

**RUSH PLANNING BOARD  
PUBLIC HEARING  
UNAPPROVED MINUTES  
MARCH 15, 2005**

A regular meeting of the Rush Planning Board was held on Tuesday, March 15, 2005, at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 P.M.

**MEMBERS PRESENT:** John Felsen, Chairman  
John Morelli  
Jeff Werner  
Don Sweet  
Al Simon

**OTHERS PRESENT:** Todd Ewell, Engineer for the Town, Clough Harbour & Associates  
Bill Riepe, Town Board Member  
Luther Keyes, Town Board Liaison  
Gerald Kusse, Code Enforcement Officer  
Dan & Margaret Cornwall, Martin Rd  
Arnold Carmichael, 551 Lexington Ave  
James Parker, Land Surveyor  
Bill Gaffney, 1899 Middle Rd  
Don Eichenauer, Sylvan Knoll  
Pat Kraus, Pinnacle Rd  
Ron Schneider, 99 Fishell Rd  
Steve Leone, 111 Fishell Rd  
Stan Letarte, 380 Stonybrook Rd  
Bill Shattuck & Ann Stevens, 6373 E. River Rd  
Dale Humphrey, 6292 E. River Rd  
Pat Dishaw, 6550 E. River Rd  
Jim Smith, 6590 East River Rd

**APPROVAL OF MINUTES:**

The Minutes of January 18, 2005 were reviewed. Mr. Felsen made a motion to approve the Minutes of January 18, 2005 as amended. Mr. Sweet seconded the motion and the Board Members were all in agreement.

The Minutes of February 15, 2005 were reviewed. Mr. Werner made a motion to approve the Minutes of February 15, 2005 as submitted. Mr. Sweet seconded the motion and the Board Members were all in agreement.

**TABLED APPLICATION FROM PUBLIC HEARING HELD ON DECEMBER 21, 2004:**

**Application 2004-12 P** by Daniel & Margaret Cornwall acting as Agent for RTL Realty Land Trust for Subdivision / Site Plan approval to subdivide a parcel containing 45 acres into Thirteen (13) lots. One single-family dwelling is planned for each of the lots created. Property is located on the southeast corner of Rush Henrietta Townline Road and East River Road. Property is located in an R-30 District.

Mr. Cornwall updated the Board Members on meetings that had been held with the Monroe County Water Authority and the Monroe County Department of Health. Mr. Cornwall proposed dividing the Subdivision into 2 sections. Approval being given to Section 1, which would contain the 3 lots built as submitted on Rush Henrietta Townline Road. Section 2's approval would occur when public water becomes available.

The Board Members discussed the proposal.

**Resident's comments:**

Mr. Pat Dishaw residing at 6550 East River Road had concerns for the water quality in Section 1.

Mr. William Shattuck residing at 6373 East River Road had comments about the water quality looking acceptable when checked in January.

Mrs. Pat Kraus residing on Pinnacle Road had questions regarding the length of time for preliminary approval to be acted on, would re-approval be necessary.

Ms. Ann Stevens residing at 6373 East River Road asked about the septic systems for the subdivision.

Mr. Pat Dishaw residing at 6550 East River asked if the project would become 2 subdivisions. Mr. Felsen stated that it would be 1 subdivision with 2 sections.

Mr. Jim Smith residing at 6590 East River Rd asked if wells could be put on the lots of Section 2. Mr. Felsen stated that the approval would be for public water supply only.

The Board Members and Mr. Cornwall addressed the residents concerns.

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

**WORKSHOP:**

**Application 2004-01 P** by Arnold E. Carmichael, P.E. for Site Plan approval for the construction of a single family dwelling on Lot #15 Section 3 of the Cobblestone Farms Subdivision. Property is located on the East Side of Pinnacle Road, 513 feet north of Lyons Road. Property is located in an R-30 District.

The Board Members referred to the comments from Mr. Todd Ewell, Engineer for the Town of Rush and the conditions from the Town of Rush's approval letter dated May 6, 2004. The items were discussed in detail and corrections were suggested.

Mrs. Pat Kraus residing on Pinnacle Road asked if this hearing was for final approval. Mr. Felsen stated that the final approval was given at a previous date. This was to make sure the conditions for approval had been met. Mrs. Kraus had concerns that the potential owner of the lot was not present; therefore this person has no idea of the problems associated with the building of a house on this lot. There are active agricultural operations taking place on the adjacent lot, considerable drainage problems. Mrs. Kraus questioned if anyone would want to live on this lot knowing all of these problems existed?

The Board Members discussed these concerns.

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

**PUBLIC HEARING:**

**Application 2005- 03 P** by Maurice Stewart for Subdivision approval to combine a 2.545 acre parcel into an existing parcel containing 5.787 acres. No development is planned for the new parcel. Property is located on the west side of Stonybrook Rd, 2,830 feet north of Kavanaugh Rd. Property is located in an R-30 Zoning District.

Mr. Parker described the proposed subdivision to the Board Members. Mr. Stewart plans to sell the new parcel to Mrs. Yawman, no development is planned.

There were no concerns from the Board Members and Mr. Felsen declared the Hearing closed.

**Application 2005-04 P** by Alan Steinfeldt for Subdivision approval to subdivide a 12.4 acre parcel from an existing parcel containing 62.0 acres. No development is planned for the new parcel. Property is located on the south side of Scofield Rd, 988 feet east of Rush Lima Rd. Property is located in an R- 30 Zoning District.

Mr. Parker stated that the Mildred Steinfeldt Trust owns the original parcel. Mr. Steinfeldt is acquiring part of the parcel after it is divided.

A Drainage Easement was discussed. There were no further comments and Mr. Felsen declared the Hearing closed.

**Application 2005-05 P** by Charles Salvaggio for Subdivision / Site Plan approval to subdivide 9.983 acres into three (3) lots. There is an existing house on Lot #1. A single family dwelling is planned for each of Lots #2 & #3. Property is located on Keyes Rd at the southwest corner of Keyes Rd and Rush Lima Rd. Property is located in an R- 30 Zoning District.

Mr. Parker described the proposed subdivision stating that for safety reasons Mr. Salvaggio was proposing that the lots have road frontage on Keyes Road. Mr. Salvaggio has applied to the Zoning Board of Appeals for a variance for the widths of the two lots. There was a discussion regarding the safety issues if the lots were to have road frontage on Rush Lima Road as well as the drainage issues on the property.

Mr. Felsen read comments from:

1. Mr. Todd Ewell, Engineer for the Town, Clough Harbour & Associates.
2. Town of Rush Conservation Board.

The Board Members discussed the possible reconfiguration of the proposed lots. The Zoning Board of Appeals may not approve the application for the Variance therefore requiring a redesign of the subdivision.

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

## **INFORMAL:**

### **Concept Plan – Middle Heights Subdivision, Middle Road.**

Mr. Frank Spiotta of Freel Engineering described the proposed 30 Lot Subdivision to the Board Members. There were discussions pertaining to drainage, variances as well as the possibility of redesigning the subdivision. Suggestions were made regarding these issues.

### **Concept Plan – Mr. Murray Wingate, proposed soccer & lacrosse fields on H.F. # 6 Rd.**

Mr. Wingate and Mr. Witter described the proposed sports complex, the layout of the fields. Parking would be for 700 vehicles with room for additional parking. Out of the 100 acre parcel, 80-85 acres would be used for the sports center.

Mr. Felsen stated that a project of this nature would require a Special Permit to operate a Sports Center in the Town of Rush. An Environmental Assessment Form would be required for this application.

There were discussions regarding the proposal.

Mr. William Gaffney residing on Middle Road stated that he felt that this project would be a good plan for the Town of Rush.

**DECISIONS:**

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2004-12 P** by Daniel & Margaret Cornwall acting as Agent for RTL Realty Land Trust for Subdivision / Site Plan approval to subdivide a parcel containing 45 acres into Thirteen (13) lots. Section 1 being 3 lots proposed on private wells and private septic systems. Section 2 being 10 lots proposed on public water supply and private septic systems, and the maps and other materials which were filed with the application, including the Environmental Assessment form and **WHEREAS**, the proposed action is an unlisted action under the State of New York SEQRL laws, and

**WHEREAS**, this Board has referred this Application to the Town of Rush Conservation Board for its consideration and recommendations, and

**WHEREAS**, the Conservation Board has reported to this Board and we have addressed the comments of the Conservation Board, now therefore,

**BE IT RESOLVED**, that upon its examination and study of the Environmental Assessment Form and the maps and plans submitted with the Application, this Board determines that the proposed action will not have a significant effect on the environment. 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.

Mr. Morelli seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to grant preliminary approval for Section 1 and Section 2 of the Fieldstone Estates Subdivision. Section 1 being Lots #11, #12, & # 13 proposed on private water wells and private septic systems. Section 2 being Lots # 1 - #10 proposed to be served by public water supply and private septic systems condition upon:

- 1. The Applicant obtaining the approval of the Monroe County Department of Health for both the septic systems and the private wells especially the treatment systems for the individual private wells.
- 2. The Applicant shows the water main layout for Section 2 of the proposed Fieldstone Estates Subdivision.
- 3. The Applicant obtaining the approval of the Town of Rush Engineer.
- 4. The Applicant obtaining the approval of the Monroe County Department of Transportation.
- 5. The Applicant creates a new map showing Sections 1 & Section 2 of the proposed Fieldstone Estates Subdivision.

Mr. Simon seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to waive the final Public Hearing for Section 1, Lots #11, #12 & #13 of Fieldstone Estates Subdivision condition upon:

- 1. The Applicant meeting the requirements of preliminary approval.

Mr. Werner seconded the motion and the Board polled:

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

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2005- 03 P** by Maurice Stewart for Subdivision approval to combine a 2.545 acre parcel of the Yawman Subdivision -Section 2 into an existing parcel containing 5.787 acres. No development is planned for the new parcel. Property is located on the west side of Stonybrook Rd, 2,830 feet north of Kavanaugh Rd. Property is located in an R-30 Zoning District, 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. Morelli                  aye  
      Mr. Sweet                    aye  
      Mr. Werner                  aye  
      Mr. Simon                    aye     carried.

Mr. Felsen made a Motion to grant preliminary approval to Maurice Stewart for the Yawman Subdivision – Section 2.

Mr. Felsen made a Motion to waive the final Public Hearing for the Yawman Subdivision Section 2.

Mr. Morelli seconded the motion and the Board polled:

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

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2005-04 P** by Alan Steinfeldt for Subdivision approval to subdivide a 12.4 acre parcel from an existing parcel containing 62.0 acres. No development is planned for the new parcel. Property is located on the south side of Scofield Rd, 988 feet east of Rush Lima Rd. Property is located in an R- 30 Zoning District, 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 SEQRLaws requiring no further action by this Board.

Mr. Werner seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to grant preliminary approval to the Alan Steinfeldt Subdivision condition upon:

1. The Applicant showing on the plans a Drainage Easement for the drainage course that crosses the property, indicating a width of 60 feet conveyed to the Town of Rush Town Wide Drainage District, or a minimum of the stream width plus 20 feet on each side. The Drainage Easement form is to be filed with the Town of Rush.

Mr. Werner seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to waive the final subdivision hearing for the Alan Steinfeldt Subdivision condition upon:

1. The Applicant meeting the requirements of preliminary approval.

Mr. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to table **Application 2005-05 P** by Charles Salvaggio for Subdivision / Site Plan approval due to the uncertainty of the layout of the subdivision. The Planning Board recommends to the Zoning Board of Appeals that they would prefer the building lots to be on Keyes Road. The land that the Applicant shows on Rush Lima Road should be restricted from further development by some mechanism such as a deed

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restriction. These concerns are due to the safety issue with sight distances and the land not being conducive to septic systems.

Mr. Werner seconded the motion and the Board polled:

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

There were no further comments and the meeting was adjourned at 11:25 P.M.

Respectfully submitted,

Darlene Pilarski  
Deputy Town Clerk