed the grading plan.
- Mr. Kolb has completed the lighting photometric and will add it to the site plan as an overlay.
- The final drawings will be stamped and signed by a registered New York State engineer.
- Mr. Kolb has received the Fire Marshal's approval.
- Mr. Kolb has received the Town Code Enforcement Officer's approval.
- Mr. Kolb has an overlay of the location of the outdoor tent for the site map.
- The septic tank study has been completed.
- Mr. Kolb has paved the parking lot in front of the restaurant.

CEO Kusse stated that if the final site plan is submitted to the Planning Board Members and Town Engineer Ewell by September 30, 2014, and the site plan contains the footprint for the waste field, then he will grant another temporary C of O for the wedding barn through November 10, 2014.

DECISIONS:

Part 2 – Impact Assessment of the Short Environmental Assessment Form was completed by the Board at this time.

Chairman Felsen made a Motion **WHEREAS**; this Board has examined **Application 2014-03P** by James Glogowski, agent for Amy Schubach, for subdivision and site plan approval to subdivide 6.0 acres with an existing house from a parcel containing 14.4 acres. A single family dwelling is planned for the lot containing the remaining 8.4 acres. Property is located at 8106 East River Road and is lot # 2 of the Sielaff Subdivision. Proposed new lot will be on the west side of Woodruff Road. Property is located in an R-30 Zoning District; 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 James Glogowski, agent for Amy Schubach, 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.

Board Member 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 to grant preliminary subdivision approval of **Application 2014-03P** by James Glogowski, agent for Amy Schubach, for subdivision and site plan approval to subdivide 6.0 acres with an existing house from a parcel containing 14.4 acres, conditioned upon:

1. The applicant showing the proposed underground electrical service on the map.

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 waive the final subdivision hearing conditioned upon:

1. The applicant obtaining the approval of the Monroe County Department of Public Health.
2. The applicant obtaining the approval of the Monroe County Department of Transportation.
3. The applicant obtaining the approval of the Town Engineer.

Vice Chairman Morelli seconded the Motion, and the Board Members polled:

RUSH PLANNING BOARD
SEPTEMBER 16, 2014

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

Vice Chairman Morrelli made a Motion that the Planning Board, having reviewed the additional material brought to an informal discussion regarding Application 2014-01P by Jim Kolb, agent for Duane and Debbie Stevens, seeking a change of use from Antique Barn to Event Pavilion, and a change of use from Retail Space to Restaurant, hereby resolves to recommend to CEO Kusse that a temporary C of O be extended through November 10, 2014 to allow the applicant to continue to work on the design of an acceptable leach field and septic disposal system for the property.

The recommendation for the temporary C of O extension is contingent upon the applicant providing the following items to the Planning Board Members and Town Engineer Ewell by September 30, 2014:

- a final site plan which includes the photometric of each existing new light fixture and the area designated for the future septic system.
- a signed copy of the drainage easement or a letter from the property owner indicating he is willing to grant the easement.

The Planning Board further recommends that CEO Kusse not issue a permanent C of O until the septic system is approved by the Planning Board Members, Town Engineer Ewell and the Monroe County Department of Public Health, and is installed.

Chairman Felsen 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 this Board has examined the request for a Lot Line Adjustment by Steven Hoh at 5656 East Henrietta Road, **WHEREAS**, the proposed action is a Type II action under the State of New York SEQR laws requiring no further action by this Board.

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.

Chairman Felsen made a Motion that the Board grant subdivision approval for the Lot Line Adjustment for Steven Hoh to install a proposed new septic system for the existing house. No other construction is proposed.

Board Member 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.

With no further business, it was agreed by common consent that the meeting be adjourned at 8:50 PM.

Respectfully submitted,

Shivaun Featherman
Deputy Town Clerk