

**RUSH PLANNING BOARD
REGULAR MEETING
MINUTES OF JULY 17, 2018**

A regular meeting of the Rush Planning Board was held on July 17, 2018 at the Rush Town Hall, 5977 East Henrietta Road and was called to order at 7:00 PM.

PRESENT: John Felsen, Chairman
John Morelli, Vice Chairman
Scott Strock, Member
Rick Wurzer, Member
Shivaun Featherman, Deputy Town Clerk

EXCUSED: Don Sweet, Member

OTHERS PRESENT: Dan Woolaver, Councilperson, Town Board Liaison
Todd Ewell, Town Engineer
Jim Missell, James H. Missell & Associates

Chairman Felsen welcomed all to the July Planning Board meeting.

APPROVAL OF MINUTES:

The Minutes of June 19, 2018 were reviewed.

Vice Chairperson Morelli made a Motion to accept the Minutes of June 19, 2018 as written by Deputy Town Clerk Featherman.

Board Member Wurzer seconded the Motion, and the Board polled:

Roll:	Scott Strock	aye
	Rick Wurzer	aye
	John Morelli	aye
	John Felsen	aye

PUBLIC HEARING:

Application 2018-07P by James Missell, agent for JoAnne Marlowe, requesting Subdivision approval to create 2 parcels from existing parcel. Property is located at 315 Kavanaugh Road and is zoned Residential-30.

Mr. Missell explained they are requesting to subdivide Lot R2-B to create two lots. Ms. Marlowe's son and his wife are planning to build a home on one of the lots. Mr. Missell believes they have not gotten far with building plans, such as perk tests, etc.

Chairman Felsen asked if the outbuildings located on the map are currently being used. Mr. Missell explained the horse barn is in use and the other buildings are being used for storage.

Vice Chairman Morelli explained that it would be best to submit both the request for Subdivision approval and request for Site Plan approval at the same time, as a lot cannot have accessory buildings on it without a primary residence.

There was a discussion of possibly seeking a variance from the Zoning Board to allow the accessory buildings on the lot without a primary residence. Mr. Missell stated it would be difficult to show a hardship, as it's a self-created hardship because they are creating that lot.

The Board Members discussed Section 120-7 of the Town Code, which refers to permitted uses for Residential-20 and Residential-30 Districts.

Chairman Felsen stated that while the Town Code doesn't explicitly say one needs a primary dwelling before one can have accessory buildings, it would be the Zoning Board's area of interpretation. However, to save the resident time, it would be best to resubmit a revised Planning Board Application to include both Subdivision and Site Plan approval.

It was determined that Mr. Missell will withdraw **Application 2018-07P** and consult with the property owner on whether to seek a variance from the Zoning Board or reapply to the Planning Board with a revised Application for both Site Plan and Subdivision approval.

With no further business, it was agreed by common consent that the meeting be adjourned at 7:46 pm.

Respectfully submitted,

Shivaun Featherman
Deputy Town Clerk