

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF MAY 19, 2009**

A regular meeting of the Rush Planning Board was held on May 19, 2009 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 P.M.

MEMBERS PRESENT: John Felsen, Chairman
Don Sweet
Rick Wurzer
Scott Strock

Excused: John Morelli

OTHERS PRESENT: Richard Anderson, Town Board Liaison
Gerry Kusse, Code Enforcement Officer
Lisa Sluberski, Town Board Member, Resident
Timothy Lincourt, Resident
Ralph Keyes, Resident
Vera Keyes, Resident
Violet Ciranni, Resident
Michael Ciranni, Resident
Duane Stevens, Resident
Debbie Stevens, Resident

APPROVAL OF MINUTES: The Minutes of April 21, 2009 were reviewed.

John Felsen made a motion to approve the Minutes of April 21, 2009 as amended.

Don Sweet seconded the motion and the Board Members polled:

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

Welcome to Scott Strock, new member of the Rush Planning Board.

PUBLIC HEARING:

Application 2009-07P by Violet Ciranni for the Re-Subdivision of lot R-2 of the Richard A. Wing Subdivision to combine a 9.014 acre parcel into an existing parcel of 21.507. Property is located at 213 Five Points Road. Property is located in an R-30 Zoning District.

Mr. Ciranni explained that they are combining 2 adjacent parcels. No future development is planned at this time. There were no concerns or comments from the audience.

John Felsen declared the hearing closed.

Tabled Application 2009-03P by Timothy Lincourt for a Special Permit to use the premises at 95 Keyes Road to store landscape and property maintenance equipment. Property is located in an R-30 zoning district.

Tim explained that he has moved the landscaping equipment to another location and the remainder of his equipment is stored inside the barn at the Keyes Road location. The original special permit by Luther Keyes is still in effect. Tim's request would be a second special permit for that location. The land behind the barn is being filled in and leveled out in order to make it easier to store trailers behind the barn. All trailers will be stored behind the barn. The agricultural exemption on the land was discussed with consideration to the portion used by a special permit for a non agricultural use. The assessor will be notified if the special permit is granted and the assessor will make a determination regarding the revocation of any or part of the agricultural exemption.

John Felsen declared the hearing closed.

INFORMAL DISCUSSION:

Debbie and Duane Stevens to discuss additional fill on property.

The original site plan does not specify the fill that has been added. Mr. Stevens explained that after removing the debris from behind the house, large ruts were left so he filled it in to make it level. The gravel that was added was so that trucks would not sink when adding the fill. Mr. Stevens also stated that the fill was not added to the proposed leach field area and he has received letters from The Monroe County Health Department and Department of Environmental Conservation stating that the septic is currently in good working condition. Mr. Stevens stated that if additional septic usage were to increase, a leach field will be added. Gerry Kusse conveyed his concern regarding the amount of fill that has been added which in turn has created a change in the grade and pitch and has also created a valley thus altering the surface drainage. There is still a potential for future problems to appear in the leach field area. John Felsen stated that if there are any future plans for this site such as additional buildings, fill or rental of the retail space in the front of the barn the Stevens must first appear before the Planning Board.

The Planning Board also addressed the topic of on auto repairs. The original plan stated minor repairs. Mr. and Mrs. Stevens stated that they have installed a car lift and are currently changing tires, inspecting vehicles, repairing mufflers, tie rods, ball joints and painting. Gerry Kusse, Rush Code Enforcement Officer has observed major mechanical work and the installation of repair equipment which is

not permitted according to the original plan. The Stevensqstated that New York State became involved and has required them to do their own vehicle inspections on site. John Felsen read for the record the site plan approval letter with conditions dated October 6, 2006 and a copy was given to Mr. and Mrs. Stevens.

Due to the recent changes, the Planning Board has asked Mr. and Mrs. Stevens to provide a detailed plan of what they would like to do including future plans and then schedule an appointment for a Public Hearing to request an amendment to the current site plan.

Jeremy Tuke from the New York State Railroad Museum was on the agenda. Mr. Tuke did not appear.

DECISIONS:

Tabled Application 2009-03P by Timothy Lincourt for a Special Permit to use the premises at 95 Keyes Road to store landscape and property maintenance equipment. Property is located in an R-30 zoning district.

John Felsen made a Motion **WHEREAS**; this Board has examined **Application 2009-03P** by Timothy Lincourt for a Special Permit to use the premises at 95 Keyes Road to store landscape and property maintenance equipment. Property is located in an R-30 zoning district, 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 SEQR laws requiring no further action by this Board.

Don Sweet seconded the motion and the Board Members polled:

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

John Felsen made a motion to grant a special permit to Timothy Lincourt to store up to 3 trailers behind the pole barn at 95 Keyes Road. All other equipment is to be stored inside the barn. The use of chemicals, pesticides and herbicides will not be permitted under special permit 2009-05P by Timothy Lincourt.

Don Sweet seconded the motion and the Board Members polled:

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

Application 2009-07P by Violet Ciranni for the Re-Subdivision of lot

R-2 of the Richard A. Wing Subdivision to combine a 9.014 acre parcel into an existing parcel of 21.507. Property is located at 213 Five Points Road. Property is located in an R-30 Zoning District.

John Felsen made a Motion **WHEREAS**; this Board has examined **Application 2009-07P** by Violet Ciranni for the Re-Subdivision of lot R-2 of the Richard A. Wing Subdivision to combine a 9.014 acre parcel into an existing parcel of 21.507. Property is located at 213 Five Points Road. Property is located in an R-30 Zoning District 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 SEQR laws requiring no further action by this Board.

Rick Wurzer seconded the motion and the Board Members polled:

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

John Felsen made a motion to grant preliminary subdivision approval for **Application 2009-07P** by Violet Ciranni.

Don Sweet seconded the motion and the Board Members polled:

Roll: John Felsen aye
 Al Simon aye
 Don Sweet aye
 Rick Wurzer aye carried.

John Felsen made a motion to wave the final subdivision hearing for **Application 2009-07P** by Violet Ciranni.

Don Sweet seconded the motion and the Board Members polled:

Roll: John Felsen aye
 Al Simon aye
 Don Sweet aye
 Rick Wurzer aye carried.

With no further business, a motion was made by John Felsen and agreed by common consent that the meeting be adjourned at 8:35 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk