

**RUSH PLANNING BOARD  
PUBLIC HEARING  
APPROVED MINUTES  
APRIL 18, 2006**

A regular meeting of the Rush Planning Board was held on Tuesday, April 18, 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  
Al Simon

**ABSENT:** John Morelli

**OTHERS PRESENT:** Todd Ewell, Engineer for the Town, Clough Harbour & Associates.  
Gerald Kusse, Code Enforcement Officer.  
Lisa Sluberski, Town Board Liaison  
Jim Parker P.E. 1162 Telephone Rd  
Frank Spiotta P.E. 5 Bartz Dr, Alexander, NY  
David Swinton, STS, 7500 West Henrietta Rd  
Bill Chase, 5874 East Henrietta Rd  
Selden Chase, 5874 East Henrietta Rd  
Bill & Margie Stevens, 2458 Rush Mendon Rd  
Mike Clawson, 1025 Rush Scottsville Rd  
Don Eichenauer, 35 Sylvan Knoll  
Monica McGuire, 986 McIvor Rd, Phelps NY  
Mary McGuire, 1176 Johnson Rd, Palmyra, NY  
Jim Naugle, 1739 Middle Rd  
David & Mary Slayton, 1658 Middle Rd  
Craig Schlindwein, 2540 Rush Mendon Rd  
Catherine Henry, 53 Hanlon Dr  
Fred Caley, 2516 Rush Mendon Rd  
David Palmer, 1829 Middle Rd  
Barb Williams, 1817 Middle Rd  
Janet Ragaisis, 22 Botwood Lane  
William Fletcher, 36 Probst Rd, Mendon  
Rick Rajca, 2420 Rush Mendon Rd  
Rick Kozyra, 17 Sylvan Knoll  
Don Fosnaught, 2123 Rush Mendon Rd  
Thomas Krenzer, 1194 Rush Scottsville Rd  
James & Edith Ornt, 1772 Middle Rd  
Bill Gaffney, 1899 Middle Rd  
Joseph & Marian West, 2432 Rush Mendon Rd  
John Stanton, 2 Sylvan Knoll  
Patrick Coleman, 36 Sylvan Knoll

Todd Krener, 5597 East Henrietta Rd  
Arnold Carmichael P.E., 551 Lexington Avenue  
Duane & Debbie Stevens, 7272 West Henrietta Rd

**APPROVAL OF MINUTES:**

The Minutes of March 21, 2006 were reviewed. Mr. Simon made a motion to approve the Minutes of March 21, 2006 as submitted. Mr. Werner seconded the Motion and the Board Members were all in agreement.

**PUBLIC HEARING:**

**Application 2006-03 P** by STS Division of Ethox International Inc. for Site Plan approval for the addition of a 64'x 36' triple trailer office unit for property located at 7500 West Henrietta Road. Property is located in a Commercial Zoning District.

Mr. David Swinton described to the Board Members that this trailer will be used for additional office space.

Mr. Felsen read comments from:

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

The Board Members discussed the application.

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

**Application 2006-04 P** by Peter & Mary Lathron for Subdivision approval to subdivide a 2.919 acre parcel from a parcel containing 233 acres. There is an existing house on the 2.9 acre parcel. No further development is planned for the new parcel. Property is located on the east side of East River Road, south of Honeoye Falls # 6 Rd. Property is located in an R-30 Zoning District.

Mr. Jim Parker stated that the Lathron's were planning to sell 2.9 acres around the existing house. They have no plans for future development of the remaining property.

Mr. Felsen read comments from:

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

The Board Members discussed the application.

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

**Application 2006-05 P** by Frank Spiotta acting as Agent for Al DiMaria Properties LLC for Subdivision / Site Plan approval to subdivide a parcel containing 44 acres into 21 building lots. A single family dwelling is planned for each of the lots created. Property is located on the west side of Middle Road, south of Sylvan Knoll. Property is located in an R-30 Zoning District.

Mr. Frank Spiotta described the proposed Subdivision to the Board Members. Discussed the possibility of phasing the project with Road A being Phase One, Road B being Phase Two. More percolation data needs to be obtained for several of the proposed lots. If all results come in on a timely manner, the project will not be phased.

Mr. Felsen asked for the perk & deep hole data from past attempts to perk this parcel.

Mr. Spiotta was asked to note on the plans:

1. The location of the drainage tiles.
2. How basement drainage was going to be provided.
3. Pond outlet to the wetlands.

Mr. Spiotta was asked to provide the Board Members with detailed information regarding the amount of discharge to the wetlands and how this will affect the east side of Middle Road.

Mrs. Mary McGuire submitted a letter to the Planning Board Members asking if there was a way for an easement to be created, so she could access her property. She owns the adjacent parcel which is land locked by the expressway that divides her property in half. The only access she has to her property is from the West Henrietta Road side.

Mr. Felsen read comments from:

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

The Board Members and the Applicant discussed the above comments as well as the many concerns for the poor drainage in the area.

**Correspondence was read from the following Residents:**

Mr. John Stanton, 2 Sylvan Knoll.

Mr. & Mrs. David Slayton,

Mr. Ron Tirabassi.

Mrs. Phyllis Gerringer, 1758 Middle Road.

**The following Residents expressed their concern regarding the proposed Subdivision:**

Mr. James Orndt, 1772 Middle Road, submitted photos of the proposed area.

Mr. Jim Naugle, 1739 Middle Rd, submitted photos of the proposed area.

Mr. Don Eichenauer, 35 Sylvan Knoll

Mrs. Mary Slayton, 1658 Middle Road.

Mr. Rick Kozyra, 17 Sylvan Knoll.

The above Residents were all concerned about how the drainage from the proposed subdivision was going to be addressed.

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

**Application 2006-06 P** by Michael Clawson for a Special Permit to sell food and beverages at the Southern Meadows Golf Club located at 1025 Rush Scottsville Road. Property is located in an R-30 Zoning District.

Mr. Clawson stated that he has a seasonal beer & wine license issued to him by New York State and would like to obtain a Special Permit to sell food & beverage at the golf course. He stated that there haven't been any changes to the existing operation since he leased the golf course from Mrs. Wanda Fisher. He will be adding a patio and a service window to the existing building. Mr. Clawson has no plans to make any changes to the way Southern Meadows Golf Club is operating.

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

**INFORMAL DISCUSSION:**

**Kyle Stevens, 2500 Rush Mendon Rd**

Mr. Felsen addressed Mr. Stevens by saying that the Board Members had asked him to appear informally before them to discuss his operation. Mr. Stevens had appeared before the Planning Board on 12/2000 to inform the Board Members what he was proposing to

put on the site, and what he was proposing to do with the land. Mr. Felsen stated that there had been recent complaints from residents regarding his operation. Recently some of the Board Members have visited the property. The Board Members at this time would like to be updated as to the nature of his business, such as grading, updates to the barn.

Mr. Fletcher (Attorney for Mr. Stevens) felt that most of the disturbance around Mr. Steven's property and the adjacent property was from the waterline project being undertaken by the city water bureau which is subcontracted out to Villager Construction. This project has caused a lot of activity, none of which have come from Mr. Steven's operation. Mr. Fletcher stated that the core of Mr. Steven's business has not changed. He had stated in December, 2000 that he was going to operate a wholesale landscaping business, nursery and horticultural activity, with about 10 employees. This remains the same today.

Mr. Steven's stated that this property had been his great-grand father's gravel pit and felt that he could use it for his nursery and landscaping business. It has taken time to develop and improve the property. He has 9 employees at this time. He has planted approximately 30 thousand trees for use in his business when they reach their maturity. There is approximately 68 acres of land, some of it is in the wetlands, and 60% of the land is crop farm.

Mr. Steven's felt that the disturbance was from the waterline replacement. There is more useable land now that the waterline has been redirected onto the linear trail. The land is owned by Steven's & Son's LLC which is a three way partnership between his father, brother and himself. The business was first called Cutting Edge Lawn care. When the nursery was added the name was changed to Cutting Edge Nursery & Landscape. This was under a DBA. For insurance reasons, the business was recently incorporated. The business is now called Stone Wood & Waters Inc. The subsidiary is called Creekwood Nursery.

The Agricultural Law was discussed. Snow plowing and grass cutting as part of this business was discussed.

Mr. Steven's stated that he would be planting trees and seeding the area to create a buffer between the properties to keep the residential appeal.

Mr. Werner stated that he had spent 1 ½ hours at the site. He asked if snow plowing and grass cutting has become less of a part of the business. Mr. Steven's stated that that was correct. He would like to enhance the retail portion of the business. He has planted many trees and plans to continue to develop the nursery with the possibility of selling Christmas trees in the future. Mr. Steven's stated that he would come before the Board Members to apply for retail approval if needed.

Mr. Sweet stated that he had visited the site; Mr. Steven's has done a lot of work to improve the property, planted 15 hundred small seedling pine trees, and has changed the contours so they are not dangerous anymore. He saw no problem with the operation.

Mr. Simon asked Mr. Fletcher if he was going to respond to the letter from the Town of Rush Attorney. Mr. Fletcher stated that he was. Mr. Felsen stated that the information obtained from this informal discussion, would be directed to the Attorney for the Town and they would wait for his direction as to what will be required of Mr. Steven's.

**The following Residents had comments:**

Bill Chase, East Henrietta Rd, submitted the agricultural description of office space being an allowable and permitted use.

Nancy Calev, Rush Mendon Rd, stated that she has lived in her home for 3 years and felt that the noise is a disturbance. Mr. Steven's business is going to grow and felt the noise and smell will also grow.

Fred Calev, Rush Mendon Rd, described what a farmer does. He felt that excavation, building sidewalks & stone work was not farming.

Doug Morrison, Rush Mendon Rd, has not had any problems with Mr. Steven's. Felt that there hasn't been an increase in traffic in the area.

Tom Krenzr, Rush Scottsville Rd, felt that Mr. Steven's has gone to great lengths to improve the property.

Marion West, Rush Mendon Rd, submitted proof of property values in the area, stating that they were not decreasing because of Mr. Steven's operation.

Ben Dodds, has done business with Mr. Steven's and was pleased with his work.

David Manning, Jeffords Rd, in favor of Mr. Steven's operation.

Margie Steven's, Rush Mendon Rd, supports Mr. Steven's.

Bill Gaffney, Middle Rd, supports Mr. Steven's.

Duane Steven's, West Henrietta Rd, supports Mr. Steven's.

**Chuck Wolcott, 700 Five Points Rd**

Mr. Wolcott would like to add an addition onto the end of the pole barn to be used as office space. Mr. Felsen asked if the operation had increased since the original approval. Mr. Wolcott stated that it had not. There was a discussion regarding the number of pieces of equipment allowed to be stored outside as part of the approval of the Special Permit.

Mr. Wolcott provided the Board Members with a drawing of the proposed addition. The office will be used by Mr. Wolcott and 2 part time employees. No additional electric supply will be added to the office.

The Board Members suggested that Mr. Wolcott amend the Special Permit to include the changes he is requesting.

Mr. Wolcott asked if he could relocate his business to a Commercial Zoning District. The Clerk will contact the Attorney for the Town for direction on this matter.

**Dan Cornwall-** to discuss previous approval for Section 2 of the Fieldstone Estates Subdivision. Section 2 being Lots # 1 - #10 proposed to be served by public water supply and private septic systems

Mr. Cornwall brought the Board Members up to date on the running of public water to Section 2 of fieldstone Estates. He hasn't been able to get any cooperation from Albany, Monroe County, Boces- New York State to help him achieve this. There was a discussion pertaining to the conversations Mr. Cornwall has had with these authorities.

The corrected salt for softening calculator for wells data sheet was submitted. Mr. Cornwall found information from the National Ground Water Foundation to help residents obtain loans to assist with the construction and or repair of wells to provide safe drinking water. This information was submitted to the Clerk.

Mr. Cornwall asked the Board Members for comments as to how to proceed with their previous request. He felt that he has exhausted all options regarding the running of public water to Section 2. At this time he would like re-apply for approval to use private water supply to this section.

After a lengthy discussion the Board Members suggested that the test wells be monitored as well as performing a draw down test. Mr. Ewell will provide Mr. Cornwall with the requirements needed for submittal for re-appearance before the Planning Board. Mr. Cornwall will provide this information at the next Public Hearing which will be scheduled for May 16, 2006.

**Arnold Carmichael,** to discuss Tabled **Application 2005-21 P** submitted by Duane & Debbie Stevens for property located at 7272 West Henrietta Road.

Mr. Carmichael submitted a revised map showing the following:

1. The access road for fire protection.
2. Storm water
3. Shut offs for fuel tanks.
4. Sanitary system.

5. Oil separator.
6. Proposed used car lot to have no more than 10 cars.
7. Office building to contain 4 offices.
8. New building to contain 2 retail spaces.

The Board Members discussed this revision. Mr. Carmichael will appear at the next Public Hearing which will be scheduled for May 16, 2006.

**Chuck Salvaggio**, 8300 West Henrietta Road, Subdivide existing parcel

Mr. Parker stated that Mr. Salvaggio would like to subdivide his parcel into 4 building lots. There was a discussion to determine lot width and road frontage within the hammerhead end of a dedicated road.

**DECISIONS:**

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2006-03 P** by STS Division of Ethox International Inc. for Site Plan approval for the addition of a 64'x 36' triple trailer office unit for property located at 7500 West Henrietta Road, and the maps and other materials which were filed with the Application, 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. Simon	aye	
	Mr. Werner	aye	carried.

Mr. Felsen made a Motion to grant Site Plan approval condition upon:

1. The Applicant meeting the requirements of the Town of Rush Engineer.
2. The Applicant obtaining the approval of the Monroe County Department of Health.

Mr. Werner seconded the motion and the Board polled:

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

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2006-04 P** for the Lathron Subdivision Section 2, Lot #2 on the east side of East River Road, 3427

feet south of Honeoye Falls # 6 Rd 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. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to grant preliminary approval to **Application 2006-04 P**.

Mr. Werner seconded the motion and the Board polled:

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

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

Mr. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to Table **Application 2006-05 P** titled the Middle Road Subdivision due to the lack of information supplied by the Applicant.

The Applicant will need to provide the Rush Planning Board with the following:

1. Detail drainage calculations for the entire drainage system. All drainage structures including drainage tiles must be shown. Indicate what is being proposed if drainage tiles are disturbed. Address the many photos regarding the surface flooding near the entrance to the subdivision. Indicate how basement drainage will be constructed to prevent wet basements. Show the final off-site drainage way and demonstrate that no additional flooding problems will be caused by drainage coming from the proposed subdivision.
2. The results and location of all past perk test and deep hole tests that have been performed on the property.
3. Addressing the comments from the New York State Department of Environmental Conservation regarding the archaeologically sensitive area.
4. Answers to the many comments and questions of the Town of Rush Engineer, the Conservation Board & the Monroe County Department of Planning and Development.

Mr. Werner seconded the motion and the Board polled:

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

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2006-06 P** by Wanda Fisher for a Special Permit to sell food and beverages at the Southern Meadows Golf Club located at 1025 Rush Scottsville Road, which is in an R-30 Zoning District 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. Simon seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to grant the Special Permit to sell food and beverage condition upon:

The Applicant reappearing before the Rush Planning Board if within 2 years any conditions change to the current operation of the Southern Meadows Golf Club.

Mr. Sweet seconded the motion and the Board polled:

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

There were no further comments and the meeting was adjourned at 1:00 A.M.

Respectfully submitted,

Darlene Pilarski  
Deputy Town Clerk