

**RUSH PLANNING BOARD
SPECIAL MEETING
MINUTES OF OCTOBER 8, 2015**

A special meeting of the Rush Planning Board was held on October 8, 2015 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 10:00 AM.

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

EXCUSED: Rick Wurzer, Member

OTHERS PRESENT: Cathy Frank, Town Supervisor
Gerry Kusse, Code Enforcement Officer (CEO)

Chairman Felsen welcomed all to the Special Meeting of the Planning Board to discuss the potential reinstatement of Site Plan approval for the remaining undeveloped parcel in the Nowak Subdivision.

Gerry Kusse, Code Enforcement Officer (CEO), stated that he believes Mr. Dys has secured a contractor to pave Madelyn's Way. If this Board does not approve the reinstatement of the Site Plan, Mr. Dys will cancel the paving.

Chairman Felsen made a Resolution **WHEREAS**, on January 20, 2009, the Town of Rush Planning Board approved **Application 2009 – 02P** by Charles Salvaggio, James M. Dys and DS Builders of WNY, Inc. for Subdivision and Site Plan approval to subdivide a 29.6 acre parcel of section 4 of the Nowak Subdivision into 7 lots; a single family dwelling is planned for 4 of the 7 lots; and the property is located at 8300 West Henrietta Road and is in an R-30 zoning district; and

WHEREAS, a special meeting was held by this Board on September 8, 2015 to discuss the potential revocation of the Site Plan approval for the remaining undeveloped parcel in the Nowak Subdivision on the grounds that the applicant has failed to comply with the conditions of approval, including but not limited to, the failure to extend the Irrevocable Letter of Credit as required by Condition #4; and

WHEREAS, on September 8, 2015, this Board adopted a resolution revoking Site Plan approval for the remaining undeveloped parcel in the Nowak Subdivision on the grounds that the applicant has failed to comply with the conditions of Subdivision and Site Plan approval, including: (1) the failure to extend the Irrevocable Letter of Credit as required by Condition #4; and (2) the failure to construct Madelyn's Way in accordance with the schedule/time line for construction as provided to this Board that expired in 2009; and

WHEREAS, the applicant has advised the Planning Board that he intends on paving Madelyn's Way in October 2015 provided that Site Plan approval is reinstated by the Planning Board;

NOW THEREFORE, upon consideration by this Board of this matter, and this Board having given the matter due consideration, it is

RESOLVED that Site Plan approval for the remaining undeveloped parcel in the Nowak Subdivision is reinstated effective upon completion of paving of Madelyn's Way in accordance with the requirements of Chapter A125 of the Code of the Town of Rush, including but not limited to, that the standards set forth in the Design Criteria and Construction Specifications have been met and approved by the Town Engineer and the Rush Highway Superintendent.

The adoption of the foregoing Resolution was moved by Chairman Felsen, seconded by Vice Chairman Morelli, and duly put to vote, which resulted as follows:

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

The Resolution was thereupon duly adopted.

Board Member Strock stated that he would like to commend Supervisor Frank, Town Attorney Mancuso and this Board for devising a plan to have the road paved.

Supervisor Frank thanked the Planning Board for assembling for this Special Meeting.

With no further business, it was agreed by common consent that the meeting be adjourned at 10:10 AM.

Respectfully submitted,

Shivaun Featherman
Deputy Town Clerk