

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

A regular meeting of the Rush Planning Board was held on Tuesday, July 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
John Morelli
Don Sweet

EXCUSED: Al Simon

OTHERS PRESENT: Jim Parker, 1162 Telephone Rd
Todd Ewell, Clough Harbour & Associates. Engineer for
the Town of Rush
Gerald Kusse, Code Enforcement Officer.
David LaRue L.S. McMahon LaRue Associates.
Arnold Carmichael P.E. 551 Lexington Avenue.
Natalie Carmichael, 551 Lexington Avenue.
Chuck Salvaggio, 8300 West Henrietta Road.
Don Eichenauer, 35 Sylvan Knoll
Tom Doupe, Town Board Liaison
Allen Bolognesi, 62 Honeoye Falls 5 Pts. Rd
Tony Caccamise, 46 Junction Rd, HF, NY
Sam Brunacini, 1349 Rush Henrietta TL Rd
Karen Mueller, 4940 E. Henrietta Rd, Apt #C
Robert Goldstin, 175 Rush West Rush Rd
Rick Kozyra, 17 Sylvan Knoll
John Stanton, 2 Sylvan Knoll
Patrick Coleman, 36 Sylvan Knoll
Kyle Stevens, 22 Jeffords Rd

APPROVAL OF MINUTES:

The Minutes of June 20, 2006 will be reviewed at the next meeting to be held on August 15, 2006.

PUBLIC HEARING:

Application 2004-08 P by Arnold Carmichael for Subdivision / Site Plan approval to subdivide a parcel containing 19.9 acres into five (5) lots. One single-family dwelling is planned for each of the lots created. Property is located on Rush Henrietta Townline Road, 2033 feet west of Middle Road. Property is located in an R- 30 District.

APPLICATION WAS PREVIOUSLY TABLED ON 7/27/04

Mr. Carmichael briefly described the proposed subdivision to the Board Members and the audience. Mr. Carmichael stated that he has received a letter from the Rochester Museum and Science Center stating that there are no known artifacts on this site.

Mr. Felsen read comments from:

1. Mr. Todd Ewell, Engineer for the Town, Clough Harbour & Associates

The Board Members discussed designing the proposed road to the Town of Rush design specifications for a cul-de-sac at the end of the road.

The following Town Residents had comments regarding the proposed subdivision:

Mr. Rick Kozyra, residing at 17 Sylvan Knoll asked if the road would be dedicated.

Mr. Pat Coleman, residing at 36 Sylvan Knoll asked if there would be any changes to the existing woods on the property.

Mr. Don Eichenauer, residing at 35 Sylvan Knoll asked about the design of the proposed road.

Mr. Sam Brunacini, residing at 1349 Rush Henrietta TL Rd asked for the distance between the new house and the existing home on Rush Henrietta Townline Road.

Mr. Carmichael addresses the above comments.

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

Application 2006-08 P by Diane Nesmith for Re-Subdivision / Site Plan approval to subdivide a parcel containing 10.143 acres of the Sielaff West Subdivision into 4 building lots. A single family dwelling is planned for each of the lots created. Property is located on the west side of East River Road, south of Woodruff Road. Property is located in an R-30 Zoning District.

The Board Members and Mr. Carmichael discussed the wet lands on the property. There is no public water therefore the proposed homes will be supplied by private water supply. Modified raised fill septic systems will be required for the 4 lots, with pumps for 2 of the lots.

Mr. Felsen stated that an archeological study is required for this subdivision as stated in the original subdivision approval.

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 of Rush, Clough Harbour & Associates.

The Board Members and Mr. Carmichael discussed the above comments.

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

Application 2006-10 P by Anthony Caccamise for Site Plan approval to build a single family home to be located on the east side of Keyes Road, south of #332 Keyes Rd. Property is located in an R-30 Zoning District.

Mr. David LaRue described the proposed Site Plan stating that no further development is planned for the parcel.

Mr. LaRue addressed the comments from:

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

The Board Members suggested a pull over for emergency apparatus at the end of the proposed driveway.

The Board Members discussed the Application.

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

Application 2006-11 P by Stevens Connor Post No. 1330 for Subdivision approval to combine a .093 acre parcel into property owned by the post. No development is planned for the new parcel. Property is located at 2611 Pinnacle Road, 78 feet north of Lyons Road. Property is located in an R-30 Zoning District.

There were no concerns or comments regarding this Application. Monroe County Department of Planning & Development, Monroe County Development Review declared this Application a Local Matter.

This is a lot line adjustment to include the driveway for the Legion Post to be within the parcel lot lines. Mr. Felsen declared the Public Hearing closed.

Application 2006-12 P by Charles Salvaggio for Subdivision / Site Plan approval to subdivide 3 lots from a parcel containing 34.7 acres. A single family dwelling is planned for each of the lots created. Property is located on east side of West Henrietta Road, 605 feet north of Honeoye Falls Five Points Road. Property is located in an R-30 Zoning District.

Mr. Jim Parker described the proposed Subdivision to the Board Members.

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 of Rush, Clough Harbour & Associates.

Mr. Parker submitted to the Clerk the Right of Way Naming Act Application giving Mr. Salvaggio approval to name the proposed road Honey Hill Road.

Mr. Bolognesi, residing at 62 Honeoye Falls 5 Pts. Rd was concerned about the quantity of water from his well if this subdivision is approved. Mr. Salvaggio stated that Mr. Moravec (Hydro geologist) has been to the property and has stated that there were optimum conditions for water quantity. The Board Members discussed the quantity of water in the area. Mr. Salvaggio stated that he was willing to have Mr. Moravec visit Mr. Bolognesi's property to discuss his concerns. Mr. Felsen asked Mr. Salvaggio if he could provide the Board Members with a report on the water quantity for the proposed subdivision as well as any information regarding the existing wells in the area. Mr. Salvaggio stated that he would do this.

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

Application 2006-13 P by Richard Roberts acting as Agent for Robert Goldstin & Karen Mueller for Re-Subdivision / Site plan approval to subdivide a parcel containing 3.173 acres into 2 lots. A single family dwelling is planned for the new lot created. Property is located at 175 Rush West Rush Road. Property is located in an R-30 Zoning District.

The Applicant described the proposal, stating that Mr. Goldstin and Ms. Mueller were planning to build a log home on the new parcel. There is public water and natural gas for this parcel. The Board Members discussed the site distance and the location of the driveway. Mr. Felsen asked if there were any notes on the plans referring to the fact that there would be noise (barking dogs) and orders from the adjacent property's operation of a dog kennel and a crematorium. The Applicant stated that he would add one to the plans.

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 of Rush, Clough Harbour & Associates.

The Board Members discussed the above comments.

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

DECISIONS:

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2006-12 P** by Charles Salvaggio of 8300 West Henrietta Road 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 an unlisted action under the State of New York SEQR 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's comments have been addressed, 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 carried.

Mr. Felsen made a Motion to grant preliminary approval of the Nowak Subdivision Section 3 condition upon:

1. The Applicant providing a preliminary water well report to the Engineer for the Town of Rush regarding the proposed wells, outlining the estimated depth of the proposed wells and the estimated quantity of water in gallons per minute. In addition, the well driller make an assessment and provide this information to the Engineer for the Town of Rush as to whether the 3 wells on Lots #4, #5 and #6 will have a detrimental effect or impact on water quantity on the adjacent property owners well located at 62 Honeoye Falls Five Points Road.
2. The Applicant change Note #7, take out the words "MCWA and the"
3. The Applicant supply the Engineer for the Town of Rush and the Town of Rush Highway Superintendent for their approval, a Letter of Credit for the construction of the proposed dedicated road to be named Honey Hill Road.
4. The Applicant provides an easement for the pond, to the Town of Rush Town Wide Drainage District.

Mr. Sweet seconded the motion and the Board polled:

Roll: Mr. Felsen aye
 Mr. Morelli aye
 Mr. Sweet 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 Engineer for the Town of Rush.
2. The Applicant obtaining the approval of the Monroe County Department of Public Health.
3. The Applicant obtaining the approval of the Town of Rush Highway Superintendent.

Mr. Morelli seconded the motion and the Board polled:

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

Mr. Morelli made a Motion to Table **Application 2004-08 P** by Arnold Carmichael for Subdivision / Site Plan approval to subdivide a parcel containing 19.9 acres into five (5) lots, until the Applicant submits an acceptable redesign of the proposed road.

APPLICATION WAS PREVIOUSLY TABLED ON 7/27/04.

Mr. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to Table **Application 2006-08 P** by Diane Nesmith for Re-Subdivision / Site Plan approval to subdivide a parcel containing 10.143 acres of the Sielaff West Subdivision into 4 building lots until:

1. The Applicant can address the condition on Lot #5 of the original subdivision requiring an Archeological Determination for this subdivision.
2. Due to the high ground water table for the site, the Applicant needs to determine if the lots are suitable for conventional basements or propose suitable alterations for construction of the foundations.

Mr. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2006-10 P** by Anthony Caccamise for Site Plan approval to build a single family home to be located on the east side of Keyes Road, south of #332 Keyes 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. Morelli seconded the motion and the Board polled:

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

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

1. The Applicant show a proposed turnaround at the curve in the driveway for emergency vehicles.
2. The Applicant show the existing stream with an easement to the Town of Rush Town Wide Drainage District. The easement is to be the width of the stream plus 20 feet on each side.
3. The Applicant add to the title block, Lot #3 of the Jane M. Price Subdivision.

Mr. Morelli seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to waive the final Public Hearing for Site Plan approval conditioned upon:

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

Mr. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2006-11 P** by Stevens Connor Post No. 1330 for Subdivision approval to combine a .093 acre parcel into property owned by the post. For preliminary approval 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. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to grant preliminary approval of the Subdivision.

Mr. Morelli seconded the motion and the Board polled:

Roll: Mr. Felsen aye

Mr. Morelli aye
Mr. Sweet 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. Morelli aye
 Mr. Sweet aye carried.

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2006-13 P** by Richard Roberts acting as Agent for Robert Goldstin & Karen Mueller for Subdivision / Site plan approval to subdivide a parcel containing 3.173 acres into 2 lots. A single family dwelling is planned for the new lot created. Property is located at 175 Rush West Rush Road. Property is located in an R-30 Zoning District. For preliminary approval 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. Sweet seconded the motion and the Board polled:

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

Mr. Felsen made a Motion to grant approval to the Goldstin / Mueller Subdivision condition upon:

1. The Applicant shows the gas main along Rush West Rush Road.
2. The Applicant add a note regarding the parcel may be subject to the loud barking of dogs and odors from the Dog Boarding Kennel and Crematorium located on the adjacent parcel.
3. The Applicant shows the proposed finished grading around the house with outside access to both the front & rear of the house.

Mr. Morelli seconded the motion and the Board polled:

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

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

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

Mr. Morelli seconded the motion and the Board polled:

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

There were no further comments and the meeting was adjourned at 11:15 P.M.

Respectfully submitted,

Darlene Pilarski
Deputy Town Clerk