

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF JUNE 14, 2012**

A regular meeting of the Rush Zoning Board of Appeals was held on June 14, 2012 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
Amber Corbin
Kelly Pruden
Garry Koppers
Meribeth Palmer, Deputy Town Clerk

OTHERS: Lisa Sluberski, Town Board Liaison
James Trescott, Resident
Elaine Trescott, Resident

Chairman Van Lare welcomed all and called the meeting to order.

PUBLIC HEARING:

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.

Chairman Van Lare stated that he was not present at the last meeting and has some questions regarding the addition. Chairman Van Lare asked what the existing garage would be used for. Mr. Trescott stated that it would be converted to living space such as a hobby room or a general purpose space. Chairman Van Lare wanted to clarify with Mr. Trescott that it would not be used as an in-law apartment. Mr. Trescott did say that they are planning on having his mother in-law move in and that she would be using one of the pre-existing bedrooms.

Chairman Van Lare explained his concern for the structure being placed 4 feet from the property line. Chairman Van Lare stated that there may be an alternative in the placement of the addition. Further suggestions were made for the Trescott's to consider

as follows: Placing the garage straight rather than at an angle would save on footage and minimizing the proposed width of the garage by 2 feet would reduce the setback to a more reasonable number. The Zoning Board would like to see the Trescott's work toward a 12 or a 12.5 foot variance request rather than 21 foot variance request.

The Board stated that they would work with the Trescott's to find an alternative that will be acceptable for everyone.

Mrs. Trescott mentioned that the neighbor does not have any objection to the addition being 4 feet from the property line. The Zoning Board stated they do not want to establish a precedent of allowing additions that close to property lines. This could present potential problems in the future. In addition, the Board must consider the impact to the current neighbor and how it might impact future owners. The proposal is also a self-created issue.

The Zoning Board also expressed concern regarding the septic field of lot 1 on the map submitted. This is located very close to the lot line of the proposed garage.

Chairman Van Lare state that the Zoning Board would be willing to keep the Public Hearing open in order to give the Trescott's time to re-evaluate their proposal.

Mr. Trescott stated that they would have to get together with their architect and look at further alternatives. The Trescott's will try to resubmit a revised plan by July 1, 2012 in order to give Board members time to review them prior to the July 12, 2012 meeting.

With no further comments Chairman Van Lare declared to keep the Public Hearing open.

BOARD DISCUSSION:

Zoning Board members inquired about a previous informal discussion with residents Gerard and Catherine Carey for a boat storage variance. Deputy Town Clerk Palmer stated the Carey's will not be submitting a variance application.

Chairman Van Lare informed the Zoning Board that Supervisor Anderson received a letter from a resident that was read into the minutes at the June 13, 2012 Town Board meeting. Supervisor Anderson has requested and is looking for a response from all board members regarding the letter before the June 27, 2012 Town Board meeting. Chairman Van Lare stated that he had hoped that the Town Board responded in a supportive manner at the time the letter was read.

TOWN BOARD LIASION UPDATE:

Councilwoman Sluberski reported that the Town now has entered into an agreement to purchase Ecode 360. This allows anyone access to the entire Rush Town Code through the town web site.

Chairman Van Lare stated that most towns currently have their codes available on their web site and it would save the clerks a lot of time and research.

The Board further discussed zoning codes and violations.

Councilwoman Sluberski stated that a lot of the Rush Town Codes are antiquated and need updating.

Gary Koppers stated that he is concerned with consistency of enforcement. It makes it difficult for the Zoning Board to deny requests from residents that do the right thing by coming before the Zoning Board while other residents disobey the code even after they have been warned of their violation.

The Zoning Board also understands that there is only one part time Code Enforcement Officer to cover the entire town.

The Zoning Board recalled several ongoing violations.

The Zoning Board discussed the zoning codes of adjacent towns.

APPROVAL OF MINUTES: May 10, 2012

Bob Weiler made a motion to approve the Minutes of May 10, 2012 as written.

Amber Corbin seconded the motion and the Board Members polled.

Roll:	Robert Weiler	aye	
	Amber Corbin	aye	
	Kelly Pruden	aye	
	Garry Koppers	aye	
	Don Van Lare	abstained	carried.

Chairman Van Lare was excused from the May 10th 2012 Zoning Board meeting.

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

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk