

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF JUNE, 17 2008**

A regular meeting of the Rush Planning Board was held on June 17, 2008 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
John Morelli
Rick Wurzer

OTHERS PRESENT: William Udicious, Supervisor
Richard Anderson, Town Board Liaison
Lisa Sluberski, Town Board member, Resident
Tom Doupe, Town Board member, Resident
Gerry Kusse, Code Enforcement Officer
John Sciraba, Land Tech P.L.L.C.
Michael McCarthy, Byrne Dairy
Guy Pitman, Byrne Dairy
Henry Kirch, Town Justice, Resident
Richard Andrews, Resident
Donald Eichenauer, Resident

APPROVAL OF MINUTES: May 20, 2008

The Minutes of May 20, 2008 were reviewed. Al Simon made a motion to approve the Minutes of May 20, 2008 as written. John Morelli seconded the Motion and the Board Members were all in agreement.

INFORMAL DISCUSSION:

1. John Sciraba, engineer for Mr. Yoruk of Yoruk Properties LLC, is interested in continuing with the Rushfield Manor Subdivision (Application 2004-08 P). Property is located on Rush Henrietta Townline Road, 2033 feet west of Middle Road. Property is located in an R- 30 District.

Mr. Sciraba was seeking more information regarding Mr. Yoruk's subdivision, items such as perk data and wetlands. Mr. Sciraba has completed a boundary and topographic survey without the benefit of these items. Mr. Sciraba has also provided a new concept of less homes and larger lots in hopes to distance the homes from the nearby 390 Interstate. Mr. Sciraba reduced the length of the road as a cost effective measure. A portion of the property remains land locked for a right-of-way at the rear of the property. It was also suggested that any kind of sound buffers would

be helpful such as locating the garages between the expressway and the house. In talking with the Planning Board there was discussion regarding the previous lengthy collaboration to get this subdivision approved, the most efficient way to proceed may be to keep the subdivision as is and meet the approval conditions noted.

2. Byrne Dairy to discuss a possible business location in Rush at 5946 East Henrietta Road.

Supervisor Udicious addressed the Planning Board, stated his knowledge of Byrne Dairy's interest in this location for a short period of time. After learning about the type of operation that Byrne Dairy runs, Supervisor Udicious suggested that Byrne Dairy come before the Planning Board for an informal discussion. Supervisor Udicious introduced Mr. Michael McCarthy and Mr. Guy Pitman both representing Byrne Dairy.

Mr. McCarthy's presentation included a brief history of Byrne Dairy which began in 1933, in Syracuse, New York. Mr. McCarthy stated how Byrne Dairy has grown over the years to accommodate the changing needs of the Dairy's customers. The presentation also included a photo brochure of what the typical Byrne Dairy stores look like and how they would fit into the community. The stores are 4000 square feet and sell basic food/convenience items as well as provide a full dairy section. Byrne Dairy has also added food service counters to their stores that provide deli sandwiches, pizza, salads and ice cream cones. Mr. McCarthy and Mr. Pitman along with the Planning Board discussed the issue of the existing fuel tanks and the possible need to upgrade them. The Planning Board will confirm with the Town Attorney that the replacement of the fuel tanks is allowable.

OTHER DISCUSSIONS:

John Felsen discussed the rezoning process of the two Volpe parcels on Rush Lima Road. One parcel has been sold to Mr. Jim Sickles of Sickles Corporation who wishes to use it for residential rental property. After notifying Mr. Sickles that it would be a violation of commercial use, it was suggested that Mr. Sickles speak to the Planning Board, however, John Felsen acknowledged that if pursued, it must be addressed by the Town Board.

With no further business, a motion was made by John Felsen and agreed by common consent that the meeting be adjourned at 9:05 PM.

Respectfully Submitted,

Meribeth Palmer
Planning Board Clerk