

## MINUTES OF OCTOBER 20, 2009

A regular meeting of the Rush Planning Board was held on October 20, 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  
John Morelli  
Don Sweet  
Scott Strock

**Excused:** Rick Wurzer

**OTHERS PRESENT:** Gerry Kusse, Code Enforcement Officer  
Don Knab, Planning Board liaison substitute  
Tom Doupe, Town Board member, Resident  
Lisa Sluberski, Town Board member, Resident  
Majed El Rayess, Architect  
Naveed Hussain, Property owner  
Todd Ewell, Town Engineer  
Walter Kalina, AICP Clough Harbour Planner

**APPROVAL OF MINUTES:** The Minutes of September 15, 2009 were reviewed.

John Morelli made a motion to approve the Minutes of September 15, 2009 as written.

Don Sweet seconded the motion and the Board Members polled:

|       |              |     |          |
|-------|--------------|-----|----------|
| Roll: | John Felsen  | aye |          |
|       | John Morelli | aye |          |
|       | Don Sweet    | aye |          |
|       | Scott Strock | aye | carried. |

### INFORMAL DISCUSSION:

Naveed Hussain, and architect Majed El Rayess presented a preliminary site plan to the Planning Board for the property located at 5946 East Henrietta Road. They have proposed moving the south entrance on New York State Route 251 further east to accommodate traffic build up from the intersection. The proposed building is approximately 8145 square feet in size. A portion of the original structure to the north has been removed in order to provide the required 20 foot commercial setback. The Building itself is composed of two components. One section will be approximately 1400 square feet to accommodate a small satellite franchise. The other portion of the building will accommodate the main store, offices, mechanical room, restroom, pharmacy, deli and ice cream counter. The

square feet with a paved area of 25,496 square feet. The new site plan proposes a building of 8,145 square feet for a total of 33,641 square feet. The proposed site has been arranged to create maximum parking, access, flow and circulation without disturbing the trees to the north east. A buffer area of plantings and perhaps a fence has been proposed to provide extra sound protection for the residential property to the east. The project will most likely require an area variance for a front setback. The existing septic will be repaired and used. Delivery area and refuse pick up have been moved to the north end of the lot, away from the residential area. Downward lighting is proposed for under the canopy, minimal security lighting in the store, and possibly some pole lighting if current street lighting is not enough. Three pump stations are planned, two for gasoline fuel, one for diesel fuel. The exterior design of the proposed building has been designed to fit in with the existing buildings in the hamlet. Some design elements from the Rush Town Hall have been used for continuity.

Code Enforcement Officer, Gerry Kusse announced that the Town of Rush Fire Marshall, Richard Tracy is very interested in following this project, however, he is unable to attend tonight due to a prior Fire District commitment.

## **BOARD BUSINESS:**

### **Clough Harbour proposals**

Todd Ewell and Walter Kalina from Clough Harbour and Associates were present to answer questions from Planning Board regarding the update of the Site Development Details and the update of the Rush Comprehensive Plan.

The site development details date back to 1988. This proposal is specifically geared to updating materials and standards, the design criteria itself will not be rewritten. Walter Kalina stated that the storm water detail is in need of updating to reflect the phase 2 requirements by the Department of Environmental Conservation (DEC). Simplifying the detail by referring builders/engineers to the DEC will ensure that the most updated requirements are used. Many of the road sections need updating as well. Clough Harbour has proposed to meet with town officials, Code Enforcement Officer and Highway Superintendent in order to include their concerns and input.

The Comprehensive Plan proposal includes 4 meetings with the Planning Board to explore and discuss what areas of the current plan need updating. Walter Kalina explained that after reviewing the Town's Comprehensive Plan, there are two areas in particular that are in need of updating. The Geographic Information System (GIS) also known as GIS Mapping and the sections referring to current land use, zoning, and future land use. Updating these areas will enhance the town's ability to obtain funding for capital improvement projects. Walter also explained that the Comprehensive Plan is not the legal document, the town's

ent. Often the Comprehensive Plan will be  
the current Zoning Code.

The Planning Board supplied an already updated portion of the Comprehensive Plan to Walter Kalina. Walter Kalina stated that instead of struggling with where to start, updating a Comprehensive Plan in phases works best. Walter Kalina has offered to meet with the Planning Board one more time to help define areas of priority, at no charge.

### **Discussion regarding Councilwoman Sluberski's Comments on Town code 120-57G**

The Planning Board discussed their previous recommendations to the Town Board on the outdoor storage of recreational vehicles. John Felsen asked for comments from the Planning Board members.

Scott Strock stated that parking a vehicle/trailer in the driveway is self limiting. He recommended that residents should be allowed to parking one vehicle/trailer, full time, beside (behind the front foundation line and within the side setback) the house due to the many hardships residents find in placing them behind the main dwelling.

Scott Strock also stated that the side location provides visibility that would be helpful from the enforcement aspect. Mr. Strock agreed that the vehicle/trailer should be registered and licensed. The Planning Board was willing to allow these items in their prior recommendation, and a side location remains less visible than a driveway.

John Morelli expressed a safety concern due to visual impairments of recreational vehicles in driveways. Don Sweet stated that currently residents unable to store recreational vehicles in the rear of their property must store their recreational vehicles elsewhere. Don Sweet would consider parking recreational vehicles in the driveways of R-30 districts, however did not favor recreational vehicles parked in the driveways of R-20 districts. John Felsen stated that he agrees with the restriction of recreational vehicles in R-20 zoned districts.

The Board continued to discuss potential visual impairments of the roadways created by large recreation vehicles parked in driveways as well as the proposed length of time for parking recreational vehicles in driveways. Board members discussed limitations and hardships of parking these vehicles behind main dwellings versus driveways. The topic of neighborhoods that are zoned R-20 which typically have smaller lots and shorter driveways could potentially become cluttered with these types of vehicles if allowed in driveways. The current required setbacks in R-20 districts would in most cases eliminate the capability to park a recreational vehicle in the driveway of these zones.



some of these items was discussed with Gerry [redacted]. It was noted that the Monroe County Sheriff's Department would not be a source for enforcement. The petition submitted in November of 2008 with approximately 88 petitioners was compared to the number of parcels with dwellings in the Town of Rush that have unknown opinions on the matter. The Planning Board created comments to submit to the Town Board.

After discussing Councilwoman Sluberski's comments regarding Town Code 120-57G the Planning Board recommends the following:

- One recreational vehicle/trailer allowed to be parked on the driveway of a residential lot, year round with a required minimum 25 feet setback from the edge of road pavement and not obstructing the road/highway line of sight.
- Recreational vehicle must be licensed and registered to the resident residing at that location.
- One or more recreational vehicle/trailers owned by a resident of the property may also be parked behind the rear foundation line of the main dwelling and not within the required side or rear setbacks for that district.
- Use of a recreational vehicle as living quarters on the property is limited to 30 days per year.
- The original recommendation of allowing recreational vehicles to be parked on the side of the main dwelling behind the front foundation line for 30 consecutive days has been retracted.

With no further business, a motion was made by John Felsen and agreed by common consent that the meeting be adjourned at 10:40 PM.

Respectfully Submitted,

Meribeth Palmer  
Deputy Town Clerk