

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF APRIL 16, 2013**

A regular meeting of the Rush Planning Board was held on April 16, 2013 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 PM.

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

EXCUSED: John Morelli, Vice Chairman

OTHERS PRESENT: Councilman Bill Riepe, Town Board Liaison
Gerry Kusse, Code Enforcement Officer, Resident
George Stotts, Attendee
Kathleen Gaudreau, Attendee
Mathew Schwasman, Resident
John Sciarabba, Land Tech Engineering
Pat Kraus, Conservation Board, Resident

Chairman Felsen welcomed all to the April Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of March 19, 2013 were reviewed.

Board Member Strock made a motion to accept the minutes of March 19, 2013 as corrected.

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

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

Rick Wurzer was excused from the March 19, 2013 Planning Board meeting.

INFORMAL DISCUSSION:

George Stotts to discuss commercial property located at 5970 East Henrietta Road, formerly known as Townline Garage, Inc.

Mr. Stotts explained to the Board that he has been in contact with the owner of 5970 East Henrietta Road. Mr. Stotts has been working with the owner's attorney to arrange a lease agreement for the building. Mr. Stotts is unsure of how quickly he will be able to move forward due to Phase 1 soil sampling and back tax issues. Mr. Stotts informed the Board that there has been very little exterior upkeep of the building and it is in need of extensive repair.

Mr. Stotts wanted to confirm that he could use the premises for full service auto repair and also have a few used cars for sale. Mr. Stotts would also like to have a tow truck, garbage dumpster for waste and a storage area for tires on the premises. For long term planning, Mr. Stotts asked if additional uses such as a coin operated car wash or drive through coffee window would be allowable.

Chairman Felsen explained to Mr. Stotts that a Special Permit is required for the outside storage of vehicles.

Board Member Strock stated that a Special Permit would also designate the area and maximum number of cars that could be for sale on the premises.

Chairman cautioned Mr. Stotts that the septic system would have to accommodate a car wash. Even fully recyclable car wash systems have waste that would have to be hauled away from time to time.

A drive through coffee window might require a building addition. An addition could encroach on the required setbacks and potentially require a variance. The existing building may not even meet today's commercial setback requirements.

Signage and lighting was discussed and the Board indicated that there are ordinance requirements for both that can be found in the Rush Town Code. Code Enforcement Officer (CEO) Kusse stated that he would gladly review and assist Mr. Stotts with sign and lighting code.

Mr. Stotts was concerned about the lack of space inside the building to store tires and may propose a fenced in area for concealed storage. Outside of regular business hours, an occasional broken down car would be towed to the garage after hours.

Gasoline was discussed. The zoning section of the Rush Town Code states that new gas operations are not allowable within 500 feet of an existing filling station.

Board Member Strock mentioned that it would be proactive for Mr. Stott's to come to the Planning Board for approvals first and make any purchase offer contingent upon receiving those approvals. Board Member Strock also stated as a general rule the Planning Board is sympathetic to supporting a business as discussed. The previous operator did not want to come to the Planning Board to request the necessary permits for operation.

Mr. Stotts thanked Deputy Town Clerk Palmer for assistance in obtaining information regarding the property.

Jason Beyer of 6550 East River Road to discuss a special permit for an enclosed work trailer and dump trailer.

Mr. Beyer stated that his property is directly across from the Town of Rush barns.

Mr. Beyer explained that he was cited with a violation for parking his trailers in the driveway forward of the main dwelling.

Mr. Beyer informed the Board that he has met with the Zoning Board of Appeals to discuss his difficulty placing the trailers behind the house due to the slope of the land. It was also brought to his attention that commercial vehicles/trailers are not permitted to be stored on the property. As a small self-employed contractor, off sight storage would be too costly and inconvenient.

Mr. Beyer stated that he spoke with his neighbors and they do not have any objections to his trailers in the driveway.

Mr. Beyer discussed erecting a barn in the future; again that would be costly. He also mentioned placing gravel off to the side of his dwelling where he would propose to locate a future barn in hopes that he could use that area until he builds.

The Board inquired about screening such as trees or fencing. Mr. Beyer's property currently has a lot of trees and together with the addition of some fencing Mr. Beyer could conceal the equipment adequately.

The Board stated they require a detailed plan including a formal Special Permit applicant indicating the exact location of the trailers and how they would be screened.

Land Tech Engineer John Sciarabba appearing on behalf of Rush Associates LLC to discuss an updated development plan for the parcel located at the corner of West Henrietta Road and NYS Route 251.

Mr. Sciarabba explained that his last appearance before the Planning Board was just prior to his meeting with the New York State Department of Transportation (NYSDOT). Mr. Sciarabba stated that the NYSDOT would most likely not grant ingress and egress from NYS Route 15.

Mr. Sciarabba presented another preliminary plan with ingress and egress located on Rush Scottsville Road. Mr. Sciarabba met with neighboring property owner Mr. Schwasman to discuss how to best protect his house. Mr. Sciarabba is proposing to push the building west into the setbacks in order to give the Schwasmans as much relief as possible. Mr. Sciarabba has also relocated the drive-thru operations to the front or the west of the buildings rather than the original plan showing them on the east side of the

buildings, facing the Schwasman house. Phase 2 is still proposed for the north east side of the wetland and access has been incorporated through the main area or phase 1 of the plan. Mr. Sciarabba stated they may investigate the previous access option that was granted by Mrs. Larrabee, property owner to the east of Mr. Schwasman.

Mr. Sciarabba was hoping to receive a positive referral to take back to the Town Board to accompany a formal rezoning application. The Planning Board explained that once a formal rezoning application is submitted to the Town Board, the Town Board will send it to the Planning Board for further review.

The Planning Board requested that Mr. Sciarabba gather more detailed information regarding several items such as the type of septic system, percolation and deep hole testing, storm water drainage, water uses and how waste water will be treated prior to the submission of a formal rezoning application. The outcome of the above items could result in changes to the current proposed plan. In addition the Board would like to know what businesses will be located there. It is best to submit the maximum density plan in combination with the testing results rather than trying to add to a minimal plan later. Some of the testing has already been done by previous engineers and Mr. Sciarabba may be able to obtain that information.

Mr. Sciarabba explained that he has executed many rezonings in other areas and would rather propose all possible intentions rather than request a rezoning for one building.

There was also discussion of underground springs that could come into play when planning septic and drainage.

The Board stated that commercial zoning is a better use of the land rather than the high density residential use as stated in the comprehensive plan. The expressway noise and traffic makes that an undesirable area for residential homes. Mr. Schwasman agrees with the Board that a high density residential area would mean even more traffic and noise verses Mr. Sciarabba's proposal.

Mr. Sciarabba and the Board also discussed the likelihood of an updated traffic study.

Councilman Riepe inquired about the amount of traffic that would be coming in and out of the development. Mr. Sciarabba stated that his concept does not have an updated study yet. The traffic would be heavier in the morning and again at noon pending a fast food restaurant. Councilman Riepe stated that Mr. Sciarabba may find traffic problems with ingress and egress limited to the NYS Route 251.

Land Tech Engineer John Sciarabba to discuss site plan for 7272 West Henrietta Road.

Mr. Sciarabba has been retained to update the site plan map for Mr. Stevens. Mr. Sciarabba has completed the survey map including the location of all the current structures. Mr. Steven's is currently out of town and has asked Mr. Sciarabba not to submit the new map to the Board at this time.

Chairman Felsen stated that there are currently 5 or 6 buildings on the 4 acre parcel. The owner and tenant have been talking about converting the old barn into a banquet facility. Chairman Felsen's concern is for the one pre-existing septic system that is now accommodating the house plus 2 additional occupied buildings.

Chairman Felsen explained to Mr. Sciarabba that there have been many changes to the property since the planning Board's original approval of the plan. Some of the changes include an addition of a dining room to Colby's Ice Cream and Bake Shop, an increased parking area, additional fill on the east of the old barn, an outdoor brick or stone oven and a tenant occupying the unit next to Colby's that does not have the required Certificate of Occupancy.

The Board has many questions regarding what has been added and any future plans for the property. The Steven's have been informed numerous times that any additions or changes to the original plan need to be approved by the Planning Board prior to construction or installation.

Mr. Sciarabba inquired about a holding tank as a substitute for a leach field. Chairman Felsen stated that Monroe County Department of Public Health (MCDPH) is not approving holding tanks.

CEO Kusse stated concern for the proposed event barn. Not only will parking be an issue, ingress and egress of numerous cars arriving and leaving the site at the same time could be a serious challenge.

Mr. Sciarabba asked what the next step would be for the Steven's to move forward. The Board stated that they will need to review the plan with everything that is currently on site and then discuss any further proposals. CEO Kusse and Fire Marshall Tracy have been asked by the owner to perform a preliminary walk through of the old barn.

Land Tech Engineer John Sciarabba to discuss property on Rush Henrietta Town Line Road east of High Tech Drive.

Mr. Sciarabba inquired with the Board on behalf of Mr. Yoruk owner of property located on Rush Henrietta Town Line Road. Mr. Yoruk would like to propose a 4 lot, flag lot subdivision without a dedicated road. Mr. Sciarabba was informed that flag lots require a variance and it was noted that the town does not favor flag lots. Rezoning might be more favorable and create potential for a better use of the parcel such as a garden center or a church. With the expressway overhead it is not conducive to residential living.

Board Member Don Sweet to lead a discussion regarding the formation of an agricultural advisory committee.

Board Member Sweet stated that as per the Farmland Protection Plan, the creation of a Farm Land Advisory Committee has been recommended. The plan outlines what the committee should be comprised of in terms of members. Board Member Sweet stated that the Planning Board has been given the task of establishing the committee. The committee would report directly to the Town Board. It was also suggested that any complaints be referred to the CEO rather than the committee itself. Board Member Sweet has communicated with two Rush farmers that have indicated an interest in participating.

Board Member Strock stated that any committee needs to have very specific roles and responsibilities in order for goals to be achieved. Regular reporting should also be a requirement. Once the responsibilities and goals are outlined then members could be recruited.

It was suggested that Farm Land Protection Plan Principal Planner Walt Kalina might be able to provide examples of other advisory committees in terms of members and vision statements.

BOARD BUSINESS:

The Board discussed drainage easements and inquired if there had been further communication between Town Engineer Todd Ewell and the Town Attorney.

Chairman Felsen discussed the establishment of the Town Wide Drainage Districts and an inventory list/book produced by engineer Jan Kem. There is also supposed to be a priority list that was setup for the Highway Superintendent to indicate areas of future drainage improvements.

The Planning Board has asked Deputy Town Clerk Palmer to draft a letter to the Town Board and Highway Superintendent requesting input regarding their current process of obtaining drainage easement.

With no further business, a motion was made by Chairman Felsen and agreed by common consent that the meeting be adjourned at 9:45 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk