

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF FEBRUARY 19, 2013**

A regular meeting of the Rush Planning Board was held on February 19, 2013 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, Vice Chairman
Don Sweet
Rick Wurzer
Meribeth Palmer, Deputy Town Clerk

EXCUSED: Scott Strock

OTHERS PRESENT: Councilman Bill Riepe, Town Board Liaison
Gerry Kusse, Code Enforcement Officer (CEO)
Dave Altamura, Resident
Wendy Altamura, Resident
Carol Barnett, Resident
James Kolb, Resident and Business Owner
Nick Kolb, Resident

Chairman Felsen welcomed all to the February Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of January 15, 2013 were reviewed.

Chairman Felsen made a motion to accept the minutes of January 15, 2013 as corrected.

Board Member Sweet seconded the motion and the Board members polled:

Roll:	John Felsen	aye	
	John Morelli	abstained	
	Don Sweet	aye	
	Rick Wurzer	aye	carried.

Vice Chairman Morelli was excused from the January 15, 2013 Planning Board meeting.

INFORMAL DISCUSSION:

Land Tech Engineer John Sciarabba appeared on behalf of Mr. Dorschel owner Rush Associates LLC, to discuss development of a 27 acre parcel located at the corner of

West Henrietta Road and NYS Route 251. The parcel is unique because it is split zoned. There is approximately 2 acres at the corner of the parcel that is zoned commercial and the remainder of the parcel is zoned residential. Mr. Dorschel has owned the property since 1996 and would like to peruse development.

Mr. Scirabba has appeared informally before the Town Board with this preliminary proposal and will be requesting to rezone the entire 27 acre parcel to commercial. Mr. Scirabba was asked by the Town Board to appear informally before both Zoning and Planning Boards as a courtesy.

Mr. Sciarabba stated that the preliminary plan proposes retail or service based development near the corner of NYS Route 15A and Rush Scottsville Road as phase 1. Phase 2 is proposed office, warehouse or flex space further back on the property.

Mr. Scirabba has communicated and will continue to work with property owner Mr. Schwasman. Mr. Schwasman's home is located directly east of the proposed project. Mr. Scirabba is very aware of the importance of buffering and protection of Mr. Schwasman's property.

Mr. Scirabba has a meeting set up with New York State Department of Transportation (NYSDOT) on February 20, 2013 to discuss both access points located on state roads and managed by the state. The preliminary plan currently shows full access on Rush Scottsville Road and a right turn in and right turn out only on NYS Route 15A. It was indicated in the past that NYSDOT wanted Town approval before they would authorize a break in access.

The project will also require approvals from the New York State Department of Environmental Conservation (NYSDEC) and the United States Army Corps of Engineers (USACE).

Mr. Scirabba stated that this plan as proposed conforms to town zoning. If the plan is modified there is a possibility that future variances may be requested.

Chairman Felsen explained that the comprehensive plan shows the proposed area as high density residential. It also shows an ingress/egress further east on Rush Scottsville Road. At one time Mr. Dorschel had an option to utilize that ingress/egress. Chairman Felsen stated that although the property may not be suited for high density housing next to the expressway, there has always been a concern regarding ingress/egress.

Chairman Felsen also stated that he has no objection to the requested change in zoning should the Town Board see fit.

Vice Chairman Morelli stated that in the past both the town and the stated were misrepresented during the project review process. Issues with lighting were also discussed and that Mr. Dorschel's overall vision was very different from those of the town and residents.

Vice Chairman Morelli asked should the rezoning be approved would the site plan include both phases 1 and 2. Mr. Scirabba does not want to mislead or make major changes midway through the project, therefore, he would request approval for the entire site, even though phase 2 could be years down the road.

Vice Chairman Morelli also stated with such high volume traffic in the proposed project area a bank or similar retail service seems acceptable. A coffee shop that would increase traffic does not appear to be the best use.

Mr. Scirabba would like to explore further options and he is sure a new traffic study will be required.

The Board was unable to comment on the project itself without more information regarding traffic and further review from the town engineer.

Board Member Don Sweet also commented on traffic and safety concerns. He does not want to see a condition created that is going to cause accidents.

Although it was short notice, Mr. Scirabba invited the Planning Board members or a representative to attend his meeting with NYSDOT scheduled for tomorrow at 1:00PM at the Jefferson Road location.

Code Enforcement Officer (CEO) Kusse commented on past lighting issues. CEO Kusse noted that Mr. Dorschel was proactive on solving lighting issues including meeting him on site late at night for light meter testing. CEO Kusse does not see light pollution being an issue at the above proposed site location.

CEO Kusse also stated that there were many potential traffic concerns when the Stevens' wanted to develop their property on the opposite corner. To date there have been no incidents even in the summer time when the ice cream shop is at full capacity. CEO Kusse is hoping that a reasonable alternative can be considered to make the project work.

Vice Chairman Morelli recalled that past proposed projects required many variance requests which reflected a disregard for the town's intentions and code. He also stated that he is pleased to hear that Mr. Scirabba is reviewing the town's comprehensive plan and reminded the applicant that the comprehensive plan is the will of the people.

Councilman Riepe asked Mr. Scirabba about the construction of the road leading to phase 2 through the wetland area. Fire truck and equipment is extremely heavy and will require a well-constructed road that will accommodate them.

Mr. Scirabba thanked the Planning Board and stated that he will take all the comments made this evening into consideration.

Chairman Felsen asked Mr. Scirabba if he has been working on a plan for property located at 7272 West Henrietta Road. Mr. Scirabba has had a conversation with the owner however, there has been no subsequent contact. Mr. Kolb is looking to help facilitate the updated plan for that commercial site.

Dave and Wendy Altamura appeared to discuss a proposed subdivision of their property located at 625 Works Road. Mr. Altamura explained his 16 acre parcel is located at the corner of Works Road and Honeoye Falls #6 Road. They would like to downsize by subdividing the property into 3 lots, approximately 5 acres each. The rear lot would be the site of their proposed new house. They would sell the existing house and shed on a second lot and the third lot would be land only.

The Planning Board noted that one of the proposed lots is only 75 feet wide and is not in compliance with the zoning code. The required width at setback is 150 feet. Mr. Altamura would need to change his plan or request a width at setback variance from the Zoning Board of Appeals. In order to achieve a 150 foot lot width, Mr. Altamura would have to move the shed and the existing driveway. The Board also discussed the locations of the well and septic system and asked if there were any water issues. The Altamura's stated that the well dried up once. The well was dug deeper and they have had no further problems. Other subdivision options were discussed. There is an existing creek and easement that runs through the property. The easement covers 25 feet either side of bank.

Mr. Altamura requested to be placed on the next Zoning Board agenda.

BOARD BUSINESS:

Discussion – Right to Farm Law

After discussion and review of several Right to Farm Law templates, the Planning Board made the following Motion:

Don Sweet motioned that the Planning Board recommend the Town Board's consideration in passing a Right to Farm Law using the Town of Gorham as a model.

John Morelli seconded the motion and the Board Members polled:

Roll:	John Felsen	aye	
	John Morelli	aye	
	Don Sweet	aye	
	Rick Wurzer	aye	carried.

With no further business, a motion was made by Chairman Felsen and agreed by common consent that the meeting be adjourned at 9:00 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk