

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF JANUARY 20, 2015**

A regular meeting of the Rush Planning Board was held on January 20, 2015 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
Todd Ewell, Town Engineer
Jeff Metchick, Resident
David Matt, Land Surveyor
Jim Missell, Land Surveyor
John David, Resident
Mary Ann David, Resident

Chairman Felsen welcomed all to the January Planning Board meeting and wished all a Happy New Year.

APPROVAL OF MINUTES:

The Minutes of December 16, 2014 were reviewed.

Vice Chairman Morelli made a motion to accept the December 16, 2014 as amended.

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

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

PUBLIC HEARING:

Application 2014-07P by James Missell, agent for John David, requesting Subdivision approval to separate portion of lands on south side of the road and subdivide that portion into 3 lots. Remaining lands will retain existing house. Property is located at 902 Rush West Rush Road and is zoned Residential-30.

Land Surveyor Jim Missell explained to the Board that the current existing parcel at 902 Rush West Rush Road is 127 acres. It's currently split; approximately 90 acres are on the northern side of the road and approximately 36 acres are on the southern side of the road. They are proposing to subdivide the southern portion into 3 lots. The boundary line between lots 1, 2 and 3 is Stoney Brook Creek. Mr. Missell put the division line at the top of the hill for lots 1 and 2. If those lots become future building lots, that would be the best spot for future driveways. The lots conform to zoning requirements.

Chairman Felsen inquired as to the purpose of the lots. Mr. Missell stated that this is a simple land subdivision proposal and the lots are vacant land. Proposed lots 1, 2 and 3 are currently for sale. The remaining lands are not for sale.

Chairman Felsen expressed concern that the sight distance for future driveways are not shown on the site map. Chairman Felsen explained that the Planning Board prefers that proposed house locations and proposed driveways are shown on the site map so the Board can review it as an actual subdivision instead of vacant land. The Board does not like to approve something that could be an issue in the future.

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

The Board informed Mr. Missell that an easement 20 feet from top of bank on both sides of the stream is required for the Town Wide Drainage District. Mr. Missell noted that the top of the bank of Stoney Brook Creek is irregular and this easement could be as wide as 50 – 100' as there is a steep slope on the south side. It was determined that Town Engineer Ewell will review it.

Chairman Felsen noted that Honeoye Creek is on the property of the remaining lands and as that is part of the subdivision, the Town Wide Drainage Easement will need to be shown on the map as well.

Chairman Felsen stated that the existing water main and flood plain areas need to be shown on the map. Mr. Missell stated he will add them as well as add the wetland limits that Town Engineer Ewell requested in his comment letter. Chairman Felsen added that the Monroe County Health Department requires the septic systems on the adjacent lots be shown on the map.

The Conservation Board reviewed the application and had the following concerns:

- The distance line of sight on hill for lots 1 & 2 if they become building lots in the future.
- The archeologic sensitive area. Chairman Felsen noted that concern was listed in the MCDP&D Review as well.
- The loss of agricultural land. Is the property in an Ag District? Mr. Missell replied that the property is in an Ag District.
- Protection from runoff on sloped area.

Chairman Felsen commented that this is a hard situation as it is not known what will be developed in the future.

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

INFORMAL:

David Matt of Schultz Associates, agent for Yoruk Development, LLC, to discuss development of Rushfield Manor Subdivision. Property is located on Rush Henrietta Town Line Road, 2033 feet west of Middle Road and is zoned (R-30) residential.

Mr. Matt explained to the Board the proposal to subdivide five building lots from the existing 19.9 acre parcel. Four of the lots will share a non-dedicated, private road and one lot will have its own access. The road will be 18' wide with a 3' shoulder on each side. Chairman Morelli stated the minimum width requirement is 20' with a 3' shoulder on each side.

Board Member Sweet commented that it may be hard to sell the lots as they are right below the Interstate 390 expressway. Mr. Matt noted that Kris Schultz was before the Planning Board informally last May and there was a discussion at that time of installing noise barriers, such as evergreen trees. Chairman Felsen stated he doesn't believe evergreen trees will help as the Interstate 390 expressway is higher than the proposed lots. Chairman Felsen stated that what Arnold Carmichel proposed in 2004 was building the garages between the expressway and the houses. That would help reduce the noise.

Chairman Felsen stated that Arnold Carmichel's plan had a right-of-way to the land locked parcel; this plan does not. Rush subdivision law requires the Planning Board not approve a subdivision that land locks another parcel. There has to be a way to get to the property to the south that is land locked.

Board Member Strock stated that he understands that the Planning Board would not create a land locked piece of land by approving a subdivision, but this isn't creating it. It is already land locked. There was discussion regarding requiring a right-of-way to the parcel of land locked by the expressway. Board Member Strock stated that a right of way decreases the value of land. It wouldn't be fair to decrease the value of someone's land to benefit a private individual. It would be different if it were benefitting the general community or the town.

Mr. Matt explained that the lots would not have frontage on Rush Henrietta Townline Road and asked about easements.

Town Engineer Ewell stated that there are different ways to propose this issue. One lot can own the entire road and the other lots grant easements back to the one lot. There is no set way the town requires them to have the agreements. It's up to the developer because every configuration is different.

Chairman Felsen inquired about lot lines. Town Engineer Ewell believes there is not a minimum width. One lot can be large, and the others small. Mr. Matt stated he can move the lot lines to meet zoning requirements.

Chairman Felsen asked who will own inside the private drive access easement. Mr. Matt replied that it encompasses the turn around. Four lots will own a percentage.

Chairman Felsen commented that the Town Code states setbacks from town, county and state roads but not from private roads. Vice Chairman Morelli stated that setbacks from state and county roads are 110'; all others are 100'.

Chairman Felsen noted that the purpose of a setback is in case the highway needs to be widened. There is no highway in this case. Chairman Felsen would like to consult with the Town Attorney for details on what the applicant needs to do to have a private road with 4 lots to meet zoning requirements.

DECISIONS:

Chairman Felsen made a Motion to table Application 2014-07P by James Missell, agent for John David, requesting subdivision approval for property located at 902 Rush West Rush Road due to the fact that the Planning Board cannot act on the SEQRA Review due to the comments made by the NYS Department of Environmental Conservation and the Rush Conservation Board regarding the potential for an archeologic sensitive area.

Vice Chairman Morelli seconded and the Board polled:

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

With no further business, it was agreed by common consent that the meeting be adjourned at 9:25 PM.

Respectfully submitted,

Shivaun Featherman
Deputy Town Clerk