

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF MARCH 17, 2009**

A regular meeting of the Rush Planning Board was held on March 17, 2009 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
Scott Strock

OTHERS PRESENT: Richard Anderson, Town Board Liaison
Todd Ewell, Town Engineer
Gerry Kusse, Code Enforcement Officer
James Parker, Land Surveyor
Jeanne Yawman, Resident
Terry Irvine, Resident
Daniel Cymbal, Resident
Anthony Leib, Resident
Mike Perry

APPROVAL OF MINUTES: The Minutes of February 17, 2009 were reviewed.

John Morelli made a motion to approve the Minutes of February 17, 2009.

Don Sweet seconded the motion and the Board Members polled:

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|-------|--------------|-----------|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | abstained | carried. |

PUBLIC HEARING:

Application 2009-05P by Jeanne Yawman for the Re-Subdivision of lot R-2A of the Yawman Subdivision to combine a 3.388 acre parcel into an existing parcel of 5.787. Property is located at 397 Stonybrook Road. Property is located in an R-30 Zoning District.

James Parker, land surveyor for Jeanne Yawman presented a new map with an adjustment to the north lot line to accommodate existing fencing and a building. It was noted that there will not be a shared driveway.

With no further discussion John Felsen declared the hearing closed.

Tabled Application 2009-04P by Daniel and Rebecca Cymbal for site plan approval to construct a single family house on a 3.67 acre parcel, located at 835 Five Points Road. Property is located in an R-30 zoning district.

James Parker, land surveyor for Daniel and Rebecca Cymbal presented a revised site map showing the deep hole and perk tests, the existing well and the distance of the existing well to the leach field. Monroe County Water Authority was contacted regarding the water main. Monroe County does not allow water service directly from a main and it is a requirement to have frontage on the main. According to calculations, the water main would have to be extended 535 feet at a cost of approximately 100 dollars a foot due to the bedrock. John Felsen asked that the applicant check with Joe Albert at Monroe County to see what type of fill will be required for the abandoned well. It was discussed that keeping the old well is not acceptable due to contamination.

With no further discussion John Felsen declared the hearing closed.

INFORMAL DISCUSSION:

Karl Foss - did not attend.

The Planning Board received a response from the Town Attorney regarding Tabled Application 2009-03P for a Special Permit. The Board discussed the conditions to be considered. Deputy Town Clerk Palmer will contact the applicant regarding the possibility of pursuing the Special Permit application.

Gerry Kusse asked Planning Board members for their written opinion regarding the regulation of outdoor wood boilers. Gerry would like submissions to be forwarded to the Town Board for consideration.

The Planning Board discussed the letter from the Town Board in reference to James Bucci's request to change Town Code Section 120.57G regarding outdoor storage of recreational vehicles. The Planning Board has recommended that the Town look at other surrounding towns such as Clarkson, Wheatland, and Mendon.

The Planning Board discussed the Planned Unit Development draft (PUD) and stated that one more short group meeting should be sufficient to finalize the PUD draft.

The Planning Board also discussed the standards and criteria for town easements.

DECISIONS:

Application 2009-05P by Jeanne Yawman for the Re-Subdivision of lot R-2A of the Yawman Subdivision to combine a 3.765 acre parcel into an existing parcel of 5.787. Property is located at 397 Stonybrook Road. Property is located in an R-30 Zoning District.

John Felsen made a Motion, **WHEREAS**; this Board has examined **Application 2009-05P** by Jeanne Yawman for the Re-Subdivision of lot R-2A of the Yawman Subdivision to combine a 3.765 acre parcel into an existing parcel of 5.787. Property is located at 397 Stonybrook Road. Property is located in an R-30 Zoning District. Preliminary plot 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 SEQRA laws requiring no further action by this Board.

John Morelli seconded the motion and the Board Members polled:

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|-------|--------------|-----|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

John Felsen made a Motion to grant preliminary subdivision approval for **Application 2009-05P** by Jeanne Yawman.

Don Sweet seconded the motion and the Board Members polled:

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|-------|--------------|-----|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

John Felsen made a Motion to wave the final subdivision hearing for **Application 2009-05P** by Jeanne Yawman.

Rick Wurzer seconded the motion and the Board Members polled:

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|-------|--------------|-----|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

Application 2009-04P by Daniel and Rebecca Cymbal for site plan approval to construct a single family house on a 3.67 acre parcel, located at 835 Five Points Road. Property is located in an R-30 zoning district.

John Felsen made a Motion, **WHEREAS**; this Board has examined **Application 2009-04P** by Daniel and Rebecca Cymbal for site plan approval to construct a single family house on a 3.67 acre parcel, located at 835 Five Points Road. Property is located in an R-30 zoning district. Preliminary plot 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.

John Morelli seconded the motion and the Board Members polled:

| | | | |
|-------|--------------|-----|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

John Felsen made a Motion to grant preliminary site plan approval for **Application 2009-04P** conditioned upon:

1. The applicant showing proper abandonment of the existing well located next to the proposed septic system.

Don Sweet seconded the motion and the Board Members polled:

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|-------|--------------|-----|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

John Felsen made a Motion to wave the final subdivision hearing for **Application 2009-04P** conditioned upon:

1. The applicant obtaining approvals from Todd Ewell, Town Engineer, The Monroe County Department of Public Health and The Monroe County Department of Transportation.

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Don Sweet seconded the motion and the Board Members polled:

| | | | |
|-------|--------------|-----|----------|
| Roll: | John Felsen | aye | |
| | John Morelli | aye | |
| | Don Sweet | aye | |
| | Rick Wurzer | aye | |
| | Scott Strock | aye | carried. |

With no further business, a motion was made by John Felsen and agreed by common consent that the meeting be adjourned at 8:40 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk