

**RUSH PLANNING BOARD
PUBLIC HEARING
UNAPPROVED MINUTES
JANUARY 17, 2006**

A regular meeting of the Rush Planning Board was held on Tuesday, January 17, 2006, at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 P.M.

MEMBERS PRESENT: John Felsen, Chairman
Don Sweet
Jeff Werner

EXCUSED: Al Simon

OTHERS PRESENT: Todd Ewell, Engineer for the Town, Clough Harbour & Associates.
Gerald Kusse, Code Enforcement Officer.
Luther Keyes, Town Board Liaison
Annette Christensen, 332 Goodburlet Rd, Henrietta, NY
Eric Christensen, 332 Goodburlet Rd, Henrietta, NY
Dave Tallman, Rochester, NY
Charles Salvaggio, 8300 West Henrietta Rd
James & Edith Ornt, 1772 Middle Rd
James Naugle, 1739 Middle Rd
Matthew Sinacola, James H. Missell & Associates
Christopher Martin, Corneles Engineering P.C.
Fredric Calev, 2516 Rush Mendon Rd
Tom Magill, Sickles Corporation
Frank Spiotta P.E.
Jim Manning, 142 Farmcrest Drive
Margie Stevens, 2458 Rush Mendon Road
Mark Meyer, 13 Boulder Creek Drive

APPROVAL OF MINUTES:

The Minutes of December 20, 2005 were reviewed. Mr. Werner made a motion to approve the Minutes of December 20, 2005 as submitted. Mr. Sweet seconded the Motion and the Board Members were all in agreement.

PUBLIC HEARING:

Application 2005-22 P by Sickles Corporation for Re-Subdivision / Site Plan approval to combine 6 lots into 2 lots, a single family dwelling is planned for Lot #2. A single family dwelling exists on Lot #1. Property is located on west side of Boulder Creek Drive. Property is located in an R-30 Zoning District.

Mr. Matthew Sinacola, Mr. Chris Martin and Mr. Tom Magill described the details for the proposed Subdivision and new home to be built. Mr. Sinacola stated that the new home would have an excessive amount of driveway, both a detached and an attached garage, proposed re-grading in the back of the home with retaining walls, a small pond is proposed down slope of the home.

There was a discussion regarding the proposed pond.

Mr. Felsen asked if a sprinkler system would be installed. Mr. Sinacola stated that there would be one installed.

The Board Members and the Applicants representatives discussed the Application.

Mr. Felsen read comments from:

1. Mr. Todd Ewell, Engineer for the Town, Clough Harbour & Associates.
2. Town of Rush Conservation Board.
3. Monroe County Department of Planning & Development, Monroe County Development Review.

The Board Members discussed the above comments.

There were no further comments and Mr. Felsen declared the Public Hearing closed.

INFORMAL:

Sketch Plan for a proposed 21 Lot Subdivision on Middle Road.

Mr. Frank Spiotta acting as Agent for the Applicant described the proposed subdivision, stating that the project will be a phased development. There was a discussion regarding septic systems, drainage and a detention pond to prevent the water from crossing the road.

The Board Members and Mr. Spiotta discussed the need for a drainage study to be done on the property.

Mr. James Naugle residing at 1739 Middle Road owns the property bordering the proposed subdivision. He had concerns for the water on the property. Mr. Naugle felt that the property is never dry; stating that adding 21houses to the area would add to the existing water problem.

Mr. Jim Ornt residing at 1772 Middle Road was concerned as to where the water would go. His property is always wet, will he have more problems with the water if this subdivision is approved.

Mr. Don Eichenauer residing at 35 Sylvan Knoll had concerns for the water, stating that the area is always swampy after a rain.

Mr. Spiotta addressed the residents concerns.

Mr. Jim Manning residing at 142 Farmcrest Drive had concerns for the lots that didn't have site plans. Mr. Spiotta stated that they would have full raised septic systems, as they were intentionally left as large lots to accommodate the need for that type of septic system.

Margie Stevens, 2458 Rush Mendon Road, asking if a permit is needed to open her Artist Studio to the public.

After Mr. Felsen read from the Zoning Code of the Town of Rush section 120-7 the Board Members stated that she would not require a permit to open her artist studio to the public.

Fredric Calev, 2516 Rush Mendon Rd, wishes to discuss the nursery operation located at 2500 Rush Mendon Rd. The nursery is operated by Kyle Stevens.

Mr. Calev had concerns regarding the noise, smells from the operation of a nursery operated at 2500 Rush Mendon Road. Mr. Calev played a tape of the noise he hears coming from the adjacent property. He believes that a mining operation is taking place on the property.

Mr. Keyes stated that the Town Board was seeking direction from legal counsel on this matter, stating the Town Board will investigate the nature of the operation located at 2500 Rush Mendon Road.

DECISION:

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2005-22 P** by Sickles Corporation for Subdivision / Site Plan approval to combine 6 lots into 2 lots, a single family dwelling is planned for Lot #2. A single family dwelling exists on Lot #1. Property is located on west side of Boulder Creek Drive. Property is located in an R-30 Zoning District, for preliminary plat review of the proposed subdivision, 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.

Mr. Werner seconded the motion and the Board polled:

Roll:	Mr. Felsen	aye	
	Mr. Sweet	aye	
	Mr. Werner	aye	carried.

Mr. Felsen made a Motion to grant preliminary approval to the Meyer's Subdivision condition upon:

1. The Applicant meeting the requirements of the Town of Rush Engineer.
2. The plans be revised in accordance with the Town of Rush Engineers comments.
3. The spot elevations be checked for the pond and corrected.
4. The Applicant has agreed to the installation of a residential fire sprinkler system for the proposed single family dwelling to be located on Lot #2. In accordance with the recommendations of the Zoning Board of Appeals, Fire Marshall for the Town of Rush and the Rush Fire Commissioners due to the proposed height of the structure being 40 feet.

Mr. Werner seconded the motion and the Board polled:

Roll: Mr. Felsen aye
 Mr. Sweet aye
 Mr. Werner aye carried.

Mr. Felsen made a Motion to waive the final Public Hearing for Subdivision approval condition upon:

1. The Applicant obtaining the approval of the Town of Rush Highway Superintendent.
2. The Applicant obtaining the approval of the Town of Rush Engineer.
3. The Applicant obtaining the approval of the Monroe County Department of Public Health.
4. The Applicant obtaining the approval of the Monroe County Water Authority.

Mr. Sweet seconded the motion and the Board polled:

Roll: Mr. Felsen aye
 Mr. Sweet aye
 Mr. Werner aye carried.

There were no further comments and the meeting was adjourned at 10.00 P.M.

Respectfully submitted,

Darlene Pilarski
Deputy Town Clerk