

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF JANUARY 14, 2010**

A regular meeting of the Rush Zoning Board of Appeals was held on January 14, 2010 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 PM.

BOARD MEMBERS PRESENT: Don Van Lare, Chairman
Robert Weiler
Kelly Pruden
Amber Corbin
Al Simon
Meribeth Palmer, Deputy Town Clerk

OTHERS PRESENT: Gerry Kusse, Code Enforcement Officer
Thomas Doupe, Zoning Board Liaison
Bill Riepe, Town Board Member, Resident
Donald Knab, acting as Agent for El Rayess Architects
Naveed Hussain, Property owner
Arooj Hussain, Property owner

WORKSHOP:

Application 2010-01Z, 2010-02Z, 2010-03Z by El Rayess Architects acting as agent for Naveed and Arooj Hussain requesting area, fence and parking variances for a commercial site plan 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.

Chairman Van Lare explained that all the variances came in on one application and that the variances have been separated by type of variance into three separate applications as follows:

Application 2010-01Z for three area variances:

- One side setback of 47 feet, Rush Town Code 120-12E (5) requires 75 feet. The existing building setback was 65 feet.
- One front setback of 108 feet, Rush Town Code 120-18 requires 140 foot setback. The existing building setback was 108 feet.
- One rear/side setback to the north of 20 feet, Rush Town Code 120-19 requires 25 feet. The existing building was 8.33 feet.

Application 2010-02Z for one parking variance

- Site plan proposes 34 off street parking spaces, Rush Town Code 120-57 requires 48 spaces(6 spaces for every 1,000 square foot of building).

Application 2010-03Z for one fence variance

- Applicants are requesting a variance to build a new 6 foot fence on the southeast side of the property line to provide screening for the residential properties.

Mr. Knab appeared on behalf of applicant El Rayess Architects and owners Naveed and Arooj Hussain.

Mr. Knab Explained that the building was not laid out in a straight rectangle in order to accommodate traffic flow for a delivery area and drive thru around the building. This will also allow for parking area for employees with out encroaching on the existing septic area. The applicants are trying to use as much of the existing foundation footprint as possible.

To provide maximum screening for the residential properties on the southeast side, the applicants have proposed to plant a row of new trees appropriate for screening in combination with the proposed new fence. The board suggested that one continuous fence would provide additional screening rather than the two separate panels shown on the first site plan map. The Zoning Board also discussed the pre existing fence located on the north property line. It is not necessary for that fence to have a variance at this time. It currently conforms to current fence requirements. If the applicants would like to put up their own fence, they may do so on their own property with a fence permit.

The parking lot has been designed to accommodate traffic flow around the fuel pump Islands as well as convenient parking for store patrons. Mr. Knab also explained that larger vehicles and vehicles with trailers need more space and turning radius around the fuel islands. 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. Mr. Knab explained that the parking space variance request is relevant to the fact that this is not a long term parking operation. Customers will be in and out in a short period time.

Zoning Board members will make arrangements to view the property.

The Public Hearing for Applications 2010-01Z, 2010-02Z, 2010-03Z will be scheduled for February 11, 2010.

ASSIGNMENT OF APPLICATIONS:

Robert Weiler and Al Simon have been assigned **Application 2010-01Z** and **Application 2010-02Z** by El Rayess Architects acting as agent for Naveed and Arooj Hussain.

Amber Corbin and Kelly Pruden have been assigned **Application 2010-03Z** by El Rayess Architects acting as agent for Naveed and Arooj Hussain.

INFORMAL DISCUSSION:

The Zoning Board welcomed Town Board member, Tom Doupe as their new Zoning Board Liaison.

The Zoning Board discussed various 2009 zoning applications and their final decisions and pending outcomes.

APPROVAL OF MINUTES:

The Minutes of November 12, 2009 were reviewed.

Don Van Lare made a motion to approve the Minutes of November 12, 2009.

Al Simon seconded the motion and the Board Members polled.

Roll:	Robert Weiler	aye	
	Amber Corbin	aye	
	Kelly Pruden	aye	
	Al Simon	aye	
	Don Van Lare	aye	carried.

With no further business, a motion was made by Don Van Lare and agreed by common consent that the meeting be adjourned at 7:55 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk