

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF FEBRUARY 21, 2017**

A regular meeting of the Rush Planning Board was held on February 21, 2017 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:00 PM.

PRESENT: John Morelli, Vice Chairman
Scott Strock, Member
Don Sweet, Member
Rick Wurzer, Member
Shivaun Featherman, Deputy Town Clerk

EXCUSED: John Felsen, Chairman
Phil D'Alessandro, Building Inspector

OTHERS PRESENT: Gerry Kusse, Councilperson, Acting Town Board Liaison
Todd Ewell, Town Engineer
Jim Missell, Land Surveyor
Tim Voellinger, Land Surveyor
John & Mary David, Residents
Margaret Petrone, Resident
Antatole Paraka, Resident

Vice Chairman Morelli welcomed all to the February Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of January 17, 2017 were reviewed.

Board Member Strock made a Motion to accept the Minutes of January 17, 2017 as written.

Board Member Sweet seconded the Motion, and the Board polled:

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

PUBLIC HEARING:

Application 2017-01P by James Missell, agent for John David, requesting approval to Subdivide a portion of Lot 1 of the David Subdivision and add it to parcels of land located at 789 and 817 Rush West Rush Road. Property is located at 845 Rush West Rush Road and is zoned Residential-30.

Mr. Missell explained that they are seeking approval to resubdivide Lot 1 of the David Subdivision. The intent is to convey the portion of Lot 1 between Stonybrook Creek and the southerly boundary lines of two parcels located at 789 and 817 Rush West Rush Road and adding it to those parcels. That portion of land was never conveyed with those two parcels and ultimately had become part of Lot 1. Lot 1 will remain as Lot R1-A and will still be in conformance with the town requirements for lot size.

Vice Chairman Morelli read into the record the comments of:

- 🎬 Town Engineer Ewell
- 🎬 The Rush Board of Fire Commissioners
- 🎬 The Rush Conservation Board
- 🎬 Monroe County Department of Planning & Development

Board Member Strock noted on the Addendum to Application for Land Subdivision form submitted by the applicant, question # 6 regarding if the property has archeological or historical sites present, the answer should be “no” instead of “yes”. In addition, question # 9 of the Short EAF on whether the proposed action meets or exceeds the state energy code requirements, the answer should be “not applicable” instead of “no”.

Vice Chairman Morelli opened the floor for public comment and asked anyone speaking to state their name and address for the record. There were no comments.

With no further questions or comments, Vice Chairman Morelli declared the public hearing closed.

Application 2017-02P by Timothy Voellinger, agent for Antatole and Lilia Paraka, requesting approval to Subdivide a vacant parcel of land and add it to adjacent properties located at 585 and 625 Honeoye Falls Five Points Road. Property is located at 605 Honeoye Falls Five Points Road and is zoned Residential-30.

Mr. Voellinger explained that Mr. Paraka and Mr. Akmese together own the 11.1 acre vacant parcel of land located at 605 Honeoye Falls Five Points Road. Mr. Paraka owns the adjacent parcel to the east, and Mr. Akmese owns the adjacent parcel to the west. They would like to split the 11.1 acre parcel in half and combine it to the existing parcels of land. There is no construction proposed. There are wetlands and flood zones on Mr. Akmese’s property but they do not affect the lot they are splitting.

Vice Chairman Morelli read into the record the comments of:

- Town Engineer Ewell
- The Rush Board of Fire Commissioners
- Monroe County Department of Planning & Development

In addition, the Conservation Board commented that the applicant should ensure protection of the conservation easement that is on the vacant lot. Mr. Voellinger explained that the conservation easement will be conveyed to Mr. Paraka's property and will remain undisturbed.

Board Member Strock stated that he understands this conservation easement is the only one that exists in town and inquired if anyone knows of its purpose.

Councilperson Kusse advised that thirty years ago, the Department of Environmental Conservation determined the need for the conservation easement to protect the movement of the deer herd at the time.

Board Member Strock recommends the conservation easement be eliminated as he is concerned that it would prevent development and decrease land value. Perhaps thirty years ago deer movement needed to be protected, but deer are prevalent in town now. Board Member Sweet agreed but believes that the Planning Board does not have that authority.

Board Member Sweet advised Mr. Voellinger that he would like the property owner name and tax account number of the property on the opposite side of the road noted on the map. It's standard for the Planning Board to require it.

Vice Chairman Morelli opened the floor for public comment and asked anyone speaking to state their name and address for the record.

Margaret Petrone explained that she lives across the street from the applicants and is concerned about animal noise. The applicants own chickens and a rooster, and with additional property, they may obtain additional animals. What restrictions does the town have on residents owning animals?

Board Member Strock deferred the question to Councilperson Kusse, stating that he is the former Code Enforcement Officer. Councilperson Kusse replied that there are no regulations against domestic animals in Rush other than dogs must be on a leash. There are no regulations against the harboring of chickens, pigs, horses, etc.

Vice Chairman Morelli stated with the properties being in a Residential-30 zone, agricultural activities are permitted. It is country.

Mr. Parka pointed out that most of the neighbors in the area own chickens, not just the applicants.

With no further questions or comments, Vice Chairman Morelli declared the public hearing closed.

DECISIONS:

Vice Chairman Morelli made a Motion **WHEREAS**; this Board has examined **Application 2017-01P** by James Missell, agent for John David, requesting approval to Subdivide a portion of Lot 1 of the David Subdivision and add it to parcels of land located at 789 and 817 Rush West Rush Road. Property is located at 845 Rush West Rush Road and is zoned Residential-30; and the maps and other materials which were filed with the application, including the Short Environmental Assessment Form (Short EAF); 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.

Board Member Sweet seconded the Motion, and the Board polled:

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

Vice Chairman Morelli made a Motion to grant preliminary approval of **Application 2017-01P** by James Missell, agent for John David, requesting approval to Subdivide a portion of Lot 1 of the David Subdivision and add it to parcels of land located at 789 and 817 Rush West Rush Road conditioned upon:

1. The applicant having the map signed by a licensed surveyor.
2. The applicant changing the archeology survey indication from “yes” to “no”.
3. The applicant changing item # 9 on the Short EAF Form regarding energy use from “no” to “not applicable”.

Board Member Sweet seconded the Motion, and the Board polled:

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

Vice Chairman Morelli made a Motion to waive the final Subdivision hearing for **Application 2017-01P** conditioned upon:

1. The applicant meeting the requirements of the preliminary Subdivision approval.

Board Member Strock seconded the Motion, and the Board polled:

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

Vice Chairman Morelli made a Motion **WHEREAS**; this Board has examined **Application 2017-02P** by Timothy Voellinger, agent for Antatole and Lilia Paraka, requesting approval to Subdivide a vacant parcel of land and add it to adjacent properties located at 585 and 625 Honeoye Falls Five Points Road. Property is located at 605 Honeoye Falls Five Point and is zoned Residential-30; and the maps and other materials which were filed with the application, including the Short Environmental Assessment Form (Short EAF); 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.

Board Member Sweet seconded the Motion, and the Board polled:

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

Vice Chairman Morelli made a Motion to grant preliminary approval of **Application 2017-02P** by Timothy Voellinger, agent for Antatole and Lilia Paraka, requesting approval to Subdivide a vacant parcel of land and add it to adjacent properties located at 585 and 625 Honeoye Falls Five Points Road conditioned upon:

1. The applicants adding the owner name and tax ID # of the property directly across the street to the map.

Board Member Strock seconded the Motion, and the Board polled:

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

Vice Chairman Morelli made a Motion to waive the final Subdivision hearing for **Application 2017-02P** conditioned upon:

1. The applicants meeting the requirements of the preliminary Subdivision approval.

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Board Member Strock seconded the Motion, and the Board polled:

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

With no further business, it was agreed by common consent that the meeting be adjourned at 7:40 pm.

Respectfully submitted,

Shivaun Featherman
Deputy Town Clerk