

**RUSH PLANNING BOARD  
REGULAR MEETING  
MINUTES OF MARCH 16, 2010**

A regular meeting of the Rush Planning Board was held on March 16, 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  
Scott Strock  
Rick Wurzer  
Don Sweet  
Meribeth Palmer, Deputy Town Clerk

**ABSENT:** John Morelli

**OTHERS PRESENT:** Bill Riepe, Town Board Liaison  
Gerry Kusse, Code Enforcement Officer  
Todd Ewell, Town Engineer  
Lisa Sluberski, Town Board Member, Resident  
Loel Turpin, Resident  
Marianne Rizzo, Resident  
Lucius Fox, Resident  
Susan Swanton, Non-Resident

**APPROVAL OF MINUTES:**

The Minutes of February 16, 2010 were reviewed.

Don Sweet made a motion to accept the minutes of February 16, 2010.

Scott Strock seconded the motion and the Board Members polled:

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

**PUBLIC HEARING:**

**Application 2010-01P** by Loel Turpin for Subdivision and Site Plan approval to divide a 20.88 acre parcel into two lots. The existing house will be located on lot R-1a and a single family house is proposed for lot R-1b. Property is located at 500 Works Road, 2.5 miles south of Honeoye Falls Five Points Road. Property is in an R-30 zoning district.

Ms. Turpin presented her subdivision/site plan to the Planning Board. She is proposing to subdivide and create a small lot consisting of 4.79 acres with the

existing house. Ms. Turpin is proposing a 1500 square foot single family dwelling on the remaining 15.611 acre parcel.

John Felsen read comments from the Rush Conservation Board. The Conservation Board is concerned that one culvert for the driveway may not be enough and should there be an additional culvert closer to the house. The land surveyor currently has matched the specs of an existing culvert down stream. The proposed dwelling site is on a hill, thus drainage will be running down hill. Todd Ewell, Town Engineer will look into the possible need for an additional culvert. Of concern is whether or not the existing shed be removed before a build permit is issued. The Board stated that the removal of the shed prior to a permit being issued is a Building Code Department decision.

John Felsen read comments from The Rush Fire District. They do not have any concerns regarding the application at this time.

John Felsen read all comments from Town Engineer Todd Ewell, Monroe County Department of Planning Development, Monroe County Department of Public Health, and Monroe County Department of Transportation.

Ms. Turpin made an inquiry regarding possible postponement in the filing of the subdivision map with Monroe County until the sale of the existing house. It was stated that map/mylar signatures for filing are valid for 60 days. Maps/mylars can be resigned if dated signatures have expired.

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

#### **INFORMAL DISCUSSION:**

Susan Swanton appeared before the Planning Board to inquire about requirements for a bed and breakfast business. Ms. Swanton is interested in purchasing a property in Rush if it can be used as a seasonal bed and breakfast running from early April through the end of October. Ms. Swanton stated that she is proposing a bed and breakfast home rather than an inn with the maximum of 4 rental rooms located on the second floor. Ms. Swanton is very interested in working with the neighbors.

John Felsen stated that according to the Rush Town Code, bed and breakfast businesses are allowed only in the Restricted Business Districts under a special permit. Rush currently does not have any Restricted Business Zoning Districts.

It was suggested that Ms. Swanton present her interest to the Town Board and request the property be rezoned or request the Town Board to change the zoning ordinance allowing bed and breakfast businesses in a residential district under a special permit. Changing the zoning ordinance would be a lengthy process.

Resident Lucius Fox stated that it is imperative that the area remains residential. Mr. Fox also asked if the property were to be rezoned, how would it affect surrounding property values? The Planning Board is unable to determine if there would be any change in property value.

Resident Marianne Rizzo asked if neighbors opinions/concerns would be taken into consideration. The Planning Board stated that residents are able to voice concerns and make comments at the applicant's Public Hearing. Ms. Rizzo stated that she is not in favor of the bed and breakfast proposal.

Ms. Swanton stated that she had a representative from Albany visit the property and look into the Meadowood area as a Historic District. It was stated that the 4 original houses would qualify as historic. A historic district would place the homes on the registry and might provide tax credits and open the door for grants.

Gerry Kusse, Code Enforcement Officer stated that this matter should be reviewed by the Town Attorney and he will contact with Ms. Swanton regarding any relevant information.

#### **BOARD BUSINESS:**

The Planning Board discussed the status of Clough Harbour and Associates proposal to update the Town of Rush Comprehensive Plan. Todd Ewell, Town Engineer will contact Walter Kalina to see if he has prepared a revised proposal for the board's review based on their last meeting.

Gerry Kusse, Code Enforcement Officer discussed the matter of turn-a-rounds and construction requirements.

The Planning Board also discussed wind power generators. Due to the increasing popularity, many towns are considering adoption of legislation to regulate them. There is a difference between the generators used on commercial wind farms and products made for residential use. A Rush resident will be installing a product called WindTamer. The WindTamer brochure has been sent to the Planning Board members for their review.

There was a discussion regarding the importance of an inspection schedule, letter of credit and bonding for subdivision application 2009-02P as the applicant approaches the final required conditions. All of the above said items will need to be in place and satisfactory to the town prior to the issuing of any permits.

Gerry Kusse, Code Enforcement Officer and the board also discussed the topic of accessory apartments and two family dwellings.

**DECISIONS:**

**Application 2010-01P** by Loel Turpin for Subdivision and Site Plan approval to divide a 20.88 acre parcel into two lots. The existing house will be located on lot R-1a and a single family house is proposed for lot R-1b. Property is located at 500 Works Road, Property is in an R-30 zoning district.

John Felsen made a Motion **WHEREAS**, this Board has examined **Application 2010-01P** by Loel Turpin for subdivision and site plan approval to construct a single family dwelling on a 20.88 acre parcel located at 500 Works 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 SEQR laws requiring no further action by this Board.

Don Sweet seconded the motion and the Board Members polled:

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

John Felsen made a Motion to grant preliminary subdivision and site plan approval for **Application 2010-01P** conditioned upon:

1. The applicant complying with all requirements set forth by Todd Ewell, Town Engineer and the Monroe County Department of Planning and Development.
2. The applicant adding the owner and tax account number for the property across Works Road

Don Sweet seconded the motion and the Board Members polled:

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

John Felsen made a Motion to wave the final Subdivision and Site Plan Hearing for **Application 20010-01P** condition upon:

1. The applicant obtaining the approvals from the Monroe County Department of Public Health, Monroe County Department of Transportation and Todd Ewell, Town Engineer.

Rick Wurzer seconded the motion and the Board Members polled:

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

With no further business, a motion was made by Don Sweet and agreed by common consent that the meeting be adjourned at 9:00 PM.

Respectfully Submitted,

Meribeth Palmer  
Deputy Town Clerk