

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF JANUARY 19, 2010**

A regular meeting of the Rush Planning Board was held on January 19, 2010 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
Scott Strock
Don Sweet
Rick Wurzer
Meribeth Palmer, Deputy Town Clerk

OTHERS PRESENT:

Gerry Kusse, Code Enforcement Officer	Barbara Jobes, Resident
Todd Ewell, Town Engineer	Jeffery Jobes, Resident
Pamela Bucci, Town Clerk, Resident	Doug Brice, Resident
Richard Tracy, Rush Fire Marshall	Elizabeth Brice, Resident
Don Knab, Resident	Nancy Miller, Resident
Bill Riepe, Town Board Member, Resident	David Westfall, Resident
Lisa Sluberski, Town Board Member, Resident	Lelanie Westfall, Resident
Glenn Thornton, Engineer	Don Bock, Resident
Majed El Rayess, Architect	Charles Hughes, Resident
Robert Wolfe, Architect	Catherine Hughes, Resident
Naveed Hussain, property owner	Bill Chase, Resident
Arooj Hussain, property owner	Aliza Meyer, Resident
Michael Tallon, property owner	Kevin Rondehush, Resident
Shirley Reiser, property owner	Jack Streeter, Resident

APPROVAL OF MINUTES:

The Minutes of November 17, 2009 were reviewed.

Don Sweet made a motion to accept the minutes of November 17, 2009 as written.

Rick Wurzer seconded the motion and the Board Members polled:

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

John Felsen and John Morelli were excused from the November 17, 2009 meeting.

The Minutes of December 15, 2009 were reviewed.

John Morelli made a motion to accept the minutes of December 15, 2009 as written.

Scott Strock seconded the motion and the Board Members polled:

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

Don Sweet and Rick Wurzer were excused from the December 15, 2009 meeting.

PUBLIC HEARING:

Application 2009-09P by Michael Tallon and Shirley Reiser for site plan approval to construct a single family dwelling on a 21.9 acre parcel located at 401 Stonybrook Road. Property is located in an R-30 zoning district.

Glen Thronton, engineer and applicants Michael Tallon and Shirley Reiser appeared to present their site plan for a single family home at 401 Stonybrook Road. Site plan complies with the Town of Rush code. A long driveway is planned on the south side of the parcel with the purpose of preserving as many trees as possible. There will be a raised fill system for waste water treatment. As little grading as possible will be done in order to help preserve storm run off patterns. Small swales along the driveway will drain down to the road side swale on Stonybrook. There will be a private well with the appropriate separation from property lines and from the raised fill system.

John Felsen read correspondence and comments from the Monroe County Planning and Development Review Committee, the Monroe County Department of Health, Monroe County Department of Transportation Survey Office, the New York State Department of Environmental Conservation, Town Engineer Todd Ewell and the Town of Rush Conservation Board.

The Planning Board stated that an easement to the Town of Rush for the intermittent stream on the property will be required. Easement requirements are 20 feet either side, top of bank for the purpose of cleaning and maintenance. It is not certain if this is a classified stream. The Planning Board stated that any stream that flows at any time during the year requires an easement despite classification. The applicants inquired as to why the neighboring properties do not have an easement. The Planning Board stated that when the town wide drainage district was created it was not until then that the easements were required, the neighboring properties were pre existing. Due to the setback, remote location of the stream, the applicant and the board discussed having Steve King, Highway Superintendant look at the stream area to determine if an easement is necessary.

Due to the steep grade of the driveway, the board reiterated their concern regarding erosion and the importance of the stone check walls.

The applicants have responded to Todd Ewell's comments and have already made necessary additions/corrections. The request for storm water calculations has also been submitted.

Resident Nancy Miller stated that she is thrilled that the site plan is for just one house on the large lot and that the applicants are disturbing very little land and aquifer.

John Felsen declared the Public Hearing closed.

Application 2009-10P by Naveed and Arooj Hussain for commercial site plan approval to construct an 8024 square foot, single story building and gasoline filling station, located at 5946 East Henrietta Road. Property is located in a commercial zoning district.

Majed El Rayess, architect for applicants Naveed and Arooj Hussain, presented the site plan for the proposed single story building and gasoline filling station. Mr. El Rayess stated that this is a rehabilitation and reconstruction of an existing business within the same type of zone and with the same type of occupancy. Mr. El Rayess explained that in addition to the mini grocery store, they are also proposing to add a satellite franchise with inside seating and a drive through window. The exterior of the building has been designed to reflect the same type of elements found in the Rush Town Hall building for continuity.

The applicants will be using the existing footprint of the original building and will be improving some of the setbacks. On the north side of the building the original setback was 8.3 feet. It has been increased to 20 feet. The setback on the west side has not changed and the setback on the southeast side has changed from 65 feet to 47 feet.

Mr. El Rayess stated that they are working with the local engineer from the New York State Department of Transportation (NYSDOT). Monroe County Department of Health has also been contacted for input on the redesign of the septic system. The applicants propose to restore the leach bed and add a water treatment system to the septic system. The Monroe County Water Authority has assisted in relocating the water service and all other necessary agencies have been contacted.

The applicants are proposing to move the south entrance on New York State Route 251 to the east away from the intersection in order to ease traffic congestion in that area. This will also allow fuel pump islands to be located away from the building and accommodate traffic flow in the parking lot. Large vehicles and vehicles with trailers will need more space and turning radius around the fuel islands. Mr. El Rayess stated that the amount of impervious area has only been increased by approximately 800 square feet and the fuel pump canopies will be standard in size. Mr. El Rayess is also in the process of applying for a parking space variance.

Mr. El Rayess addressed the issue of protecting and buffering the residential properties from the potential noise and traffic. They are in the process of requesting a variance to install a stockade fence on the southeast side of the property. Appropriate evergreen trees will be planted in combination with the fence for additional privacy. They have moved refuse pick up to the back of the building on the north side and the drive through will run from the southeast side to the west exit. Deliveries will come in off of East Henrietta Road at the north entrance. There will be further discussion regarding a possible fence on the north side of the property.

John Felsen read comments from the following: Town Engineer Todd Ewell, Rush Fire District, Town of Rush Fire Marshall, Rush Conservation Board, Monroe County Health Department, New York State Department of Environmental Conservation, Monroe County Water Authority, New York State Department of Transportation, Monroe County Department of Public Health, Monroe County Department of Transportation and comments from Monroe County Department of Planning and Development Review Committee.

John Felsen also read written correspondence from resident Mitch Carpenter stating that he is in favor of the proposed site plan.

John Felsen added that an easement will be needed for the portion of the stream that crosses to the property. The board also asked the architect to use a different type of line to designate the centerline.

Mr. El Rayess has already made many of the requested additions/corrections to the site plan and replied to comments from the Town Engineer in the form of a written letter. The Full Environmental Assessment Form, although not required will, be completed and submitted. This does not mean that an impact study will be required. It was decided that Mr. El Rayess and Mr. Ewell will further discuss the grading map to determine the total area of disturbance.

The Planning Board inquired about the lighting for the site. Mr. El Rayess stated that lighting is all downward lighting, the existing fuel sign would be renovated and reused and lighting under the canopy of the building would be to light signage. The operation will not run past midnight.

Resident Charles Hughes stated that they live directly to the east of the proposed site. Mr. Hughes expressed his concern regarding the increased parking area to the rear of the site, the removal of trees and the increase in hours of operation. Mr. Hughes stated he is very concerned about the location of the entrance on Rush Mendon Road and the possibility of large trucks parking on the side of Rush Mendon Road in front of their house. This could cause line of sight issues. Mr. Hughes is also concerned that the telephone pole on the property line will have to be moved.

Resident Carol Whaley stated that the stream has encroached about 3 feet due to erosion and may effect a fence installation in that area. Ms. Whaley also stated her concern regarding delivery noise.

Resident Lelanie Westfall inquired about the number of parking spots that will be available, local job openings and how pharmacies are approved.

Mr. El Rayess stated that they have proposed 33 parking spaces. Mr. Hussain stated that approximately 10 -15 jobs will be created and his brother is already a registered pharmacist.

With no further comments, John Felsen declared the Public Hearing closed.

INFORMAL DISCUSSION:

Robert Wolfe acting as agent for Eliza Meyer appeared to discuss a proposed subdivision and site plan for 90 Ryder Hill Road. The left side of the project map shows the existing conditions consisting of the original house with an addition, 2 garages and an out building further back on the property. They are proposing a second parcel with a driveway on the left side of the current driveway leading to a new residence and including the garage closest to Ryder Hill Road. The proposed side lot line would be 2 feet from the garage and require a variance from the Rush Zoning Board of Appeals. The proposed new house will also require a front setback variance. The existing garage appears to be pre-existing, non-conforming and sits 12 feet 10 inches off of the road. Mr. Wolfe stated this plan is in the early stages and can be reconfigured if needed. The engineer for the project is Chris Martin from Corneles Engineering. In the future the applicant was thinking of using the existing out building for a garage and an in law apartment. The Planning Board explained to the applicant that a special permit would be required for an accessory apartment. The out building consists of one room with a loft area and is about 500 square feet. The building currently has electric and water. A foundation would also need to be installed. The Planning Board discussed locations of septic, fire hydrants and the grade of the land leading up to the proposed home site.

The Planning Board further discussed Application 2009-09P and Application 2009-10P.

BOARD DECISIONS:

John Felsen made a Motion **WHEREAS**; this Board has examined **Application 2009-09P** by Michael Tallon and Shirley Reiser for site plan approval to construct a single family dwelling on a 21.9 acre parcel located at 401 Stonybrook Road. Property is located in an R-30 zoning district. Preliminary plot review of the proposed site plan 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 SEQRL laws requiring no further action by this Board.

John Morelli seconded the motion and the Board Members polled:

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

John Felsen made a Motion to grant preliminary site plan approval for **Application 2009-09P** conditioned upon:

1. The applicants met with Town of Rush Highway Superintendent Steve King to determine if the stream crossing the west side of the property will require an easement by the town. If an easement is necessary, the applicants will be required to file the legal paperwork and survey showing an easement of 20 feet either side from top of bank with Todd Ewell, Town Engineer and Frank Pavia, Town Attorney.

Don Sweet seconded the motion and the Board Members polled:

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

John Felsen made a motion to table **Application 2009-10P** by Naveed and Arooj Hussain. The reasons for tabling the application are as follows:

1. The Planning Board has requested that the applicant complete the Long Environmental Assessment Form.
2. The applicant will need to obtain approval from the Zoning Board of Appeals for the required variances.
3. The applicant will need to provide the hours of business operation.
4. The applicant will need to show a storm water easement on the plans for the stream that crosses the property.
5. The Planning Board has requested that the applicant receive a determination from the New York State Department of Environmental Conservation as to whether a storm water pollution prevention plan will be required.
6. The applicant will need to provide a description and location of all signage.

7. The applicant will need to contact the United States Army Corps of Engineers in order to determine if a Federal Wetland Permit is required.
8. The applicant will need to show all limits of land disturbance.
9. The applicant will need to show proposed buffering for the north property line on the plan.

Rick Wurzer seconded the motion and the Board Members polled:

Roll:	John Felsen	aye	
	John Morelli	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 10:30 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk