

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF DECEMBER 10, 2015**

A regular meeting of the Rush Zoning Board of Appeals was held on December 10, 2015 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 PM.

PRESENT: Garry Koppers, Vice Chairperson
David Flass, Member
Lee Hetrick, Member
Susan Swanton, Member
Shivaun Featherman, Deputy Town Clerk

EXCUSED: Amber Corbin, Chairperson

OTHERS: Dan Woolaver, Town Board Liaison
Dan Garigen, Resident

Vice Chairperson Koppers welcomed all and called the December Zoning Board of Appeals meeting to order at 7:00 PM.

PUBLIC HEARING:

Application 2015-06Z by Dan Garigen requesting a front setback variance for a garage. The proposed location does not comply with 120-18 of the Rush Town Code. Property is located at 294 Phelps Road and is zoned Residential-30.

Mr. Garigen explained that he would like to add an attached garage to his existing house. The front of the proposed garage will sit approximately 10' back from the house, making the front of the garage 103' from the center line of the road.

Vice Chairperson Koppers stated that he and Board Member Hetrick visited the property and did the actual inspection on it.

Vice Chairperson Koppers read into the record that the Monroe County Department of Planning and Development (MCDP&D) ruled the application a local matter. The Rush Board of Fire Commissioner's does not have any issues or concerns with this application, and the Rush Conservation Board does not find any aspect of the project to significantly impact the environment.

With no further comments, Board Member Swanton made a Motion to close the public hearing. Board Member Hetrick seconded the Motion, and the Board polled:

Roll: Lee Hetrick aye
 Susan Swanton aye
 David Flass aye
 Garry Koppers aye carried.

DECISIONS:

Board Member Hetrick made a Motion **WHEREAS**, this Board has examined **Application 2015-06Z**, submitted by Dan Garigen of 294 Phelps Rd, Rush, New York, located in an R-30 District, requesting a front setback variance for a proposed 2 ½ car garage 26'x 36', located on the south side of the existing house; and the maps, diagrams and other materials were submitted with the application; and

WHEREAS, the application is solely for an Area Variance, now **BE IT RESOLVED** that this Board determines that this is a Type II SEQR action which requires no further processing under SEQR. The reason for this determination is that Section 617.5c (12) of Title 6 of the New York Code of Rules and Regulations, in listing Type II actions, includes "granting of individual setbacks and lot line variances."

Board Member Swanton seconded the Motion and the Board polled:

Roll: Lee Hetrick aye
 Susan Swanton aye
 David Flass aye
 Garry Koppers aye carried.

WHEREAS, Application 2015-06Z was submitted by Dan Garigen of 294 Phelps Rd, Rush, New York, requesting a variance from a front setback requirement for structures of at least one hundred ten feet (110') 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 posted as required by law; and

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

BE IT RESOLVED, that **Application 2015-06Z** be granted as submitted with the application, subject to the following conditions:

1. The proposed 2 ½ car garage, as proposed in the application, shall be placed no closer than one hundred feet (100') from the center line of the road.
2. No work is to be commenced on the garage until a building permit is obtained from the Town of Rush.
3. The construction of this garage is to be completed within one year of the approval of this application.

The reasons for this action are:

1. There will be no undesirable change in the character of the neighborhood.
2. There is no discernible detriment to the health, safety or welfare of the community or neighborhood that would occur by granting this variance.
3. Neighbors have no objection to the proposed garage.
4. The placement of the garage is consistent with the neighborhood and the proximity of the pre-existing buildings on the road.

Board Member Swanton seconded the Motion, and the Board polled:

Roll: Lee Hetrick aye
 Susan Swanton aye
 David Flass aye
 Garry Koppers aye carried.

REPORT OF OFFICERS:

Councilperson Woolaver stated there was a workshop last night with the Zoning Citizens Committee regarding changes to the current Zoning Code. Their recommendations are now being reviewed by the town attorney and town engineer.

Board Member Hetrick inquired about locations for solar panels. Councilperson Woolaver stated that currently any solar projects would be coming before the Zoning Board for a use variance until or if the Town's definition of a public utility gets changed, then it would go before the Planning Board.

Vice Chairperson Koppers stated that Chairperson Corbin passed along a question for Councilperson Woolaver. Who will be attending the Zoning Board's monthly meetings now that there are two separate job positions for Code Enforcement Officer and Building Inspector?

Councilperson Woolaver replied that he is not sure, but it will be determined at the Town Board's January 6, 2016 meeting.

APPROVAL OF MINUTES:

Board Member Flass made a Motion to approve the Minutes of November 12, 2015 as written.

Board Member Hetrick seconded the Motion and the Board Members polled:

Roll: Lee Hetrick aye
 Susan Swanton aye

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David Flass aye
Garry Koppers aye carried.

With no further business, a Motion was made by Vice Chairperson Koppers and agreed by common consent that the meeting be adjourned at 7:16 PM.

Respectfully Submitted,

Shivaun Featherman
Deputy Town Clerk