

**RUSH ZONING BOARD OF APPEALS  
REGULAR MEETING  
MINUTES OF MAY 8, 2014**

A regular meeting of the Rush Zoning Board of Appeals was held on May 8, 2014 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 PM.

**PRESENT:** Amber Corbin, Chairperson  
Garry Koppers, Vice Chairperson  
David Flass  
Lee Hetrick  
Shivaun Featherman, Deputy Town Clerk

**EXCUSED:** Dan Woolaver, Town Board Liaison

**OTHERS:** Richard Anderson, Town Supervisor  
Gerry Kusse, Code Enforcement Officer  
Joshua Nau, Resident  
Michele Glover, Resident  
Eugene Martone, Resident  
Kelly Pruden, Resident  
Robert Weiler, Resident

Chairperson Corbin welcomed all and called the May Zoning Board of Appeals meeting to order at 7:00 PM.

Chairperson Corbin welcomed two new Zoning Board of Appeals members, Lee Hetrick and David Flass. On behalf of the Zoning Board, Chairperson Corbin thanked them for making the commitment to the Town of Rush.

Chairperson Corbin thanked former Zoning Board Member Kelly Pruden, as she did Robert Weiler a few months ago, for her many years of service. Kelly Pruden has been an invaluable member of the Board, not just from her tenure but also the vast knowledge she has brought to the Board with her insight into the legal process.

Town Supervisor Anderson also welcomed Lee Hetrick and David Flass to the Zoning Board. He thanked them and noted they are doing a great public service.

Supervisor Anderson stated that he would like to take this opportunity to acknowledge the service of former Zoning Board Members Kelly Pruden and Robert Weiler. He presented Ms. Pruden with a Certificate of Appreciation awarded by the Town of Rush for dedicated service from 2008 to 2014, and presented Mr. Weiler with a Certificate of Appreciation awarded by the Town of Rush for dedicated service from 2001 to 2014.

**WORKSHOPS:**

**Application 2014-05Z** by John Kearney requesting a use variance to display an outside tire rack during business hours. The proposed location does not comply with section 120-12 E (3) of the Rush Town Code. Property is located at 5970 East Henrietta Road in a (C) commercial zoning district.

Mr. Kearney was not present.

**Application 2014-06Z** by Eugene Martone requesting a front setback variance for a proposed two story, one car garage addition. The proposed location does not comply with section 120-18 of the Rush Town Code. Property is located at 8078 West Henrietta Road in a (R-30) residential zoning district.

Mr. Martone and Ms. Glover explained to the Board that they would like to construct a one car garage with a loft next to their existing home. The proposed garage would line up with their existing home. Currently there is a 10' by 10' shed in the place where the proposed garage will be. The shed will be moved to the backyard in a location that is within 25' from the ends and sides of their one acre property.

Chairperson Corbin explained to the applicant that the Board will require the names of the neighbors on either side and across from them written on the site map before the June 12, 2014 public hearing. The Board also requires the approximate distance from the corner of the proposed garage to the nearest building on the neighboring properties to the south, north and across the street be written on the site map. Mr. Martone pointed out that the property across the street is owned by Mr. Bucci and his home sits far back and to the left. Chairperson Corbin replied in that case, only the measurements to the neighbors north and south of his home need to be noted on the site map. Chairperson Corbin advised that it is helpful to have the neighbors on either side submit letters to the Town Clerk's office stating that they do not have any concerns or issues with the proposed garage addition.

Mr. Martone informed the Board that he had measured from his existing shed door to the end of his driveway and the distance is 98'. Chairperson Corbin stated that the measurement needs to be to the centerline of the road. Mr. Martone replied that he didn't know that, and the 98' measurement was what he provided to Code Enforcement Officer Kusse when he filed for a building permit.

Board Member Hetrick explained to the applicant that he has an RG&E easement as he has a utility pole at the end of his driveway, before the ditch and the road. He further explained that the applicant's property is on a 4 rod road, which is 33' to the centerline. With the 98' measurement from his shed door to the driveway, and not including the shoulder of the road, he may be within 110' and a variance would not be necessary. Chairperson Corbin stated that a Zoning Board Member will make that determination upon visiting the property.

**Application 2014-07Z** by Joshua and Amy Nau requesting a side setback variance for a proposed pole barn. The proposed location does not comply with section 120-19 of

the Rush Town Code. Property is located at 1226 Rush-Scottsville Road in a (R-30) residential zoning district.

Mr. Nau explained to the Board that he currently does not have any storage space on his property. The previous owners had renovated the garage into living space. With the distance between his existing house and his property line, he feels building a garage in that space would make the house look too long.

Mr. Nau would like to construct a 30' x 40' pole barn with a 10' lean-to behind his existing home to be used for storage. Mr. Nau had measured from the centerline of the road to the location of the proposed pole barn and it is approximately 155'.

Mr. Nau stated that the driveway to the pole barn will be gravel initially, however, eventually it will be a concrete driveway. The proposed pole barn will be sided to match the existing home.

Chairperson Corbin explained to the applicant that the Board will require the names of the neighbors on either side and across from them written on the site map before the June 12, 2014 public hearing. The Board also requires the approximate distance from the corner of the proposed pole barn to the nearest building on the neighboring properties on either side and across the street be written on the site map.

Vice Chairperson Koppers added that it would be helpful to have his neighbors on either side and across the street submit letters to the Board or the Town Clerk's office stating that they do not have any concerns or issues with the construction of the proposed pole barn.

Chairperson Corbin advised that applicant that before the June 12, 2014 public hearing date, a Zoning Board Member will visit his property and take measurements.

**APPROVAL OF MINUTES:**

Board Member Koppers made a motion to approve the Minutes of March 13, 2014 as written.

Chairperson Corbin seconded the motion and the Board Members polled.

Roll:	Lee Hetrick	abstained
	Garry Koppers	aye
	David Flass	abstained
	Amber Corbin	aye carried.

**BOARD BUSINESS:**

Chairperson Corbin stated that she has spoken with Supervisor Anderson regarding the open Zoning Board position and it has been advertised. Applications are being accepted through May 16<sup>th</sup>, 2014.

Chairperson Corbin thanked new Board members Hetrick and Flass for attending training workshops.

**APPLICATION ASSIGNMENTS:**

Chairperson Corbin and Board Member Flass are assigned Application 2014-06Z and Vice Chairperson Koppers and Board Member Hetrick are assigned Application 2014-07Z.

With no further business, a motion was made by Chairperson Corbin and agreed by common consent that the meeting be adjourned at 7:23 PM.

Respectfully Submitted,

Shivaun Featherman  
Deputy Town Clerk