

**RUSH PLANNING BOARD  
REGULAR MEETING  
MINUTES OF MARCH 20, 2012**

A regular meeting of the Rush Planning Board was held on March 20, 2012 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 PM.

**MEMBERS PRESENT:** John Felsen, Chairman  
John Morelli  
Don Sweet  
Rick Wurzer  
Scott Strock  
Meribeth Palmer, Deputy Town Clerk

**OTHERS PRESENT:** Councilman Bill Riepe, Town Board Liaison  
John Lombardo, Attendee  
Mark Hasman, Attendee  
Tom Jamieson, Attendee

Chairman Felsen welcomed all to the Planning Board meeting.

**APPROVAL OF MINUTES:**

The Minutes of February 21, 2012 were reviewed.

John Morelli made a motion to accept the minutes of February 21, 2012 as amended.

Pages 4, first sentence, change the word "our" to RCCH.

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.

**PUBLIC HEARING:**

**Application 2012-01P** by Mark Hasman and John Lombardo requesting a Special Permit for the outdoor storage of vehicles. Property is located at 7283 West Henrietta Road. Property is zoned commercial.

John Lombardo and Mark Hasman appeared before the Board regarding the property located at 7283 West Henrietta Road. Their proposed business is used car sales with in-house and public retail auto repair services. Hours of operation would be 9am to

7pm, Monday through Friday, Saturday 9am to 7pm by appointment and closed on Sundays. No body work will be done on the premises. They would like to specialize in, but will not be limited to, German vehicles. The lighting plan is to be the same as the previous owner Rush Associates LLC (Rick Dorschel). Lights to be shut off 30 minutes after time of close and security lighting to comply with lighting requirements of the Rush Town Code.

There is an in-ground fuel tank on the property that has received current required inspections by the Department of Environmental Conservation.

Chairman Felsen discusses the number of parking spaces indicated in the application. After reviewing the color diagram 153 spaces currently exist. The applicant's breakdown shows that there may be dual use of some of the spaces. The applicant has no plan to create additional spaces. The maximum number of allowed space will remain at 153.

Chairman Felsen read correspondence from Monroe County Department of Planning and Development stated that application 2012-01P is a local matter. The Rush Fire District Board of commissioners has no concerns regarding the application 2012-01P at this time.

With no further comments Chairman Felsen declared the hearing closed.

#### **DECISIONS:**

**Application 2012-01P** by Mark Hasman and John Lombardo requesting a Special Permit for the outdoor storage of vehicles. Property is located at 7283 West Henrietta Road. Property is zoned commercial.

John Felsen made a Motion **WHEREAS**; this Board has examined **Application 2012-01P** by Mark Hasman and John Lombardo requesting a Special Permit for the outdoor storage of vehicles. The commercial property located at 7283 West Henrietta 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 SEQRL 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 a special permit to Mark Hasman and John Lombardo conditioned upon:

1. The applicant utilizing no more than the 153 current spaces available.

2. The applicant complying with all items set forth in their application submission dated February 15, 2012.
3. The applicant obtaining the approval of the Town Engineer Todd Ewell regarding the lighting plan.

Rick Wurzer 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.

### **BOARD BUSINESS:**

Deputy Town Clerk Palmer informed the Board that Supervisor Anderson has applied for a 120 extension with New York State (NYS) for the submission of the Farmland Protection Plan. NYS Farmland grant administrator Mr. Brennan foresees no issues with the request. In addition Councilman Woolaver will attend the Monroe County Review meeting with Principal Planner Walter Kalina.

Several Board members expressed a concern regarding the Monroe County's request for certain changes. The Board does not want to see changes made for politics and other agency's gains. Town Residents and Farmland Committee members worked very hard to create a plan beneficial to the Town of Rush. Mr. Sweet noted that Wayne County is advanced in that they have taken advantage of monies for conservation easements and the purchase of farmlands.

Chairman Felsen informed that Board that he will not be able to attend the April meeting. To date there are no applications or requests for discussions therefore the meeting may be cancelled.

Councilman Riepe informed the board of the Rush Fire Department's concern over the fire alarm/sprinkler system. In addition there is a concern by emergency responders that have recently had trouble identifying house numbers. Requirements for the numbering of dwelling/buildings in set forth in the town code and enforced by the Rush Building Inspector. The Board asked if the Rush Fire Marshall had jurisdiction regarding the property display of House/building numbers. Councilman Riepe will look into the answering this question.

Councilman Riepe also reported that there has been a request for a coin operated dispensing unit. The unit would be owned by the town to serve residents. The Board discussed sanitation of these units. Details will have to been investigated by the town Board.

Chairman Felsen provided an update regarding the water issues on the Weaver property. Approximately last October Mrs. Weaver had the existing wells water hooked up to the houses. The health department took samples from all 10 units on her property. There were quality and quantity problems with the well water. Mrs. Weaver asked the state to turn the water back on to her property due to the poor well water. Mrs. Weaver had a water main break last December and a second break approximately three weeks ago. Mrs. Weaver has since disconnected the wells and installed water meters for each unit. Mrs. Weaver has requested to be on public water. Mrs. Weaver had a plan drawn up in for a main to run down the north side route 251 to a meter ball with a tie into her old piping system. This required a permit by the Water Authority for use of the right of way. The permit was never obtained and water main was never installed. Mrs. Weaver also requested the town to bond the water project and incorporate it into her tax bill. This request was denied. The case is currently in the Governor's Office being reviewed by their attorneys and there is a possibility that the water will be shut down again in April.

The Board briefly discussed the proposed Hydrofracking moratorium. Additional conversation regarding the outcome of recent law suits took place. Board member Don Sweet attended a conference in Chautauqua County and shared information obtained from that meeting.

With no further business, a motion was made by Don Sweet and agreed by common consent that the meeting be adjourned at 8:30 PM.

Respectfully Submitted,

Meribeth Palmer  
Deputy Town Clerk