

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF MARCH 14, 2013**

A regular meeting of the Rush Zoning Board of Appeals was held on March 14, 2013 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
Frank Pavia, Town Attorney

OTHERS PRESENT:

Gerry Kusse, Code Enforcement Officer, Resident	Lisa Bailey, Resident
Dan Woolaver, Town Board Liaison	Jim Bailey, Resident
John Clark, Engineer	Ed Richard, Resident
Henry Hansen, Rush property owner	Lee Hankins, Resident
Robert Turner, Applicant	Kathryn Hankins, Resident
Ralph Harding, Resident	Patricia Kraus, Conservation Board, Resident
Nick Montanaro, Engineer	Erik Gysel, Resident
Doug O'Brien, Resident	Christine Nothnagle, Resident
Judith Eadie, Resident	Jordan Kleinman, Resident
B. Eadie, Resident	Lisa Bolzer, Resident
Roger Dolliver, Resident	Suellen Miller, Resident
David Wahl, Resident	Bryan Laughlin, Resident
Carol, Wahl, Resident	Ansgar Schmid, Resident
Susan Hennessy, Resident	Jeffrey Metchick, Resident
Harriet Cook, Resident	Robert Bicks, Resident
Michael Stewart, Resident	Marjorie Bricks, Resident
Patti Stewart, Resident	Nick Donofrio, Resident
Bill Gaffney, Resident	Dick Updaw, Resident
Scott Strock, Planning Board Member, Resident	Al Platt, Resident
Wendy Kuhn, Resident	Marcia Erwin, Resident
Carol Barnett, Resident	Norman Erwin, Resident
Julia Lederman, Conservation Board, Resident	Abe Brouk, Attendee
Marianne Rizzo, Resident	Lou Ingersoll, Resident
Joel Schmid, Resident	James Bucci, Resident
John Van Roo, Resident	Dave Altamura, Resident
Harold Slack, Resident	Wendy Altamura, Resident
Kathryn Steiner, Town Councilperson, Resident	

Chairman Van Lare addressed the audience stating that Engineer John Clark would begin with a presentation. Following the presentation Chairman Van Lare will open the

floor for comments from those who have signed the speaker list. Each speaker will be given 3-5 minutes. If comments are longer than 3-5 minutes and are in written form, please submit them to the Board to be entered into the record.

PUBLIC HEARING:

Engineer John Clark explained that he is representing Mr. Turner on the project. Land owner Henry Hansen is the owner of an 81 acre parcel located at 7566 West Henrietta Road. Mr. Hansen is proposing to subdivide the parcel with 25 acres going to Mr. Turner for the proposed project. A large portion of the 25 acres is in a flood plain. The actual development will cover a 2.75 acre area directly behind Snyder's Garage. Mr. Clark explained to the audience that Mr. Turner's business covers the installation of utilities such as gas, telecommunications, fiber optic lines and storm pipes through the process of horizontal drilling. This process creates minimal disturbance in comparison to the traditional process of trenching.

Mr. Turner is hoping to move his headquarters to Rush. The proposed 12,750 square foot building would consist of 3,000 square feet for office space and 9,750 square feet is for the shop area that will house trucks, equipment and facilitate minor equipment repairs.

Mr. Clark emphasized that it is not a very large company. Mr. Turner's company works countywide and works only with his own trucks. There will not be additional trucks and traffic coming and going from the property all day long. Truck traffic would consist of 3-4 trucks leaving in the morning and returning at the end of the day. Often the trucks will remain at the job site and not even return to the headquarters. There would be approximately 9-10 employees working at the headquarters. Mr. Clark stated that it is a daytime operation and there will not be activities after dark.

The property is zoned commercial. Under the zoning code the proposed office is acceptable, the truck storage facility is the portion that does not conform to commercial zoning. Minor truck repairs will be done on site. However, industrial activities will not be taking place at this site. Mr. Clark stated that the comprehensive plan calls for small businesses; this is a small business providing a community service. Mr. Hansen's 81 acre parcel has been marketed for years as commercial. Without sewers it is very difficult for Mr. Hansen to market. Mr. Clark stated that it could be developed as a large strip mall or large office which is in compliance with code and would increase traffic tremendously. Again, Mr. Turner's proposal in comparison to what could occur there is very low impact.

As far as the character of the neighborhood, Snyder's Garage is right in front with a lot of cars and activity on their site. Mr. Turner's proposed building will be behind Snyder's Garage with the truck bays facing east for a clean looking site. There is a large hedge row of trees right along the existing driveway that does a nice job of screening as you are heading north on NYS Route 15. Approaching from the South on NYS Route 15 drivers will be able to see the parking area and the front of the office building.

Mr. Clark also reminded the audience that NYS Route 15 is a 55 mile per hour road, not conducive to walking or biking and that the 3-4 trucks coming out of the site will not be a major impact.

Mr. Turner's business may be small, however, the storage building is a necessity. His equipment is valuable and he does not want to store trucks or equipment outside. The site itself will be served by public utilities. Mr. Clark has engineered a storm water management plan to take care of all the storm water on the site with bio-retention swales and green infrastructure as per the requirements set forth by New York Department of Environmental Conservation (NYSDEC). The building sits 200 feet back from West Henrietta Road. The truck bays open to the east and there is natural screening on the east side of the property. Additional screening will be added for the homes on West Henrietta Road that are directly south of the site.

Mr. Clark again stated that distribution will not take place from this site and the character of Mr. Turner's request is in keeping with the collision shop directly in front of their proposed site.

Mr. Clark concluded his presentation.

Chairman Van Lare informed the audience that the Board will hear comments beginning with those who signed in on the speaker list. Public comments should be limited to 3-5 minutes or written comment letters can be submitted for review. Following public comments Zoning Board Members will ask any questions they may have. If time allows, further questions from the audience may be addressed.

Resident Doug O'Brien commented that the flyer he received in the Penny Saver mentioned horizontal drilling. Mr. O'Brien stated that he was misinformed, since the applicant only drills for utilities, and therefore he has no comment.

Chairman Van Lare clarified that the recent flyers circulated throughout the Town stated Town of Rush Zoning Board of Appeals. These were not sent by the Town of Rush and have nothing to do with the operation of the Rush Zoning Board of Appeals. Additionally both flyers were unsigned. The Board will not accept unsigned documents for the record.

Resident Kathryn Hankins stated that she has several letters to submit. Mrs. Hankins spoke on behalf of resident Dave Sluberski, stating that he was unable to attend due to conflicting work hours and that he is submitting a personal letter in addition to a secondary letter as town leader of the Rush Democratic Committee and its members. Mrs. Hankins also submitted letters from Jeanne Yawman, Terry Irvine, Lee Hankins of Hankins Development and 1 letter from herself.

Mrs. Hankins commented during the February 14th workshop that the applicant implied that his company works across the country and the internet also states that his company has worked out of state. Mrs. Hankins stated that the applicant wanted to park cars

outside on a large gravel driveway and trucks may be coming in at 11PM. Mrs. Hankins urged caution. Mrs. Hankins also stated that the Environmental Assessment Form (EAF) states that there is potential for more buildings and she is very concerned that 82 acres of commercial property could be given a variance for industrial use. Mrs. Hankins referred to the Comprehensive Plan and the parcel's intended use, the land has really been used for farming since 1962. Mrs. Hankins stated "it doesn't seem the applicant has a right to have a use variance when he has been receiving maybe not what he wanted for income but has not really marketed his property as commercial". Mrs. Hankins went on to explain that she read the Comprehensive Plan from the 1990's and the vision for that property was to be a bridge to light industry north of the Lehigh Valley Trail. The beginning pages of the plan stated it was a change in use and it may not come true because there are no sewers in Rush and with no sewers the area would continue to be rural. Mrs. Hankins stated the only way the land was to be developed is with sewers. To lose the vision of this area, and as a partner in Hankins Development Corporation, we've built 21 homes in the Fishell Road and Rush West Rush Road area and they are very valuable homes that amount to 9 million dollars which is equal to Boulder Creek, one of Rush's most affluent areas. Property values should not be compromised.

Resident Maryanne Rizzo stated that she feels the proposed project would be a compromise to the town. Ms. Rizzo asked if there were any zones for High Industrial. Chairman Van Lare replied that Rush has no Heavy Industrial zones. Ms. Rizzo feels the Comprehensive Plan states that the proposed property site should only be commercial for a reason. Ms. Rizzo appreciates the rural nature of the area and it would be unfortunate to approve the variance.

Resident Bill Gaffney explained that he is attending the meeting to learn more about the project. Mr. Gaffney explained the flyer was confusing and implied a large operation that would be a detriment to the town and the neighborhood. Mr. Gaffney has learned otherwise tonight and that the anonymous flyer was a scare tactic to incite people in order to influence the Board. Mr. Gaffney stated that from what he has heard tonight the project does not look like a distribution center or manufacturing operation, both of which would be detrimental. The proposal appears to be a unique operation that would not be detrimental to the area regardless of past town fathers and the outdated Comprehensive Plan. Mr. Gaffney stated that over the last 30-40 years the town has had an unfortunate reputation of letting a few people opposed to projects influence the town resulting in the termination of these unique proposals. The probability in our lifetime of that area ever becoming built up as any kind of a large industrial area is improbable. Mr. Gaffney recommends approval and hopes that the Board accommodates this unique proposal that will add to the growth of the Town's taxable base.

Resident Dick Updaw stated that he owns property north of the proposed project on the opposite side of the road. Mr. Updaw stated although he has never met Mr. Turner, as a bus driver for Rush Henrietta School District he has often viewed Mr. Turner's trucks coming and going from the Lehigh Station Road site. Mr. Updaw stated that there are usually no more than 4-5 trucks consisting of 2 drill trucks and a couple of support

vehicles and occasionally a mechanic's truck, always traveling in an orderly procession. Mr. Updaw stated that seems to be the extent of their operation based on what he has observed over the years. Mr. Updaw does not have any concerns that this operation is going to have a large impact on traffic. Mr. Updaw mentioned security in relationship to the immediate surroundings. Currently Mr. Updaw is directly across from the Rush Public Storage, a facility that has no security and has attracted illegal activity. Mr. Updaw brings this up because Mr. Turner's operation consists of valuable equipment and security would be necessary, therefore, it would not be haven for troublemakers.

Resident Nick Donofrio lives south east of the proposed project. Mr. Donofrio submitted a written letter and mentioned a few concerns addressed in his letter. Mr. Donofrio is concerned that Mr. Turner's operation could expand in the future. He is also concerned about security and lighting stating that operations consisting of lights and truck repairs and noise could potentially take place all night. Mr. Donofrio chose the area for the quiet rural setting. Mr. Donofrio also believes there would be a negative impact on property values, therefore, Mr. Donofrio feels the request should be denied.

Jeffrey Metchick recently moved to Rush and built a house on the other side of the creek adjacent to the proposed project. Mr. Metchick feels that this will directly impact his family. The applicant's presentation indicated that the trucks bays and activity will take place behind the building. Mr. Metchick stated the trucks bays and activities will face his backyard. Mr. Metchick stated that he moved here for the quiet country setting. He is concerned that the operation will be loud and possibly harm the creek and the surrounding area. Mr. Metchick stated that his current site is a mess. Mr. Metchick stated that now that his house is complete his taxes will be going up considerably from what he paid when it was land only. Mr. Metchick asked whether his taxes could be justified for living in an industrial area. Mr. Metchick stated that approximately 1 year ago he approached Mr. Hansen regarding the purchase of some property on the other side of the creek which is in a flood zone. Mr. Metchick stated that Mr. Hansen quoted him \$100,000 per acre.

At this time the Board heard statements from members of the audience that did not sign the speaker list.

Conservation Board Member and Resident Julia Lederman submitted a written statement on behalf of the Rush Conservation Board.

Conservation Board Member and Resident Pat Kraus stated that although the proposed project is not in her backyard, she feels strongly that this is a matter of justice. The town has zoning laws for a reason. Mrs. Kraus stated that Mr. Metchick built his home within the constraints of the zoning code as they exist in this town. Mr. Hansen knows what the zoning is and should abide by the zoning as well. It's very wrong to overturn the zoning that is currently in place.

Resident Carol Barnett commented on the notice that was circulated in the Penny Saver. Mrs. Barnett stated that it is clear that the heading was to be in the form of a

notice. If you read, it is opposed to the variance and there is no way the Zoning Board of Appeals (ZBA) would send out something like this. A reasonable person reading this knows it was not sent out by the ZBA and it is not anonymous because at the bottom it says "this flyer is paid for by Rush Open Government". Mrs. Barnett also stated that "we are committed to improving communication and community participation into nonpartisan leadership in our community. Our town newsletter no longer includes Planning and Zoning Board applications, so we find out too late to voice our opinions".

Chairman Van Lare asked Mrs. Barnett's statements pertain to the project or the communication flyer.

Mrs. Barnett stated it is unfair to cast aspersions on the flyer when people are exercising their first amendment rights and people in this room are exercising their political rights. Mrs. Barnett stated that it's wonderful that all these people are here tonight and that you can't keep this kind of communication from happening.

Chairman Van Lare clarified again that he was informing the audience that the flyer was not a communication from the ZBA.

Mrs. Hankins stated that the flyer should be put in the record and many people participated in making sure that they read all minutes and researched every possible resource.

Chairman Van Lare said that as soon as someone signs the flyer he will add it into the record.

Resident Christine Nothnagle has participated in several town meetings in the past. Ms. Nothnagle pointed out that everyone has a right to earn a living and have a business. The zoning was designed keeping in mind that the town utilizes septic systems. Ms. Nothnagle stated that just today driving by she noticed the parcel was flooded and asked if the applicant has provided an Environmental Impact Study. Nothing has been said regarding the fuel storage on this property. Consideration should be given to the environment and the town. One third of the town is on wells and the project could impact the water. Ms. Nothnagle is asking the town to take a closer look at these items and there are Light Industrial zones to the north that might better accommodate a Mr. Turner's operation.

Resident Jordan Kleinman submitted a written statement opposing the project.

An audience member stated there was a statement in the flyer indicating that the town does not notify the public, is that true.

Chairman Van Lare stated that the ZBA themselves do not have the resources to publish flyers. Agendas, applications and public hearings are all posted on the web site, in the Town Hall on the Town Clerk's bulletin board, legal notices for public hearings are placed in the Henrietta Post and The Sentinel papers and residents within 500 feet of

the project are sent written notices by mail from Deputy Town Clerk Palmer. Mailed written notices are not a requirement and have been provided as a courtesy to residents. Although there is a section in the newsletter for planning and zoning applications and decisions, it was explained that the newsletter is bi-monthly, therefore, not all listing can be current.

Mr. Gaffney asked about signage that is posted at the site informing the public.

Lou Ingersoll stated that she is opposed to the applicant's request. Ms. Ingersoll stated that is too coincidental that he does horizontal drilling when the town is currently dealing with horizontal hydrofracking. Why does he need 25 acres for 1 building and what's he going to do about the flood plains.

Board Member Weiler explained that the flood plain has been identified and the proposed building is not in the flood plain.

Resident Sharon Slack mentioned that Cyncon Group asked the town for outside parking and there was no objection and now she looks at the vehicles outside as she drives by. Ms. Slack asked that the Board not allow outside parking for the equipment and trucks.

Planning Board Member and Resident Scott Strock asked if it is the ZBA's opinion that this application fits under the limited industrial zone, and if not, would fit under Limited Industrial with special permits from the Planning Board.

Chairman Van Lare stated that this application does not fall under the limited industrial zone and the reason that this applicant is here before this board is due to the fact that the parcel is zoned commercial. Mr. Turner's business is a commercial business; however, the Code defines commercial as retail sales and services. Mr. Turner's business is a commercial enterprise with sales, just not traditional retail sales. Therefore, the Board thought it would be best if the applicant obtained a use variance for a higher level of commercial use.

Resident Patty Stewart lives on West Henrietta Road south of the proposed project. Ms. Stewart stated that the project would be in her back yard and she is opposed to the request. With that project in her back yard her dog will not be able to run.

Chairman Van Lare reviewed additional correspondence received regarding the application. The Monroe County Department of Planning and Development refers to this application as a local matter. Many written letters have been submitted regarding the application including:

- DDS Engineer John Clark
- Property owner Henry Hansen
- Real Estate Appraisal firm of Pogel, Schubmehl & Ferrara, LLC
- Selden Chase

- Dick Updaw
- Jack Moore
- Robert Baker
- Thomas Krenzer
- Thomas Tuety
- Judith and Michael Eadie
- William Snyder
- 1 non- legible signature
- Mr. and Mrs. John Cherry
- Thomas Krenzer, second letter
- David Moll
- Ted and Carol Barnett
- Carolee Powers
- Laura Lloyd
- Mary Doty Maier
- Richard Doty
- Paul and Susan Hennessy
- James Belknap
- Patricia Redding
- Harriet Cook
- William Gaffney

Chairman Van Lare stated all of the signed submitted correspondence will be available for review in the Town Clerk's Office.

Chairman Van Lare stated that he would like some assurances regarding the compliance with Rush Town Code 120-57. This section of the code refers to the requirement of paving the driveway and parking areas in commercial zones.

Mr. Turner stated that he does not own the property, he leases it. Many of the items outside do not belong to him. He stated that is one of the reasons they need to leave that site. It is a very poor design.

Chairman Van Lare wants to confirm that there will be enough inside storage for all vehicles and equipment.

Mr. Turner confirmed that he has designed the building to contain equipment inside and keep it secure. Mr. Turner's building proposes 10 bays for 9 trucks.

Chairman stated that there are 3 residential properties south west of the building that are zoned commercial. The Chairman stated that although screening is not required from commercial property to commercial property, in this case there should be screening. The applicant has agreed to add screening in this area. Chairman Van Lare

also asked if it is possible in any way to add screening for the property directly east on the other side of the creek.

Mr. Clark stated that it would be difficult due to the fact that the proposed property site sits up much higher. It would be difficult to find anything tall enough to accomplish that.

There are currently trees along the creek that provide screening when the foliage is out. Mr. Metchick stated that during the winter months he has a view of Snyder's garage. Mr. Metchick confirmed Chairman Van Lare's request, that he could see Snyder's Garage when he built his home.

Chairman Van Lare informed the audience that lighting falls under review by the Planning Board.

Chairman Van Lare asked Board members if they had questions.

Board Member Koppers asked about fuel storage and truck maintenance. Mr. Turner stated that he plans to have above ground dykes. Mr. Turner explained that most of his trucks are serviced and maintained at Kenworth. Mr. Turner explained his field personnel are also his mechanics and only minor maintenance work would be performed in the extra bay.

Board Member Pruden asked about the hours of operation and the amount of time to warm up the trucks in the mornings. Mr. Turner stated that the garage doors would be open when the trucks warm up in the morning. Mr. Turner stated that his plan has taken everything into consideration to mitigate the impact to the surroundings. Mr. Turner clarified that often times during the warm and summer months the trucks stay off site and do not return. During winter months the trucks will return to his storage facility. However, there is not as much work in the winter and less movement.

Mr. Gaffney inquired about turning the building 90 degrees away from the east. Mr. Clark stated that they did look at a rotated version and with limited room due to the flood plain it was difficult to fit the leach field with proper separation in addition to the storm water retention pond.

Chairman Van Lare informed the audience that he would take a few more questions. The Board has 2 more applications for review on the agenda.

Resident Harold Slack asked if the Rush Fire Department reviewed the application. Chairman Van Lare explained that the application was sent to the fire department for review. The Planning Board is responsible for reviewing site plans, environmental impact studies, responses from the fire department, and transportation agencies among other items.

Town Attorney clarified that the purpose of public hearing is to determine if a variance should be granted. If the variance is granted the applicant will be required to go before the Planning Board for a full site review and will require their approval as well.

Mrs. Hankins informed the ZBA that at the Town Board meeting she raised the concern that the application belong to the Town Board as a rezoning rather than the ZBA. Mrs. Hankins referred to the Department of State and read that most variances involve a single lot or at least a small parcel of land. This parcel is being presented to the ZBA as one 80 acre parcel. Mrs. Hankins again stated that the comprehensive plan implies there was to be no development without sewers. Mrs. Hankins feels that the application should be reviewed as a rezoning and should engage the community.

Chairman Van Lare clarified that the applicant is asking for a use variance on 2.75 acres, not 80 acres. Mrs. Hankins stated the law says you can just rezone a portion of land.

Town Attorney Pavia disagreed, stating that this application does not warrant a rezoning of the property based upon the application submitted to the ZBA.

Chairman Van Lare emphasized that the request is a use variance for 2.75 acres, not 25 or 80 acres. The variance is only for what they are currently proposing. If they want to expand even within the 2.75 area, the original use variance becomes void.

Mrs. Hankins further discussed the history of the property and the intent of the comprehensive plan.

Resident John Van Roo stated that he grew up in Rush. There have been very few changes over the years. Mr. Van Roo questioned why the town would want industry in a rural town. Mr. Van Roo is concerned about property value. Mr. Van Roo is concerned that there will be a need for a traffic light there. He does not want to see Rush develop into a Henrietta.

Resident Mark Erwin asked even though the site is leased could the driveway be paved. Chairman Van Lare stated he has no control over Henrietta sites, Mr. Erwin must have confused Mr. Turner's current Henrietta site with the proposed Rush site. Mr. Turner is proposing to purchase the property from Mr. Hansen and Rush Town Code requires commercial operations to have paved driveways and lots.

Chairman Van Lare referred to Rush Town Code section 120-57 regarding required paving.

Ms. Ingersoll commented that tenants are to maintain the upkeep of a leased site. If you have a lousy tenant what makes you think they will be a good homeowner. Chairman Van Lare can't speak for the rules in Henrietta, if that is what Ms. Ingersoll is referring to. Ms. Ingersoll was reminded that Mr. Turner's site in Henrietta was shared and not

everything belonged to Mr. Turner. In addition, Rush has rules in place that cover the outdoor storage of materials and debris.

Resident Dave Wahl asked what prevents the increase in the number of vehicles stored on the property. Chairman Van Lare stated that the vehicles are required to be housed inside.

Chairman Van Lare explained the Code states that you cannot store commercial vehicles outside after business hours unless a special permit is obtained from the Rush Planning Board.

Chairman Van Lare informed the audience that they will not be making their decision tonight and the application will be adjourned to a later date. The meeting will be open to the public, however, it will not be another hearing. The meeting date will be posted on the website and in the Clerk's Office.

Resident Lee Hankins stated that he thought all letters would be read in full into the minutes.

Town Attorney Pavia informed the Board and the audience that it is the Board's decision. All of the letters do not have to be read at the meeting. They can be made available to the public through the Town Clerk's Office and the web site to the extent that is practicable. Every document received pertaining to the application becomes part of the record and maintained by the Clerk's Office.

Mr. Hankins asked if his letter could be read.

Chairman Van Lare suggested that he read his own letter. Mrs. Hankins read the 5 page letter on behalf of Mr. Hankins. His letter expressed his reasons the Board should deny the variance request based on the Comprehensive Plan, assessed home values and justifiable hardships.

Resident James Bucci commented that the audience has heard a lot of negative comments tonight. There have been many positive letters and letters of support submitted regarding the project. Mr. Bucci urged that those letters also be made available at the Town Clerk's Office and reviewed by the public.

Chairman Van Lare formally closed the Public Hearing. The record will remain open for any additional letters of submission and they will be reviewed by the ZBA.

The ZBA tentatively discussed a meeting date of April 4th. After discussion of schedules among the Board members, the date of April 4th was not acceptable.

The ZBA has scheduled an open meeting for adjourned application 2013-01Z for March 26, 2013 at 7:00PM at the Rush Town Hall, 5977 East Henrietta Road.

WORKSHOP:

Application 2013-02Z and **Application 2013-03Z** by Ralph Harding requesting two area variances required for a proposed subdivision and site plan for property located at 40 Scofield Road. Proposed lot widths do not comply with 120-17 of the Rush Town Code. Property is located in an R-30 zoning district.

This is the second variance workshop for Mr. Harding. Mr. Harding is proposing a site plan and resubdivision of the land to accommodate a new house for himself to the west of his original house. Due to the deep setback of the homes, Mr. Harding is proposing to change the property lines allowing each parcel to have land extending all the way to the road. Mr. Harding is also proposing a third lot to the east that conforms to current zoning requirements.

The Board questioned the difficulty of selling the existing house without a driveway. Mr. Harding does not think it will be a deterrent. The owners will own the property extending to the road if they wish to install their own driveway. However, due to the length and terrain it would be very costly. The existing house will have an easement to use the existing driveway that will be located on Mr. Harding's newly proposed lot. Mr. Harding will be responsible for maintaining the driveway.

The Board discussed having 2 easements and the potential of 3 property owners using the same driveway. Mr. McRae who owns the land to the east currently has a filed easement with his deed for ingress and egress to his property from Mr. Harding's land. The Board also discussed the existing utility easement. Mr. Harding also has the option of accessing his property on NYS Route 15A. The Board stated that there are no guarantees that access would be granted on that section of NYS Route 15A.

Mr. Harding explained the history of the land over the years.

The Board has stated that they are not in favor of flag lots or multiple use driveways. Without changing configuration of the proposed lots, the only other alternative would be to create a road and that would also be very costly.

The Board has scheduled public hearings for both variance requests on April 11, 2013.

WORKSHOP:

Application 2013-04Z by Dave Altamura requesting a width at setback variance for a proposed subdivision. The subdivision does not comply with 120-17A of the Rush Town Code. Property is located at 625 Works Road and is in an R-30 zoning district.

After meeting with Chairman Van Lare, the Altamura's took the suggestion of redrawing the proposed lot lines to conform to the town zoning requirements thus meeting the required 150 foot width at setback requirement while still preserving the existing shed.

Dave and Wendy have consented to formally withdrawing their zoning variance request.

BOARD DISCUSSION:

Councilman Woolaver had no report.

The Board reviewed a few of the documents submitted by Mr. Clark during the public hearing. The Board also discusses the history of the Hansen parcel and the surrounding properties.

The ZBA noted that there are some issues on the Snyder property that need addressing.

The Board confirmed the scheduled open ZBA meeting for adjourned application 2013-01Z for March 26, 2013 at 7:00PM.

APPROVAL OF MINUTES: February 14, 2013

Don Van Lare made a motion to approve the Minutes of February 14, 2013 as corrected.

Board Member Corbin seconded the motion and the Board Members polled.

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

With no further business, a motion was made by Don Van Lare and agreed by common consent that the meeting be adjourned at 9:20 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk