

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF JULY 12, 2012**

A regular meeting of the Rush Zoning Board of Appeals was held on July 12, 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

Chairman Van Lare called the meeting to order.

OPEN 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.

As requested by the Zoning Board the Trescott's submitted a revised site plan for the proposed garage. The Trescott's originally requested a 21 foot variance, placing the proposed garage 4 feet from the side lot line. The new site plan shows the proposed garage 12.9 feet from the side lot line.

Board member Amber Corbin clarified that the 2 car garage addition will be erected and original one car garage will remain for approximately one year. The original one car garage will later become hobby room/utility room.

Chairman Van Lare noted that upon approval Mr. Trescott will need to obtain a building permit for the garage addition. At a later date when Mr. Trescott is ready to convert the original garage into a hobby room/utility room, an interior remodel permit will be required.

The Zoning Board was pleased to come to a compromise regarding the side setback.

Chairman Van Lare entered into the record letters submitted by neighbors Richard Tetrault and David Alexander in regards to the above applications.

With no further comments Chairman Van Lare declared the public hearing closed.

DECISIONS:

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.

Kelly Pruden made a motion **WHEREAS**, this Board has examined Application 2012-02Z submitted by James Trescott, Elaine Trescott and Norma Maxwell of 34 Aprille Lane, located in an R-30 district, requesting a side setback variance for a two car garage to the east of the existing residence, and maps and other materials which were filed with the application; and

WHEREAS, the application is for a side setback variance only, now therefore,

BE IT RESOLVED, that this Board determines that it is a Type II action, which requires no further processing under SEQR. The reason for this determination is that Section 617.5c(12) of Title 6 under New York Code of Rules and Regulations, in listing Type II Actions, includes all variances for relief from granting of individual setback and lot line variances.

Don Van Lare made a motion to approve the SEQR.

Robert Weiler seconded the motion and the Board Members polled:

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

WHEREAS, Application 2012-02Z was submitted by James Trescott, Elaine Trescott and Norma Maxwell for property located at 34 Aprille Lane, Rush, New York, requesting a variance from a side setback requirement for structures of twenty-five (25) feet as set forth in the Code of Rush, Chapter 120-19, as described in the maps and diagrams submitted with the application; and

WHEREAS, a public hearing on this application was scheduled and notice was posted as required by law; and

WHEREAS, all persons at the hearing desiring to speak on the matter were heard, all correspondence on the matter was read and statements were considered by this Board; and; now therefore;

BE IT RESOLVED, that Application 2012-02Z is granted as requested in the revised plans submitted with the application. The proposed two car garage as identified in the revised plans shall be placed no closer than 12.9 feet from the property line to the east of 34 Aprille Lane.

The following conditions apply:

1. No work is to commence until a building permit is obtained from the Town of Rush;
2. The construction of the proposed two car garage is to be completed within one year of the approval of the application;
3. The proposed two car garage is for the sole purpose of expanding the square feet of the house structure by re-purposing the existing attached garage into a hobby room/utility room; and
4. Should the existing 1 car garage and/or proposed 2 car garage addition be converted to an accessory apartment, the applicant will comply with Rush Town Code 120-61.

The reasons for this action are:

1. The 12.1 foot variance will allow the applicant to build a two car garage and maintain the attached garage to be converted into hobby room/utility room;
2. The proposed two car garage will present no impediment to the enjoyment of the neighboring properties to the east and west;
3. By virtue of the petition submitted to the Board, neighbors have voiced no objection to the structural addition; and
4. There is no discernible detriment to the health, safety or welfare of the community or neighborhood that would occur by the granting of this variance.

Don Van Lare made a motion to approve Application 2012-02Z.

Robert Weiler seconded the motion and the Board Members polled:

ZONING BOARD OF APPEALS
JULY 12, 2012

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

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.

Amber Corbin made a motion **WHEREAS**, this Board has examined Application 2012-03Z submitted by James Trescott, Elaine Trescott and Norma Maxwell of 34 Aprille Lane, located in an R-30 district, requesting a front setback variance for a two car garage to the east of the existing residence, and maps and other materials which were filed with the application; and

WHEREAS, the application is for a front setback variance only, now therefore,

BE IT RESOLVED, that this Board determines that it is a Type II action, which requires no further processing under SEQR. The reason for this determination is that Section 617.5c(12) of Title 6 under New York Code of Rules and Regulations, in listing Type II Actions, includes all variances for relief from granting of individual setback and lot line variances.

Don Van Lare made a motion to approve the SEQR.

Amber Corbin seconded the motion and the Board Members polled:

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

WHEREAS, Application 2012-03Z was submitted by James Trescott, Elaine Trescott and Norma Maxwell for property located at 34 Aprille Lane, Rush, New York, requesting a variance from a front setback requirement for structures of one hundred- (100) feet as set forth in the Code of Rush, Chapter 120-18, as described in the maps and diagrams submitted with the application; and

WHEREAS, a public hearing on this application was scheduled and notice was posted as required by law; and

WHEREAS, all persons at the hearing desiring to speak on the matter were heard, all correspondence on the matter was read and statements were considered by this Board; and; now therefore,

BE IT RESOLVED, that Application 2012-03Z is granted as requested in the revised plans submitted with the application. The proposed two car garage as identified in the revised plans shall be placed no closer than 91 feet from the center line of Aprille Lane.

The following conditions apply:

1. No work is to commence until a building permit is obtained from the Town of Rush;
2. The construction of the proposed two car garage is to be completed within one year of the approval of the application;
3. The proposed two car garage is for the sole purpose of expanding the square feet of the house structure by re-purposing the existing attached garage into a hobby room/utility room; and
4. Should the existing 1 car garage and/or proposed 2 car garage addition be converted to an accessory apartment, the applicant will comply with Rush Town Code 120-61.

The reasons for this action are:

1. The 9 foot variance will allow the applicant to build a two car garage and maintain the attached garage to be converted into hobby room/utility room;
2. The proposed two car garage will present no impediment to the enjoyment of the neighboring properties to the east and west;
3. By virtue of the petition submitted to the Board, neighbors have voiced no objection to the structural addition; and
4. There is no discernible detriment to the health, safety or welfare of the community or neighborhood that would occur by the granting of this variance.

Don Van Lare made a motion to approve Application 2012-03Z.

Garry Koppers seconded the motion and the Board Members polled:

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

BOARD DISCUSSION:

The Zoning Board discussed the upcoming workshop presented by The Association of Towns.

Deputy Town Clerk Palmer reported that no new applications have been submitted to date.

TOWN BOARD LIAISON UPDATE:

Councilwoman Sluberski reported that Town Attorney John Mancuso explained procedures required for residents interested in changing the town code. Councilwoman Sluberski has requested that the Zoning Board receive a copy of this document.

Chairman Van Lare stated that there are some changes that need to be made. One example is the definition of family in the current zoning code. In additions a brief discussion of surrounding towns code definitions.

APPROVAL OF MINUTES: June 14, 2012

Don Van Lare made a motion to approve the Minutes of June 14, 2012 as written.

Robert Weiler seconded the motion and the Board Members polled.

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

With no further business, a motion was made by Chairman Van Lare and agreed by common consent that the meeting be adjourned at 7:26 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk