

**RUSH ZONING BOARD OF APPEALS  
REGULAR MEETING  
MINUTES OF MAY 9, 2013**

A regular meeting of the Rush Zoning Board of Appeals was held on May 9, 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

**OTHERS PRESENT:** Gerry Kusse, Code Enforcement Officer, Resident  
Dan Woolaver, Town Board Liaison  
Pamela Remchuk, Resident  
Jeremy Remchuk, Resident  
James Scancarello, Resident  
Frances Sacncarello, Resident  
Curran Brown, Resident  
Christine Brown, Resident  
Ralph Harding, Resident  
Nick Montanaro, Land Surveyor

Chairman Van Lare welcomed all to the Zoning Board of Appeals.

**ADJOURNED APPLICATION:**

**Application 2013-01Z** by Robert Turner and land owner Henry Hansen requesting a use variance for the development of a 12,750 square foot building to accommodate an office and storage space for commercial drilling equipment/vehicles. Property is located at 7566 West Henrietta Road and is in a commercial district.

*This application has been withdrawn as of May 6, 2013.*

Chairman Van Lare explained that this application has been in front of the Zoning Board of Appeals for approximately 3 months. The application is approaching expiration therefore after 2 subsequent adjournments the applicant has withdrawn the application. The Zoning Board is unsure of any future action.

**WORKSHOP:**

**Application 2013-05Z** by James and Frances Scancarello requesting a front setback variance for a gazebo. The proposed location does not comply with 120-18 of the Rush Town Code. Property is located at 6745 East River Road and zoned R-30.

The Scancarello's explained that they are on the corner of Telephone Road Extension and East River Road. This creates a front setback requirement for 2 sides of their parcel. The area directly behind their house is not shaded. For aesthetics, the Scancarello's would like to place the proposed gazebo behind the house, approximately midway on the property under a maple tree where there is shade, privacy and a pleasant view. The proposed placement is approximately 60 feet from center line of Telephone Road Extension and requires a variance of 40 feet. The proposed gazebo will also be screened from the road and neighbors.

The Zoning Board asked the applicant to indicate on their map the footage to adjoining property owner's homes.

Board Member Weiler also suggested providing letters of support from their neighbors.

Chairman Van Lare informed the Scancarellos that the existing boat and trailer that is currently on the property is required to be 25 feet from the lot line.

Chairman Van Lare explained that 1 or 2 board members will contact the applicant to make arrangements to view the property prior to the public hearing.

The Public Hearing is scheduled for June 13, 2013.

#### **WORKSHOP:**

**Application 2013-06Z** by Jeremy and Pamela Remchuk requesting a side setback variance for a shed. The proposed location does not comply with 120-19 of the Rush Town Code. Property is located at 19 Keyes Road and zoned R-30.

Mr. and Mrs. Remchuk explained that their property has a steep slope that drops off to wet area behind their house. Mr. Remchuk stated that they have 2 proposed areas for the shed placement. One location would be at the end of the driveway turnaround and the other location would be behind the dwelling approximately 10 feet from the north side lot line.

Chairman Van Lare informed Mr. and Mrs. Remchuk that there is also a front setback requirement of 100 feet from center line on Keyes Road. Placing the shed at the driveway turnaround would require a substantial variance. The alternative location would only require a 15 foot variance.

The Remchuk's explained that due their septic system is behind the house on the south side of the property. Placement of the shed would be best behind the house on the north side of their property next to the dug-out, built-in playground set. The proposed shed will also require some ground leveling prior to installation. The Remchuk's are proposing a 12' x14' or 14' x 20' shed.

The Board requested that applicants show the exact placement of the shed on the map indicating the footage from the side lot line to the shed and the footage from the center line of Keyes Road to the shed.

Chairman Van Lare explained that 1 or 2 board members will contact the applicant to make arrangements to view the property prior to the public hearing.

Public Hearing is scheduled for June 13, 2013.

**INFORMAL DISCUSSION:**

Ralph Harding and Land Surveyor Nick Montanaro appeared to discuss alternatives to previous variance request for properties located at 40 and 46 Scofield Road. Mr. Montanaro explained that they are now proposing to construct a drive way to accommodate the proposed house on Lot R-2a. This will eliminate the previously proposed Lot R-1 driveway easement for Lot R-2a and each lot will now have its own driveway.

Mr. Montanaro addressed a previous recommendation of installing a dedicated road. An engineer's estimate for a dedicated road built to state specs with a 60 right of way, turnaround, storm drain and sidewalks would cost \$231,000.00.

The Board inquired about Lot R-2b in relationship to an existing access easement held by Mr. McRae. A portion of the existing easement overlaps the proposed driveway on this lot. Mr. Harding explained that there is a hedge row between Lot R-1 and Lot R-2a that is impassable. Although the easement is approximately 150 feet wide, the existing driveway on Lot R-2a is the most logical ingress and egress from Mr. McRae's property.

Board Member Weiler stated that he would like to see wider lot widths. Mr. Montanaro explained that poor site distance to the east is forcing them to keep ingress to the lots as far west as possible.

The Board is still concerned about future development and access to the land. A future town road would require a minimum width of 60 feet.

Mr. Harding stated the land is in an agricultural district and he plans to continue agricultural use of the property. Mr. Harding also stated that the land is a recognized Natural Wildlife Refuge that he intends to maintain.

Mr. Montanaro asked the Board if they would consider compromise by expanding Lot R-2a to 60 feet while keeping Lot R-1 at 50 feet.

The Board stated that Mr. Montanaro's proposition gives the Board a more viable plan to think about. The Board was pleased to see some changes to Mr. Harding's initial plan.

The next step is to submit new variance applications with the proposed changes. Mr. Montanaro asked if they could proceed directly to a public hearing given that they have participated in several workshops.

The Board agreed to waive the workshop and allow Mr. Harding to submit a new application for public hearing.

Deputy Town Clerk Palmer explained to the applicant that the town is required to send the application to Monroe County Department of Planning and Development (MCDP&D) in addition to publishing a legal notice. MCDP&D requires 30 days for review. Deputy Town Clerk Palmer stated that if Mr. Harding submits a new application by Monday, May 13<sup>th</sup>, the public hearing could be scheduled for June 13, 2013 pending MCDP&D response.

### **INFORMAL DISCUSSION:**

Curran and Christine Brown appeared to discuss a possible variance to locate a storage barn on their property. The Browns reside at the corner of Rotzel Road and East River Road. Mr. Brown explained that he owns the parcel adjacent to his house and is in the process of combining the 2 parcels into 1 lot. He would like to erect a barn and was informed that a setback variance would be required. Mr. Brown explained to the Board where he would like to locate the barn. After reviewing Mr. Brown's measurements the Board determined that Mr. Brown would be asking for approximately 19 feet of relief from center line of Rotzel Road.

The Board stated that corner lots are unique. The Board takes into consideration that corner lots have front setback requirement for 2 sides of their parcel rather than one.

Chairman Van Lare requested that Mr. Brown indicate on the map the location of the proposed barn including setback measurements from the center line of Rotzel Road to the proposed barn and from the center line of East River Road to the proposed barn.

The next step is to complete a Zoning Board of Appeals Variance Application and submit that with a detailed map. The first formal meeting will be a workshop and if acceptable a public hearing will be scheduled for the following month.

### **REPORTS:**

Councilman Woolaver had no report.

Board Member Corbin inquired with Councilman Woolaver regarding his statement in the last Town Board minutes stating that many Zoning Board of Appeals audience members were disturbed that there was no forewarning of the Turner Application adjournment. Board Member Corbin asked Councilman Woolaver if he or the Town Board further explained that the Zoning Board of Appeals was notified by Mr. Turner's attorney only hours prior to Mr. Turner's April 11, 2013 Public Hearing.

Councilman Woolaver stated that he just wanted to voice the audience response.

**APPLICATION ASSIGNMENTS:**

Board Members Pruden and Corbin have been assigned to Application 2013-06Z.

Board Members Koppers and Corbin have been assigned to Application 2013-05Z.

Chairman Van Lare and Board Member Weiler have been assigned to Applications 2013-07Z and 2013-08Z.

**BOARD BUSINESS:**

Chairman Van Lare stated that he has discussed the issues regarding the Harding applications with Supervisor Anderson. If necessary the Zoning Board could request that Town Engineer Todd Ewell look at the proposed application and provide input.

**APPROVAL OF MINUTES:** April 11, 2013

Chairman Van Lare made a motion to approve the Minutes of April 11, 2013 as written.

Board Member Weiler 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 8:00 PM.

Respectfully Submitted,

Meribeth Palmer  
Deputy Town Clerk