

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF NOVEMBER 18, 2014**

A regular meeting of the Rush Planning Board was held on November 18, 2014 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 PM.

PRESENT: John Felsen, Chairman
John Morelli, Vice Chairman
Don Sweet, Member
Scott Strock, Member
Rick Wurzer, Member
Shivaun Featherman, Deputy Town Clerk

OTHERS PRESENT:

Cathy Frank, Town Board Liaison	Pravin, Attendee
Todd Ewell, Town Engineer	R. Kraus, Resident
Robert Maze, Resident	Aldri S., Attendee
Sharon Maze, Resident	Muralee M., Attendee
Charlotte Greenwood, Resident	Kimberly Compson Kolb, Resident
Thomas Greenwood, Resident	James Kolb, Resident
Mike Scholl, Resident	Vilas A., Attendee
Kim Bawden, Resident	Chendil Palani, Attendee
Viktor Neverenko, Attendee	Sairarn Sai Tedla, Attendee
Daniel Bolsky, Resident	Eulas Boyd, Attendee
Tulasi, Attendee	Karen Hopkins, Realtor, Resident
Singa, Attendee	Cindy Roland, Resident
Jambu, Attendee	Upanishad Mehta, Attendee
Haran, Resident	K. Pathmanatha, Attendee
Nandini Kumar, Attendee	Francis Rapport, Realtor, Resident
Anish Kumar, Attendee	Larry Heininger, Engineer

Chairman Felsen welcomed all to the November Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of October 21, 2014 were reviewed.

Board Member Sweet made a motion to accept the minutes of October 21, 2014 as submitted.

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

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

PUBLIC HEARING:

Application 2014-04P by Larry Heininger, agent for Navaratnam Wijayaharan of the Sri Vidya Temple, requesting Subdivision and Site Plan approval to construct a proposed 15,100 square foot temple building on the south side of the existing temple complex. Properties are located at 6970 and 6980 East River Road and are zoned Residential-30.

Chairman Felsen informed the audience that the applicant has also filed an Application for a Special Permit to allow a religious use in a residential zone. The Public Hearing for the Special Permit will be on December 16, 2014.

Navaratnam Wijataharan (Haran), applicant, appeared with engineer Larry Heininger and attendee Pravin. Mr. Heininger explained that the Sri Vidya Temple has been in Rush for 14 years. Along with the existing temple, there is a building for storage and a youth hall. There are two houses on the property across the road that the temple owns. They are seeking Subdivision and Site Plan approval for a proposed 15,100 square foot temple building on the south side of the existing temple complex and to resubdivide the existing lot to meet setback requirements. If approval is granted, the applicant will begin soliciting donations from their congregation for the construction of the new temple. The estimated cost of building the proposed new temple is 14 million dollars. It will be made of granite that will be hand carved in India, sent here in pieces and assembled on-site by Indian craftsmen. The applicant hopes to start building 5 to 7 years from now.

Mr. Heininger presented a traffic analysis that he compiled and submitted copies to the Planning Board. The traffic study will address if the proposed use will have a negative impact on the highway system. Vice Chairman Morelli stated that the traffic study is not just the impact on the highway system; it also has to do with the degradation of the traffic quality on the highway. Chairman Felsen stated that Town Engineer Ewell will have his Traffic Engineer review the analysis.

Mr. Heininger stated that he and the applicant had a meeting with residents on November 16th. The most important comment he heard from residents is that people coming to the temple miss the entrance, then turn around in neighbor's driveways. Mr. Heininger is proposing signs to indicate the location of the temple and will talk with the Department of Transportation about putting a sign at Exit 11 off 390 to provide the direction to the temple. Chairman Felsen advised Mr. Heininger that the Town has a sign ordinance that he would need to address. Mr. Heininger is also proposing better lighting at the entrance to the temple.

Mr. Heininger pointed out the proposed leach fields and gas service locations on the site map. He also pointed out proposed parking. Currently there are 48 parking spaces, two of which are handicap spaces. Proposed parking will increase to a total of 88 parking spaces, including two more handicap spaces. Mr. Heininger pointed out lawn space where additional parking can be accommodated during the yearly summer festival. This will be similar to the Rush Fireman Carnival when parking on lawns is allowed.

Mr. Heininger stated that there is lighting on 12' poles along the roadway to the temple from the entrance. Each has a 150 watt metal halide and provided an example. Mr. Heininger pointed out that it is a shielded fixture. The proposed lighting for the new temple may be solar photovoltaic 175 watts or LED lights; it will be adequately lit. Town Engineer Ewell asked Mr. Heininger for photometrics for lighting. Mr. Heininger replied that he will submit photometrics, identify current lighting, and come up with a lighting plan.

Mr. Heininger addressed comments from the Monroe County Department of Planning and Development, and the Department of Environmental Conservation. Mr. Heininger will respond in writing to comments from Town Engineer Ewell.

Chairman Felsen stated that the Rush Fire Commissioner reviewed the application and recommends that the proposed new temple install a sprinkler. Mr. Heininger replied that there will be a wet sprinkler system installed. Mr. Heininger noted that the existing temple currently has a wet sprinkler system installed as well. Chairman Felsen stated that the Rush Conservation Board asked if the septic system is adequate. Mr. Heininger replied that it is more than adequate.

Board Member Strock asked when services are, the hours of the day, what the incoming and outgoing traffic looks like, what is the peak day, what is the peak time of day, and particularly the days and hours of the festivals.

Pravin replied the main event every week at the temple is on Saturdays. The core service is from 11:00 am until 2:30 pm. The majority of traffic comes from Toronto, Boston and Buffalo. The remaining days of the week are uneventful; there are barely 20 people present.

The festivals are twice a year and both are held at the same time in October, dispersed by 3 day intervals. The majority of visitors arrive by bus for the festivals. The temple makes arrangements with area dealerships and schools to use their parking lots and shuttle people in by bus.

Pravin stated that the reason for the proposed new temple is that the existing temple serves as both a place of worship and where people eat. They would like to have a facility to properly hold worship, and a separate place to serve meals. It is not an expansion because of growing attendance. Another reason for the proposed new temple is to hold rituals inside that are currently held outside on the festival days. This will decrease the noise level. The greatest impact regarding traffic was in 2010, when they had an event for the consecration of the temple. This event occurs once every 12 years and there was a high amount of traffic. The temple leaders informed the proper authorities before the event, and the authorities played a major role in the success of traffic flow and safety.

Vice Chairman Morelli thanked Pravin for his explanation. He means no disrespect but has some concerns regarding the credibility about what Pravin said regarding growth. This building is going to be hand carved from granite. This is going to be an attraction.

Vice Chairman Morelli stated that in regards to the Special Permit application that will be discussed next month there are some conditions that need to be satisfied regarding the health and safety of the community. A special permit can be granted if the use is necessary or desirable to contribute to the general well-being of the community. How does bringing busloads of Canadians or people from Buffalo to this temple contribute to the well-being of Rush.

Pravin replied that upon leaving the temple, visitors will stop in Rush and the surrounding areas for lodging, to purchase food and gas, or visit area shopping centers. This is a huge economic impact. Chairman Morelli stated the concern is for the general well-being of not only Rush but for the particular neighborhood where the temple is located. There are no malls or lodging there.

Haran stated that the prior owners of the property did not maintain it. Since he purchased the property, it is well kept. Neighbors have commented on how clean the area is. Haran stated that it will increase property values in the area. Pravin added that they have a healthy relationship with neighbors. The neighbors across the street provide them with animals to worship. For the past 14 years, the neighbor to the right of the temple has given them free firewood for their rituals.

Board Member Strock stated that he heard a comment that at times noise extends late into the night into early morning. Is that a credible statement? Pravin asked if that complaint had been formally filed within the last 14 years. If so, they will need to address it. Their weekly services are over by 2:00 pm. However, one of the reasons for the new temple is to keep noise inside. Haran added that at times there are some teenagers who make some noise once in a while but it is not consistent. He addresses this when it occurs.

Mr. Heininger stated that the hours of operation are:

Monday – Friday 8:30 am – 2:30 pm and 6:00 pm – 8:30 pm
Saturday 8:00 am – 9:00 pm
Sunday 8:00 am – 8:30 pm

Prayer ritual times are:

Monday – Friday 9:30 am, 12:30 pm and 7:00 pm
Saturday – 9:30 am and 6:00 pm
Sunday – 10:00 am, 12:30 pm and 6:00 pm

Pravin added that those are the hours that the temple is open, however, services are held at separate times. For example, they open the temple at 5:30 pm for the 6:00 – 7:15 service. After that, the temple is quiet. This adds to why they need a new temple. After services, some people like to have some quiet time and that is not currently possible as other people are eating and talking in the same building.

Pravin stated they follow the lunar calendar, so operation times, prayer ritual times and festival times will not change.

Board Member Sweet asked how many buses come in during festival times and are there defined parking areas for the buses. Pravin replied that the buses do not come in and stay. They drop off the participants and then leave. At most, there are 3 buses.

Board Member Sweet asked if there are designated areas for emergency vehicles if parking lots are full. Also, is there adequate turn radius room. Mr. Heininger stated that the drive lanes are 24' wide and the entrance road is 20' wide. There is no parking allowed around the buildings. The Fire Marshal is welcome to visit the property and make suggestions.

Chairman Felsen informed the audience that at this time he will open the floor for public comments. Please state your name and address for the record.

Resident Sharon Maze commented that Pravin previously stated that there are only two festivals a year in October when there are buses. She is asking what happens in May, June, July, August and September because there is a lot of activity, noise pollution and buses.

Pravin replied if one is to see any traffic, it would only be on weekends as services are primarily on Saturday. The last 30 minutes of the service is performed outside because there is not adequate space inside for the ritual, hence the noise pollution. He understands it is bothersome for neighbors, and it is bothersome for the temple administration too. They prefer, according to their customs, to keep everything within the temple. With the proposed new temple, the entire service will be held inside a sealed, granite structure. There would be a big noise reduction.

Resident Sharon Maze addressed the camp that is held for kids. She has nothing against kids; she has two of her own, but there are many kids. The noise from the kid's camp goes on all day and into the night. Pravin replied that the same answer applies. They currently do not have adequate room within their current facilities. With the proposed new temple, the existing temple building will be used for the kid's classes and other activities. The sports events will be moved to a further field, beyond the stream. There are no neighbors behind the fields. The kid's camp is held one week once a year.

Resident Sharon Maze asked what will this do to area property values. The reason she purchased her home in Rush is because the area was quiet and peaceful. It is no longer peaceful. If she tries to sell her home in the future, who will want to buy a house with a big temple in the area.

Pravin stated with the new temple building, and moving sport activities to a further field, there will be much less noise than there currently is. Look at your property value 14 years ago, per acre, and look at it now. It has gone up significantly.

Resident Sharon Maze expressed concern about adequate water supply, and an adequate leach field area, as the projected amounts are based on less people than she actually sees come in. Buses arrive more often than just in October.

Pravin stated that for the past 14 years, the leach fields and septic system have held up. For the event that occurs every 12 years, where they anticipate a high number of visitors, they get mobile stations.

Vice Chairman Morelli noted a discrepancy. Earlier Pravin stated there are buses only twice a year, however, a resident stated there are buses many times during the year. Pravin did not challenge that.

Pravin replied there are planned buses twice a year for the festivals, however, at times there are unplanned buses. They stay for a short duration of time. It is not their belief to turn anyone away.

Resident Mike Scholl stated he and other residents have known about this application for a couple of weeks while the applicant has obviously had time to present and prepare. Is there a way he can formerly present concerns he has, or present concerns as a group? There may be other residents who don't have the opportunity to attend the public hearings and would like to present their concerns. Chairman Felsen stated that Mr. Scholl can present his concerns tonight, through email or present them at the Special Permit public hearing.

Resident Kim Bawden stated she believes that no one here has any disrespect for the religion that the applicant celebrates. However, the temple is a complex, not just a temple. In addition to the temple, they are feeding people and holding religious camps. Even though the temple has not increased exponentially, it is increasing. Look at where it was 14 years ago as compared to today. What about 14 years from now. Ms. Bawden stated that the applicant cannot guarantee that there will not be noise or light pollution. No one is saying that the temple should not exist, but it belongs in a commercial zone, not in a residential zone.

Chairman Felsen stated the temple is allowed in a residential area under the issuance of a Special Permit, just like all the other churches in Town. The United Methodist Church, the Korean Presbyterian Church and the House of God are all in residential areas and they went through the same process. The United States was founded on religious freedom. There are very few things that a Planning Board can do because of the laws of the United States, unless it can be demonstrated to this Board that there are health and safety violations that this temple would cause. This is the only church in the Town of Rush that pays both school and town and county taxes. They don't have to; they could ask for an exemption but they do not.

Resident Kim Bawden commented that the churches Chairman Felsen mentioned in Rush are on a main highway. East River Road is not a main highway. Chairman Felsen stated that the Korean Presbyterian Church is on Pinnacle Road and that is not a main highway. The House of God in on Phelps Road; that is a town road.

Mr. Heininger commented on Ms. Bawden's earlier statement regarding light pollution. All the fixtures are shielded fixtures that can be controlled through engineering.

Pravin stated they are very concerned with issues neighbors have and will address them. It is part of their religious belief to be in harmony with their environment. That includes their neighbors. They want to make sure that all their neighbors are happy.

Resident Cindy Roland stated she is concerned about growth. Originally the property had a small ranch house. Then a temple and other buildings were built. Now there is a new proposed 15,100 square foot temple that will be a major attraction. Addressing Pravin, Ms. Roland stated that although you say you get along with your neighbors, you have never talked with her, and she lives only three houses down. Another issue is she has never received any notification that festivals would be taking place. She would like to receive advance notice so she won't have company over when there is Indian chanting going on all night. She is requesting that mailers be sent to all the neighbors notifying them of festival and group activity dates and times. Haran stated that is a good suggestion, and they will definitely do that.

Resident Daniel Bolsky stated that "a few years ago I made a comment at one of these meetings that there were buses in front of the property that were idling at 5:30 am. There should be some kind of law that there should be no noise. They changed it so that the buses moved to the back. The fact is, they woke me up. They disturbed my health. A couple of years ago, someone on the property had a bonfire with chainsaws at 11:30 at night. I called the police. It's on record. The police had to come twice, as the first time the noise did not stop. I start work at 5:00 am. I am an American citizen. It's my health. You say your services are on the weekends and that there is no noise, but in early spring and into the summer, depending on how much rain we get, you constantly cut grass from 4:00 pm until 9:00 at night. I have to keep my windows closed because I don't like to hear mowers for 5 hours. Every day, Monday through Friday before the weekend services and it affects my health. You mentioned that your festivals are only twice. It's all summer long. I am cooped up in an apartment; I can't even go outside and enjoy God's creation without listening to excessive noise by a group of people. There are youths that play basketball and soccer. It's the same noise level. They are permitted to do it but no one in your organization has ever apologized to me regarding the noise from the buses, the bonfires, the kids playing at night."

Resident Bob Maze is concerned about traffic, especially regarding the "S" curve on East River Road near the temple. It's a dangerous area in regards to the speed limit and buses and cars. Mr. Maze is concerned for the safety of visitors to the temple. He has witnessed on more than a daily basis, and more than twice a year for the festivals, 50-60 people crossing East River Road, east to west on foot. As far as fatalities, he knows of at least one because of the "S" curve. Another concern is the lawn at the caretaker's house across the street becomes a parking lot. After heavy rains, the lawn does not become a good parking lot. There have been times when several people push cars out of the mud and into the road. The speed limit does not allow a vehicle to stop in time coming through the curve. This puts people in danger. Mr. Maze stated the applicant can't guarantee that during the times of the festivals, the area across the street will not become a parking area.

Vice Chairman Morelli stated that is the type of thing the Planning Board can address as a possible condition of the Special Permit.

Pravin stated that the proposed parking for the new temple will serve to keep all temple parking and visitors on that property.

Resident Bob Maze stated that when you build a temple of this caliber, with granite and columns, it will be an attraction and will attract more people. Pravin explained that the idol that they have worshipped for the last 14 years will be moved from the existing temple to the new temple. Visitors are coming to see the idol, not pillars and beams.

Resident Bob Maze asked if the legal occupant load will be posted on the new temple. Pravin replied it will be. Mr. Maze asked if the legal occupant load will be twice the number for the proposed new temple as it is for the existing temple. Mr. Heininger stated that the existing temple's occupant load is 100 people, and for the proposed new temple, the legal occupant load will be double what it is now. Mr. Maze stated if there's not going to be any growth, then why isn't the occupant load for the proposed new temple the same as the existing temple.

Resident Kim Bawden stated so you are anticipating growth. The concern here is that even if you continue to grow slowly, there are going to be issues. The expansion raises concerns. A very interesting piece of information would be the rate of growth year by year.

Mr. Heininger stated that the walls will be solid red granite, and the columns will be 14' tall. Given the dimensions of the building, there is no way that it could ever be expanded.

Resident Kim Bawden stated that this will obviously be an attraction. It will be beautiful and a 14 million dollar temple. People who aren't even a part of the religion will come to see it. It is a concern from a traffic and safety standpoint.

Resident Sharon Maze asked Pravin that as he knows that noise is a problem with the neighbors, and he wants to be neighborly, why is he putting 14 million dollars into a proposed new temple and hasn't installed a sound barrier for the neighbors? Pravin asked if she would really want a 12' high barrier. Ms. Maze stated she would rather that than having to close her windows all summer long.

Pravin explained that the 14 million dollar cost is because of the granite. For example, it's like building a kitchen. If one uses granite countertop, the total price of building a kitchen skyrockets because of the granite. It won't make the kitchen bigger or better. It's just the fact that it's granite. The reason they are using granite is not because it's beautiful, but rather it's because it's in their scriptures. The main deity is made of the same granite. It's not to be glamorous outside. The posts inside are granite. The walls will be insulated using the best type of eco-friendly insulation to keep the noise within the building.

Board Member Strock asked what occasions are fireworks used. Pravin replied they shoot off fireworks one night in July for the festival and one night in October for the other festival.

Resident Bob Maze asked if there is an ordinance against fireworks. Chairman Felsen replied that are state laws, but not town laws.

Resident Kim Bawden stated that she agrees with resident Sharon Maze's statement that they drive a long way to Rush to be in the country. It is very critical to the residents in the area that it remains a country environment. That is how the applicant can maintain harmony with the neighbors; optimize what he wants to do, along with the environment that the neighbors want to be in. We pay high taxes. Pravin stated that he understands and it's why he is attracted to Rush as well. He added that for 14 years, they have paid high taxes as well and they will respectfully continue to maintain the land. Chairman Felsen stated that the taxes the applicant pays is public record. He read aloud the amount of taxes paid this year by the applicant – the school tax amount paid was \$25,855.00 and the town and county tax amount paid was \$32,373.00.

Resident Kim Bawden pointed out at least we all have in common that we all want to maintain a country environment.

Resident Bob Maze asked Chairman Felsen to confirm what he understands – that neighbors can voice their opinions but the bottom line is the proposed new temple could be approved. However, neighbors can request that certain issues are controlled. Vice Chairman Morelli stated that the temple is a permanent use in a residential district with a Special Permit. The applicant is allowed to apply for a Special Permit and the Planning Board is required to respond to it. The Public Hearing is to hear what type of concerns there are so that conditions of the Special Permit can be specified. It is a way to address them.

Chairman Felsen stated that it is very hard for the Planning Board to deny a new temple unless it can be shown that the proposed project creates serious health or safety concerns. Resident Bob Maze asked for some examples. Chairman Felsen gave the example of a fire hazard that could impact neighbors – however, that example has nothing to do with this project.

Resident Bob Maze asked Pravin that in regards to a fire hazard, what takes place during the event held once every 12 years with tents. Pravin replied that in 2010 when they had the reconsecration of the temple, they had little fire pits but that did not take place on their property. It was on adjacent property with special permits and proper approvals. Mr. Maze replied that he is not talking about proper approvals but rather fire hazards. What was the size of the tents. Haran replied that the tents were 250' long and 65' wide. Mr. Maze asked how many fires were in a tent. Pravin answered 100-120 fires. Mr. Maze stated that on any tent that he has ever been in, there are signs all over the tent stating no open fire and no smoking. Mr. Maze stated to Chairman Felsen that regarding showing a safety hazard, this is one example. Haran replied that very few people were inside the tents and the public was kept outside.

Vice Chairman Morelli stated that was once in 12 years. We need to have freedom to express ourselves. Vice Chairman Morelli added that he had a fire on New Year's Eve,

with permission from the Fire Chief, on his property to celebrate the year 2000 coming in.

Resident Bob Maze reiterated his concern for the area with the "S" curve. He lives there and he has seen what can take place in that curve. One of the recommendations he is making to the Board is that something is done at the curve as far as speed limits. If there is a youth group or a school on the temple grounds, can it qualify as a school zone and can there be signs put up stating it is a school zone. Something needs to be done to protect the people coming to the temple.

Addressing the applicant, Mr. Maze stated that as far as growth, you say there isn't going to be growth. Who are you kidding? You are doubling the occupancy load, you are building a beautiful building, and there will be an increase in people coming. Mr. Maze stated to Chairman Felsen that he knows he has the sheet of paper that residents have signed expressing their concerns - he understand that regardless of what our feelings are, regardless of what we have seen in the past, regardless of what is going to take place in the future, this project is going to happen.

Chairman Felsen stated again that it is very hard for the Planning Board to deny a new temple unless there is concrete evidence showing the proposed project will create serious health or safety concerns. However, there are conditions that can be put on the Special Permit, for instance, that buses are not allowed. Another is that there will be no parking allowed on the lawns of the houses across from the temple. This would stop pedestrians from crossing the road.

Vice Chairman Morelli stated that he believes the applicant is very concerned about the comments that are being made and we can anticipate next month they will have some proposals to address them and the Planning Board will evaluate them.

Resident Bob Maze asked why he was not notified in past years about the big spotlight that was put up that shines into his backyard, or when other buildings on the property were built. Did that all go through the Planning Board?

Chairman Felsen stated that the approval for the original temple came through the Planning Board when the property was purchased. It's a courtesy that the Town mail letters to residents who have property within 500' of a proposed project. Vice Chairman Morelli stated the Code Enforcement Officer issues building permits for accessory buildings. It is up to the discretion of the Code Enforcement Officer to require the applicant come to the Planning Board. Those approvals do not come through the Planning Board. However, a condition of the Special Permit for this project could be that future accessory buildings need to be approved by the Planning Board so there would be this type of Public Hearing.

Resident Bob Maze believes that there were complaints in reference to the noise from the temple and police were summoned. What takes place in those cases? Vice Chairman Morelli replied that if the police were summoned, then the police handle it. The Planning Board does not have an enforcement role. Chairman Felsen stated that to his knowledge, no complaints regarding the temple have come to the Planning Board.

Resident Bob Maze asked what is the role of the Planning Board in regards to the proposed new temple. Chairman Felsen replied that the applicant is subdividing their land so they need the Planning Board's approval to meet the conditions of subdivision. There is also a site plan for the proposed new temple, which includes lighting, ingress and egress, sewage, water, parking and drainage. There is also an Application for a Special Permit, which allows this Planning Board to approve or deny allowing a church or temple within a residential district. At the Special Permit Public Hearing, the applicant will address the concerns that were presented tonight – the noise, the lighting, the traffic, the buses, etc. The Planning Board can put conditions on all the issues that were discussed tonight. Resident Bob Maze asked how the resident comments are addressed. Chairman Felsen stated comments are currently being heard at the Public Hearing taking place.

Resident Bob Maze stated there should be a subcommittee made of neighbors to talk to the applicant about concerns so issues can be settled before it gets to the Planning Board level. Vice Chairman Morelli stated that Mr. Maze has had an opportunity to speak about all his concerns tonight. He will have an entire month to put concerns in writing and submit them, and to speak again at the Special Permit Public Hearing. Vice Chairman Morelli added that Mr. Maze does not have the authority to approve or disapprove this project so eventually it would have to come to the Planning Board. We need to all work together.

Pravin stated that they hosted the Planning Board members at the temple and gave them a tour of the property. The following week they invited all their neighbors to visit and they showed them the plans for the new temple. Pravin stated they were not obligated to do that; they could have gone straight to the Planning Board and this would be the first time neighbors heard of the plans. The reason they invited neighbors to visit is they wanted to hear their neighbors' thoughts, concerns and suggestions. Pravin asked if Mr. Maze attended that. Mr. Maze replied that he was aware of it but was unable to attend.

Resident Bob Maze appreciates the opportunity to voice his opinions. Will there be another mailing to neighbors advising them of future Public Hearings, and will the Minutes be mailed out? Deputy Clerk Featherman stated Public Hearing notices will be mailed to residents within 500' of the proposed project as well as published in both the Sentinel and Henrietta Post newspapers. The Minutes are not mailed to residents. The Minutes are posted on the Town's website.

Mr. Heininger stated that the applicant would like to postpone the Public Hearings for both Applications until March 17, 2015.

With no further questions or comments, Chairman Felsen declared the Public Hearing closed.

INFORMALS:

Viktor Neverenko appeared to discuss constructing a residential dwelling in a commercial district. Property is located on West Henrietta Road north of Fishell Road.

Mr. Neverenko explained that he would like to purchase a two acre portion from property that is currently for sale on West Henrietta Road, however, the land is zoned commercial. The property owner is in agreement to sell and advised Mr. Neverenko to consult with the Planning Board.

Vice Chairman Morelli referred to the Town Code and read section 120-20 (f) “no residential structure shall be erected in a commercial district without a Special Permit.”

Chairman Felsen stated that Mr. Neverenko would need to submit an Application to the Zoning Board for a use variance to allow a residential use in a commercial zone, and also will need to submit Applications to the Planning Board for a Special Permit and for Site Plan and Subdivision Approval. Another option is for Mr. Neverenko to go before the Town Board to request to have the property rezoned from commercial to residential.

Board Member Strock stated that the Planning Board would prefer to have commercial businesses in that area. He recommends that it stay commercial.

Board Member Sweet stated that he personally recommends purchasing a lot in a residential zone. The area is very wet land.

Upon further discussion and research, it was determined that the area is in a floodplain. Chairman Felsen explained to Mr. Neverenko that if he were to move forward, he would have problems securing a mortgage and insurance as the area is in a floodplain. In addition, the Planning Board would not approve it for the same reason; that the area is in a floodplain.

Realtors Karen Hopkins and Francis Rapport appeared before the Board to update them on property at 500 Woodruff Road. Ms. Hopkins stated that applicant Ronald Pearl had submitted an area variance Application to the Zoning Board to allow an existing pole barn to be used as storage. The Zoning Board was advised by the Town Attorney that was incorrect and needed to be changed to a use variance. Mr. Pearl submitted the use variance Application 2014-09Z and the Public Hearing will be on December 11, 2014. The applicant will bring the Zoning Board’s determination to the Planning Board for the Public Hearing for Application 2014-05P for Subdivision and Site Plan Approval on December 16, 2014.

DECISIONS:

Chairman Felsen made a motion to table Application 2014-04P by Larry Heining, agent for Navaratnam Wijayaharan of the Sri Vidya Temple, requesting Subdivision and Site Plan approval to construct a proposed 15,100 square foot temple building on the south side of the existing temple complex. Properties are located at 6970 and 6980 East River Road and are zoned Residential-30.

The reasons for tabling the application are there are a number of engineering items that need to be addressed regarding lighting, traffic, noise and a number of public comments that need to be considered by the applicant. In addition, the applicant has requested that the Public Hearings for both Applications 2014-04P and 2014-06P be postponed until March 17, 2015.

Board Member Sweet seconded the Motion and the Board Members polled:

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

With no further business, it was agreed by common consent that the meeting be adjourned at 11:05 PM.

Respectfully submitted,

Shivaun Featherman
Deputy Town Clerk