

**RUSH PLANNING BOARD
PUBLIC HEARING
UNAPPROVED MINUTES
NOVEMBER 15, 2005**

A regular meeting of the Rush Planning Board was held on Tuesday, November 15, 2005, 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
Al Simon
Jeff Werner
John Morelli

OTHERS PRESENT: Todd Ewell, Engineer for the Town, Clough Harbour & Associates.
Gerald Kusse, Code Enforcement Officer.
Duane & Debbie Stevens, 7272 West Henrietta Rd.
Eugene Tallman, Spencerport, NY
David Tallman, Spencerport, NY
Tom Lawson, URS Corp, Rochester, NY
Michael Sinneger, Lyons, NY

APPROVAL OF MINUTES:

The Minutes of October 18, 2005 were reviewed. Mr. Werner made a motion to approve the Minutes of October 18, 2005 as submitted. Mr. Sweet seconded the motion and the Board Members were all in agreement.

PUBLIC HEARING:

Application 2005-21 P by Duane & Debbie Stevens for Site Plan approval to construct a retail / storage building, to renovate an existing building into office space, and to make utility improvements to the property. Property is located at 7272 West Henrietta Rd. Property is located in a Commercial Zoning District.

Mr. Lawson stated that at this time Mr. & Mrs. Stevens had no plans for the existing building on the property. Mr. Lawson stated that he was referring to the white building / house. Mr. & Mrs. Stevens were only asking for approval for the retail / storage building and the used car lot.

Mr. Felsen stated that the Application submitted was to be the Site Plan for the entire parcel, not portions of it. The Board Members asked for clarification on this matter. Mr. Lawson stated that the Steven's had no plans for the white building. After getting the

results for the sanitary system for the parcel, Mr. Lawson stated that the only use for the white house could be offices. The Board Members asked Mr. Lawson to provide the Planning Board with a Site Plan showing the uses for the entire parcel, stating that the Planning Board has asked Mr. & Mrs. Steven's on several occasions to provide a master plan showing this. The Board Members stated that after the approval of the Site Plan, Mr. & Mrs. Steven's could proceed with their plans as business warrants. Mr. Lawson asked for a phased approval. Mr. Felsen stated that the Planning Board could not approve a phased Site Plan. The Board Members and Mr. Lawson continued to discuss this issue.

Mr. Kusse stated that from his stand point, if the Steven's had approvals for the entire parcel, he would be able to enforce the uses that had been granted. Upon receiving the approvals for the parcel Mr. Kusse and the public would have a clear definition of the uses for each building.

Mr. Felsen asked Mr. & Mrs. Stevens if they wanted approvals for the entire site, they responded yes. Mr. Felsen stated that the Planning Board has asked for the entire parcel to be included in the Site Plan and they still require this information from the Applicant.

Mr. Lawson provided the Board Members with written responses for the comments from Monroe County Department of Planning & Development, Monroe County Development Review & Mr. Todd Ewell, Engineer for the Town, Clough Harbour & Associates.

Mr. Felsen read comments from:

1. Town of Rush Conservation Board.
2. Rush Fire District, Board of Fire Commissioners. Their comments were regarding not having access to all 4 sides of the proposed building because of the downhill slope and fuel tank that exists on the property. Mr. Kusse stated that there are fuel tanks on the property. The tanks are not installed in compliance with the code. Mr. Felsen asked Mr. Steven's for the location of the fuel tanks. Mr. Steven's stated that the 2 tanks are less than 1000 gallons and are located behind the small garage. Mr. Lawson stated that he would speak with the Fire Commissioner's for their suggestions for accessibility to all sides of the proposed building. Mr. Felsen asked if the proposed building was going to have a sprinkler system. Mr. Steven's stated that they had no plans for a sprinkler system. The proposed building is intended for car storage.
3. Monroe County Department of Planning & Development, Monroe County Development Review.
4. Mr. Todd Ewell, Engineer for the Town, Clough Harbour & Associates. Mr. Ewell discussed his comments with Mr. Lawson.

Mr. Steven's addressed the Board Members by saying that he felt that he had done everything that the Planning Board and the Code enforcement Officer had asked for in reference to requests for a master plan for the property and to correct existing code violations. The Board Members listened to Mr. Steven's concerns. After a lengthy

discussion the Board Members stated that they want to continue to move forward with the progress made on the Site Plan. They will approve a complete plan not a partial one.

There was a discussion regarding the sprinkler system that was installed in the building that contains the limousines. This system was installed without approval.

The Applicant was asked to include a Storm Water Plan for over one acre.

For the area around the used car lot, the Zoning Code Section 120-60 requires Landscape Malls. This should be added to the plans. The fuel tank description and location should be added to the plans. The tanks shall be brought up to proper code.

After mutual agreement between the Board Members and the Applicant, the updated maps for the Site Plan for the overall parcel may be submitted to the Clerk by December 10, 2005 so as to be heard at the next Planning Board Public Hearing to be held on December 20, 2005. The Board Members asked the Applicant to contact the Rush Fire Commissioners for their input regarding access to all sides of the proposed building.

There were no further comments and Mr. Felsen declared the Public Hearing closed.

DECISION:

Mrs. Felsen made a Motion to table **Application 2005-21 P** by Duane & Debbie Stevens for Site Plan approval of 7272 West Henrietta Rd., due to the fact that the Applicant is going to prepare plans for the overall parcel. The plans submitted at this meeting did not contain all of the details required.

Mr. Morelli seconded the motion and the Board polled:

Roll:	Mr. Felsen	aye	
	Mr. Sweet	aye	
	Mr. Werner	aye	
	Mr. Morelli	aye	
	Mr. Simon	aye	carried.

There were no further comments and the meeting was adjourned at 10:45 P.M.

Respectfully submitted,

Darlene Pilarski
Deputy Town Clerk