

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF AUGUST 20, 2013**

A regular meeting of the Rush Planning Board was held on August 20 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
Rick Wurzer
Scott Strock
Meribeth Palmer, Deputy Town Clerk

EXCUSED: Don Sweet

OTHERS PRESENT: Councilman Bill Riepe, Town Board Liaison
Gerry Kusse, Code Enforcement Officer, Resident
Jason Beyor, Resident
Debbie Stevens, Resident
James Kolb, Resident

Chairman Felsen welcomed all to the August Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of July 30, 2013 were reviewed.

Vice Chairman Morelli made a motion to accept the minutes of July 30, 2013 as corrected.

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

Roll:	John Felsen	aye	
	John Morelli	aye	
	Rick Wurzer	aye	
	Scott Strock	aye	carried.

TABLED APPLICATION:

Application 2013-05P by Jason Beyor requesting a special permit for the outdoor storage of 2 commercial trailers on residential property as stated in Rush Town Code 120-7B(13). Property located at 6550 East River Road. Property is zoned R-30.

Chairman Felsen explained that the application was tabled pending a question to the Town Attorney regarding the Planning Board's power to waive certain site plan application requirements. It was determined that applications are to include a site plan to

scale with locations, dementions, and area of the site including the location of all existing and proposed buildings.

Mr. Beyor submitted a revised site plan. The Board further discussed details regarding the screening and the height/size of the 2 proposed trailers. The pine trees on the property that will act as screening and are approximately 30 - 40 feet in height. The enclosed cargo trailer is 8.5H x 7.5W x 20L and the dump trailer is 5'H x 18'L. The purposed of the trailers are for Mr. Beyor's home remodeling business. Mr. Beyor has one full time employee who reports directly to the job site locations. The proposed parking area for the trailers will consist of crushed stone and will continuing to the existing driveway. Board member Strock also stated that trailers should be licensed and inspected. Vice Chairman Morelli asked Mr. Beyor to note on the plan that the dwelling is a single story house.

With the addition of the above discussed details, the Planning Board will be satisfied with Mr. Beyor's revised site plan.

With no further comments Chairman Felsen declared the hearing closed.

INFORMAL DISCUSSION:

Debbie Stevens and James Kolb appeared to discuss proposals for a revised site plan for the property located at 7272 West Henrietta Road. Mr. Kolb stated that the final revised plan will be presented at the September 17th Planning Board meeting. The Stevens' will be requesting a change of use for the barn on the south side of the property. Mr. Kolb will also request that the ice cream shop be changed to a general restaurant.

The Stevens' are proposing to install a new pressurized septic system on the site. The old system will be abandoned.

The new site plan will include all existing buildings and uses in addition to future proposed buildings and uses. Tenant Mr. Kolb would like to officially convert the use of barn to a wedding or event barn with the intention of installing 2 bathrooms for public use. No kitchen is planned, however, they will be proposing 1 hand washing sink. There will be a holding tank for the barn bathrooms that will feed to a pump system leading to the new septic system. Mr. Kolb would also like to add a deck to the back of the barn that will also act as an additional emergency ingress and egress. There will be 4 exits all together. Maximum capacity will be 99 people; if the event is larger a tent will be added for overflow. The deck on the back may include a food staging area. Mr. Kolb would also like to add an awning to the front entrance of the barn. All additions to the site plan will be engineered to code and reviewed by the Fire Marshall. Mr. Kolb and Ms. Stevens also mentioned that music such as small 3 piece bands or DJ's for the events will be proposed. Chairman Felsen stated that any proposed music needs to be included on the new plan along with hours or duration.

Chairman Felsen asked if there are any more plans for the restaurant and what is the current seating. Mr. Kolb is not proposing any further changes. The restaurant seats 39 people which will not change. A gazebo will also be on the new plan for future installation. Mr. Kolb plans to pave the parking lot in 2 phases. He also stated that if business improves, he would like to take over the other retail space next door to be used as a bakery. Mr. Kolb also expressed a future idea of a wine specialty store to coincide with the limo business for wine tours as well as a cider mill.

Code Enforcement Officer (CEO) Kusse stated concern regarding the safety of the barn and the new proposed use. CEO Kusse will require the barn to be inspected and verified structurally sound by a certified engineer.

DECISIONS:

Chairman Felsen made a motion:

WHEREAS, the Board has examined the Application 2013-05P by Jason Beyor requesting a Special Permit for the outside overnight storage of 2 commercial trailers at the property located at 6550 East River Road, property is zoned residential; and

WHEREAS, maps and other materials were filed along with the Application, including the Short Environmental Assessment Form (“Short EAF”), pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Board has referred the application to the Town of Rush Conservation Board for its review and has considered its recommendations; and

WHEREAS, this Board has not found any aspect of the proposed action to be environmentally significant.

NOW, THEREFOR, upon consideration by the Board of the Application and the other materials submitted by Mr. Beyor, including the Short EAF, and the Board having given the submitted documentation matter due consideration; it is

RESOLVED, that the Board declares itself Lead Agency for purposes of conducting an Uncoordinated Review of the Application pursuant to SEQRA; and it is further

RESOLVED, the Board classifies the Application as an Unlisted Action, as that term is defined pursuant to SEQRA subject to uncoordinated review under 6 N.Y.C.R.R. § 617.6; and it is further

RESOLVED, that upon its examination and study of the Short EAF and the maps and plans submitted with the Application, and upon the advice and recommendations of the Conservation Board, the Board determines that the Application will not present a potential significant adverse environmental impact and thus issues a Negative Declaration concluding the SEQRA process.

Vice Chairman Morelli seconded the motion and the Board Members polled:

Roll:	John Felsen	aye	
	John Morelli	aye	
	Rick Wurzer	aye	
	Scott Strock	aye	carried.

Vice Chairman Morelli made a motion to grant approval of Application 2013-05P by Jason Beyor for the outside overnight storage of 2 commercial trailers located at 6550 East River Road in the Town of Rush with the following conditions:

1. The applicant list in the application a description of each trailer including the length, width and height.
2. The proposed parking area be labeled as crushed stone and shown to extend out to the existing driveway with dimensions.
3. The applicant indicating the approximate height of the screening pines trees as 30 to 40 feet.
4. The applicant providing documentation that the trailers are currently registered and inspected pursuant to the New York State Department of Motor Vehicles requirements.
5. The trailers being accessed and used for business purposes by the applicant and one other employee.

Board Member Strock seconded the motion and the Board Members polled:

Roll:	John Felsen	aye	
	John Morelli	aye	
	Rick Wurzer	aye	
	Scott Strock	aye	carried.

BOARD DISCUSSION:

Discussion of previously approved application 2012-06P by Kyle Stevens regarding the special permit issued by the Planning Board of the Town of Rush on January 15, 2013 to store commercial vehicles outside at 2500 Rush Mendon Road, Town of Rush.

After discussion of the violations to the conditions of the above special permit as sited in the Cease and Desist Order dated July 30, 2013. The Planning Board made the following decision.

Chairman Felsen made a motion to revoke special permit based on the Cease and Desist Order and special permit condition number 11 (That the Special Permit to allow the outside storage of commercial landscape vehicles at 2500 Rush Mendon Road, Town of Rush shall be immediately revoked upon the applicant's non-compliance with any of the above conditions of approval).

Board Member Strock seconded the motion and the Board Members polled:

Roll:	John Felsen	aye	
	John Morelli	aye	
	Rick Wurzer	aye	
	Scott Strock	aye	carried.

BOARD BUSINESS:

Deputy Town Clerk Palmer has supplied the Board with a copy of the final revised draft of the Easement Agreement template for review.

Rush Associates LLC rezoning request. Deputy Town Clerk Palmer stated that the Town Board request input or comments no later than the September 17th Planning Board meeting.

With no further business, a motion was made by Chairman Felsen and agreed by common consent that the meeting be adjourned at 8:55PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk

