

**RUSH PLANNING BOARD  
REGULAR MEETING  
APPROVED MINUTES  
JUNE 19, 2007**

A regular meeting of the Rush Planning Board was held on Tuesday, June 19, 2007 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  
Rick Wurzer  
Al Simon

**OTHERS PRESENT:** Gerald Kusse, Code Enforcement Officer  
Richard Anderson, Town Board Liaison  
Todd Ewell, Clough Harbour & Associates, Engineer for  
the Town of Rush  
Lisa Sluberski, Town Board Member  
Mike Flannery, West Henrietta Rd  
Bill Gaffney, 24 Farmcrest Dr  
Duane & Debbie Stevens, 7272 West Henrietta Rd  
Glenn Thornton, Thornton Engineering LLP  
Emanuele D'Ambrosio, 330 Kavanaugh Rd  
Amy Ackerson, 330 Kavanaugh Rd  
Jack & Winnie Streeter, 330 Kavanaugh Rd  
James Varner, 6950 East River Rd  
Kip Finley, Avery Engineering  
Steve Pum, Avery Engineering  
D. Jeffrey Over, E. River Rd  
Michael Tallon, 1709 Rush Scottsville Rd  
Larry Heininger, 376 Meadow Dr, Rochester

**APPROVAL OF MINUTES:** May 15, 2007

The Minutes of May 15, 2007 were reviewed. Mr. Simon made a motion to approve the Minutes of May 15, 2007 as submitted. Mr. Morelli seconded the Motion and the Board Members were all in agreement. Mr. Felsen abstained.

**PUBLIC HEARING:**

**Application 2007-05 P** by Emanuele D'Ambrosio for Re-Subdivision / Site Plan approval to subdivide a 12.682 acre parcel into four (4) lots. One single-family dwelling is planned for each of the lots created. Property is located on Kavanaugh Road, 424 feet west of Works Road. Property is located in an R-30 Zoning District.

Mr. Felsen asked Mr. Thornton to use the name as the Waidila Subdivision to remain consistent with the original application.

Mr. Felsen asked about public water for the proposed subdivision. Mr. Thornton stated that the Streeter Subdivision had been tabled having had no activity for approximately 1 ½ years pending resolution of the extension of the water main to provide public water to Mr. Streeter's property as well as the neighboring properties. After a lengthy process on Mr. Streeter and Mr. Thornton's part to extend the water main, at this point in time, public water will not be made available. The cost to provide this could not come under the Comptroller's limit. There was a lengthy discussion regarding the cost of providing public water to the proposed subdivision.

Mr. Morelli asked Mr. Thornton to add a table on the map showing the sight distance.

The Board Members discussed the quantity and quality of the water in the area for private water supply (wells) for the proposed subdivision.

Mr. Felsen read comments from:

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

The Board Members and the Applicant discussed the above comments.

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

**Application 2007-06 P** by D. Jeffrey Over for Site Plan approval to build a single family dwelling and pole barn on property located at 8025 East River Road. Property is located in an R-30 Zoning District.

Mr. Pum described the proposed site plan for Mr. Over's home. Due to the long driveway of approximately 1500 feet there will be emergency pull offs every 500 feet. A pole barn and wind turbine is proposed.

An archeological study has been conducted. A report will be submitted upon completion.

The Board Members discussed the wind turbine and will seek advice as to whether a height variance and a special permit would be needed.

Mr. Felsen asked Mr. Pum to add the standard farm note to the plans.

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 of Rush, Clough Harbour & Associates.

The Board Members and the Applicant discussed the above comments.

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

**Application 2007-07 P** by Navaratnam Wijayaharan for Subdivision / Site Plan approval to build a Youth Group Recreation Hall at the Hindu Temple located at 6970 East River Road. Property is located in an R-30 Zoning District.

Mr. Heininger described for the Board Members the details for the Youth Group Recreation Hall. The proposed building will be 90 feet by 48 feet. The south end of the building will have rest room facilities. A 50 foot lot line adjustment will be made to accommodate the leach field.

Mr. Heininger addressed the comments from Mr. Todd Ewell, Engineer for the Town of Rush.

Mr. Felsen read comments from:

1. Monroe County Department of Planning & Development, Monroe County Development Review.

The Board Members and the Applicant discussed the above comments. The Agricultural Data Statement needs to be completed and submitted as well as adding to the plans the standard farm note.

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

#### **INFORMAL DISCUSSION:**

**Michael Flannery** asked about the uses allowed in a residential district. Mr. Felsen addressed the question by reading from Code of the Town of Rush the permitted uses within an R-30 Zoning District.

**Duane & Debbie Stevens**, 7272 West Henrietta Road. Demolish and rebuild the structure located on the corner of West Henrietta Rd & Rush Scottsville Rd.

Mr. & Mrs. Stevens addressed the Board Members by updating them on the status of the white house. At this time they have one demolition estimate to take down the house. There was a discussion about set backs and the placement of a new structure. The Board Members will be seeking the advice of the Attorney for the Town of Rush to determine if the new structure can be built on the existing foundation or if variances will be needed to bring the new structure into compliance with the 140 foot set back requirement for commercially zoned districts. Mr. Kusse stated that he would need to see a signed contract for the removal of the white house before he would give the Stevens a

building permit for the previously approved structure. Mr. & Mrs. Stevens stated that they would submit a signed contract from a demolition company to Mr. Kusse as soon as possible.

**DECISIONS:**

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2007-05 P** by Emanuele D'Ambrosio for Re-Subdivision / Site Plan approval to subdivide a 12.682 acre parcel into four (4) lots. 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 Members polled:

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

Mr. Felsen made a Motion to grant preliminary approval to the subdivision conditioned upon:

1. The Applicant changing the name of the Subdivision to the Re-Subdivision Map of Lot R-3 A- R-3D of the Waidila Subdivision.
2. The Applicant complying with the comments from the Engineer for the Town of Rush and any appropriate comments being generated by the Monroe County Department of Planning & Development.
3. On Lot R-3A, the Applicant redesigning the contours to direct surface drainage away from the proposed septic system.

Mr. Morelli seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion to waive the final Public Hearing for Subdivision 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 Department of Public Health.
3. The Applicant obtaining the approval of the Monroe County Department of Transportation.

Mr. Simon seconded the motion and the Board Members polled:

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

Mr. Felsen asked the Clerk to consult with the Attorney for the Town of Rush and the Zoning Board of Appeals to determine if a Variance will be needed for the height of the proposed wind turbine and if a Special Permit will be required from the Planning Board for the construction.

Mr. Felsen made a Motion to Table **Application 2007-06 P** by D. Jeffrey Over for Site Plan approval to build a single family dwelling and pole barn on property located at 8025 East River Road. The reasons for tabling the Application are as follows:

1. The Town of Rush Planning Board shall get a review from the Attorney for the Town of Rush as to whether a Special Permit and Variance for the proposed 100 foot wind turbine will be needed.
2. The Applicant shall complete and submit to the Town of Rush Planning Board the Archeological report for the proposed project.

Mr. Sweet seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion **WHEREAS**; this Board has examined **Application 2007-07 P** by Navaratnam Wijayaharan for Subdivision / Site Plan approval to build a Youth Group Recreation Hall at the Hindu Temple located at 6970 East River Road, 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. Simon seconded the motion and the Board Members polled:

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

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

Mr. Morelli seconded the motion and the Board Members polled:

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

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

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Mr. Morelli seconded the motion and the Board Members polled:

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

Mr. Felsen made a Motion to grant Site Plan approval for the proposed Youth Hall conditioned upon:

1. The Applicant correcting the Environmental Assessment Form #B16 changing the no answer to yes, stating that the project will generate solid waste.
2. The Applicant complying with the Engineer for the Town of Rushø review.
3. The Applicant submitting to the Clerk the Agricultural Data Statement for the proposed project.
4. The Applicant adding to the plans the standard Farm Note.
5. The Applicant obtaining the approval of the Engineer for the Town of Rush.
6. The Applicant obtaining the approval of the Monroe County Department of Public Health.

Mr. Sweet seconded the motion and the Board Members polled:

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

There were no further comments and the meeting was adjourned at 10:55 P.M.

Respectfully submitted,

Darlene M. Pilarski  
Deputy Town Clerk