

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

A regular meeting of the Rush Planning Board was held on October 19, 2010 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:30 P.M.

**MEMBERS PRESENT:** John Morelli, Vice Chairman  
Scott Strock  
Rick Wurzer  
Don Sweet  
Meribeth Palmer, Deputy Town Clerk

**Excused:** John Felsen, Chairman

**OTHERS PRESENT:** Bill Riepe, Town Board Liaison  
Sue Mee, Resident  
Tim Mee, Resident  
Walter Kozimor, Resident  
Nathan Bush, Resident

**APPROVAL OF MINUTES:**

There being no quorum to approve the Minutes of September 21, 2010 meeting, Vice Chair Morelli postponed their approval until the following meeting.

Planning Board members Vice Chair John Morelli and Board Member Rick Wurzer were excused from the September 21, 2010 Planning Board meeting.

**OLD BUSINESS:**

**Tabled Application 2010-05P** by Walter Kozimor to subdivide a 2.40 acre lot into 2 parcels. Property is located at 690 Phelps Road and is in an R-30 zoning district.

Applicant Walter Kozimor and grandson, Nathan Bush appeared to request subdivision approval. The applicants stated that originally they wanted to convey a portion of Mr. Kozimor's parcel to Mr. Bush's parcel to the north. Now the applicant is only interested in subdividing the parcel.

Vice Chairman Morelli read comments submitted to the Board from Todd Ewell Town Engineer, Monroe County Department of Planning and Development, Rush Fire District and tabling comments from the Rush Planning Board.

The Board reviewed requirements for parcels in R-30 zoning districts. The Board noted that the required width at setback from centerline is 150 feet and the applicants map is showing 144. The applicant would need a variance for the width at setback. If the applicant changes the map to show the conveyance of the land to Mr. Bush's parcel, a variance would not be required as the combined land would meet zoning requirements. The application process for the Zoning Board of Appeals process was explained to applicants Mr. Kozimor and Mr. Bush. Mr. Sweet also explained to the applicants that subdividing would create another prime acre that in turn would increase overall taxes. Mr. Kozimor stated that in 1947 a small corner section of his parcel was sold to the town. If that had not taken place the width at setback would be acceptable.

With no further comments Vice Chairman Morelli declared the hearing closed.

Chairman Morelli made a motion to table **Application 2010-05P** by Walter Kozimor pending the update to the subdivision map to show the conveyance of land to Mr. Bush or the applicant obtaining a variance for the width at setback.

Don Sweet seconded the motion and the Board Members polled:

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

### **INFORMAL DISCUSSION:**

Town Board member Bill Riepe put forward several items for discussion regarding bed and breakfasts, suggestions for site work law and possible legislation regulating outdoor wood burning furnaces.

The Planning Board stated that a site work law had been proposed to the Town Board approximately 4 to 5 years ago. There had also been an open community meeting regarding site work around that time as well. Board members do not have a copy of the proposal. Deputy Town Clerk Palmer will research past records for the most recent proposal and will forward the document if located. The Board discussed several items that should be addressed in a site work proposal.

Councilman Riepe also discussed bed and breakfasts with the Planning Board. Councilman Riepe stated that the Town Board will be recommending that the Planning Board consider addressing bed and breakfasts when updating the comprehensive plan.

Board discussed concerns regarding outdoor wood burning furnaces. The Planning Board stated that possible changes in regulations may be forthcoming

from the Department of Environmental Conservation (DEC) in the future. The Planning Board suggested waiting to see what the new regulations are going to be before making changes to the town code.

Councilman Riepe reported that the public hearing regarding the proposed code change to regulate the height of structures has been scheduled for November 10, 2010. The Board discussed the current code and regulating wind energy structures.

With no further business, a motion was made by Scott Strock and agreed by common consent that the meeting be adjourned at 8:30 PM.

Respectfully Submitted,

Meribeth Palmer  
Deputy Town Clerk