

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF MAY 10, 2012**

A regular meeting of the Rush Zoning Board of Appeals was held on May 10, 2012 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 PM.

BOARD MEMBERS PRESENT: Robert Weiler, Vice Chairman
Amber Corbin
Kelly Pruden
Garry Koppers
Meribeth Palmer, Deputy Town Clerk

EXCUSED: Chairman Van Lare

OTHERS: Lisa Sluberski, Town Board Liaison
James Trescott, Resident
Elaine Trescott, Resident
Gerard Carey, Resident
Catherine Carey, Resident
Gerry Kusse, Code Enforcement Officer, Resident

Vice Chairman Weiler welcomed all and called the meeting to order.

WORKSHOP:

Application 2012-02Z by James Trescott, Elaine Trescott and Norma Maxwell requesting a side setback variance to build a garage 4 feet from the property line. The proposed location does not comply with Rush Town Code §120-19. Property is located at 34 Aprille Lane and is in an R-30 Zoning District.

Application 2012-03Z by James Trescott, Elaine Trescott and Norma Maxwell requesting a front setback variance to build a garage approximately 57 feet from center line. The proposed location does not comply with Rush Town Code §120-18. Property is located at 34 Aprille Lane and is in an R-30 Zoning District.

Mr. Trescott explained that he would like to add a two car garage to the existing structure. The current one car garage would be converted to living space. The proposed garage will be 4 feet from the east property line.

Vice Chairman Weiler stated that he has viewed the property. The parcel directly to the east would be the most impacted by the proposed garage and the Trescott's have submitted a letter signed by Richard and Patricia Tetrault, owners of the parcel. The letter states that the Tetrault's have no objection to the proposed garage.

Mr. Trescott also mentioned that an existing shed will be relocated to the back corner of the lot.

The Zoning Board asked the applicants to provide the locations of all structures on adjacent properties with dimensions, septic systems, water well and utility services prior to the public hearing. The Zoning Board also requested the applicant to obtain a letter from the neighbor to the northeast as that parcel also borders the Trescott's property.

It was also noted that the Trescott's are requesting a front setback variance. The proposed garage is approximately 57 feet from centerline.

The applicants were informed that a Board member will be contacting them soon to make arrangements to view the property and verify measurements.

INFORMAL DISCUSSION:

Gerard and Catherine Carey appeared before the Board to discuss a possible area variance for the storage of a boat. Property is located at 415 Jeffords Road. Mr. Carey received a violation notice for parking the 21.5 foot boat in the driveway. Mr. Carey submitted written information as well as maps with measurements indicating existing structures and showing where he would like to store the boat. Mr. Carey is located on a corner lot and essentially has two fronts and two front setbacks from centerline. The septic system is located behind the house and runs the length of the structure. This limits the available space in the rear of the property. The space that is allowable for the boat overlaps the leach field. Mr. Carey stated that he did store the boat off site over the winter, however, Mr. Carey would like to store the boat on his property during the summer months. Mr. Carey is proposing to excavate and fill the area on the right side of the house just beyond the driveway allowing the boat to sit partially behind the house and several feet forward of the rear foundation corner. The right side also has a tree line that would shield the boat from the neighbors west of the lot line.

Vice Chairman Weiler stated that it might be possible to get the boat behind the house on the left side pending the type of construction of the leach field. Due to the size of the boat, it may not have an impact on the leach field if it were to be placed there. More research would be needed.

Mr. Carey stated that the damage to the lawn would be extensive.

Vice Chairman Weiler explained that the way the code is written there are no exceptions for size or any other variables. The code states no recreational vehicles/trailers of any kind may be parked forward of the rear foundation line. The Board also has to consider if the issue is a self-created problem. The Zoning Board is required to uphold the code as written.

Mr. Carey inquired to the difference between his request and the previous application requesting a variance for a garage. The Board explained that the code for structures states the required setbacks, it does not state that structures are not permitted.

Board member Kelly Pruden further clarified the code for Mr. Carey. Ms. Pruden also cited a previous application in which the Zoning Board gave a side setback variance for a boat that was pulled back off the driveway but not totally in the rear and was acceptable because the boat was well shielded by trees and not a detriment to the neighborhood.

Mr. Carey stated the he too is proposing to get his boat off the driveway.

Ms. Corbin stated that Mr. Carey is welcome to submit a formal application. The Zoning Board will visit the area and take measurements to determine if there are any solutions for the storing the boat on the property. Ms. Corbin also explained that it will also take the majority of the board members vote to pass a resolution allowing a variance.

The Board reviewed the map that Mr. Carey provided and there are some questions regarding measurements and grade. Mr. Carey stated that he would like to follow through if there is a chance he could receive a variance. The Board could not respond to Mr. Carey's statement. Mr. Carey was told again that he is welcome to submit a formal application with accurate details and measurements for the Board to review.

The Zoning Board offered the alternative of requesting/petitioning the Town Board to change the existing code.

Deputy Clerk Palmer will advise Mr. Carey on additional requirements needed for submitting a formal application.

APPLICATION ASSIGNMENTS:

Board members Kelly Pruden and Amber Corbin have been assigned to Applications 2012-02Z and 2012-03Z.

TOWN BOARD LIASION UPDATE:

Councilwoman Sluberski reported that Supervisor Anderson is currently looking into a water dispensing unit for town resident use. In addition, Supervisor Anderson has appointed a new secretary.

BOARD DISCUSSION:

Deputy Clerk Palmer will research the conditions of approval regarding the previous zoning application referenced in the informal discussion and forward them to the Zoning Board.

The Zoning Board discussed zoning violations that were recently addressed by Code Enforcement Officer Gerry Kusse.

Board member Amber Corbin asked Code Enforcement Officer Gerry Kusse about the neon signs located at 7272 West Henrietta Road. Mr. Kusse stated he will contact the owners regarding the neon signs.

APPROVAL OF MINUTES: March 8, 2012

Vice Chairman Robert Weiler made a motion to approve the Minutes of March 8, 2012 as written.

Garry Koppers seconded the motion and the Board Members polled.

Roll:	Robert Weiler	aye	
	Amber Corbin	aye	
	Kelly Pruden	aye	
	Garry Koppers	aye	carried.

With no further business, a motion was made by Robert Weiler and agreed by common consent that the meeting be adjourned at 7:50 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk