

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF MAY 12, 2016**

A regular meeting of the Rush Zoning Board of Appeals was held on May 12, 2016 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
Lee Hetrick
Shivaun Featherman, Deputy Town Clerk

EXCUSED: David Flass
Susan Swanton

OTHERS: Dan Woolaver, Town Board Liaison
Steve Tomanovich, Resident

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

PUBLIC HEARING:

Application 2016-01Z by Steven Tomanovich requesting two front setback variances and a side setback variance for a proposed garage. The proposed location does not comply with 120-18 and 120-19 of the Rush Town Code. Property is located at 6101 East Henrietta Road and is zoned Commercial.

Mr. Tomanovich explained that there is an existing garage at the northwest corner of his property that is facing toward East Henrietta Road, which used to be the direction of the driveway. Now the driveway faces toward Rush West Rush Road, so he would like to demolish the existing garage and build a new garage that will face Rush West Rush Road. The proposed location will be further from the north and west property lines than the existing garage, so it will be more in compliance. Chairperson Corbin advised the applicant that he will need to obtain a demolition permit from the Building Inspector before removing the existing garage.

Board Member Hetrick noted that the proposed location of the new garage will be closer to both his west neighbor's home and Mr. Tomanovich's home than the existing garage. Chairperson Corbin read into the record the distances from the proposed location of the new garage to the neighbors closest buildings:

- N – 38'
- S – 159'
- E – 226'
- W – 37'

Chairperson Corbin stated that at the April Zoning Board meeting, she asked the applicant to consult with the Building Department regarding Condition #3 of Application 2012-04Z, which is that the parking area is to be screened from the adjacent property by evergreen plantings, in order to be compliant of that condition. Mr. Tomanovich stated that he has not consulted with the Building Department yet, but will once he knows about his garage situation.

Mr. Tomanovich submitted to the Board a petition signed by 7 residents in support of the proposed new garage. Mr. Tomanovich stated that although he has spoken with the neighbors to the north and to the west of his property and they were verbally positive of the proposed new garage, they were not available to sign the petition. Chairperson Corbin entered the petition into the record.

Chairperson Corbin 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 Commissioners does not have any issues or concerns with this application, and the Rush Conservation Board is inquiring if the existing garage will be torn down. Mr. Tomanovich confirmed it will be.

With no further comments or questions, Vice Chairperson Koppers made a Motion to close the public hearing. Board Member Hetrick seconded the Motion, and the Board polled:

Roll: Lee Hetrick aye
 Garry Koppers aye
 Amber Corbin aye carried.

DECISIONS:

Chairperson Corbin advised the applicant that at this time, the Board will be tabling **Application 2016-01Z** due to the absence of two Board Members. Chairperson Corbin explained that with a five Member Board, a vote must be 3 unanimous to carry. Anything less will be denied. It's always beneficial to the applicant to have five Board Members present. Chairperson Corbin further explained that she will contact the applicant regarding a future meeting time when the vote will occur.

APPROVAL OF MINUTES:

Board Member Hetrick made a Motion to approve the Minutes of April 14, 2016 as written.

Chairperson Corbin seconded the Motion and the Board Members polled:

Roll: Lee Hetrick aye
 Garry Koppers aye

Amber Corbin aye carried.

REPORT OF OFFICERS:

Councilperson Woolaver stated the town attorney is still reviewing the Zoning Citizens Committee's proposed changes to the current Zoning Code.

Board Member Swanton arrived at 7:34 PM.

With no further business, a Motion was made by Chairperson Corbin and agreed by common consent that the meeting be adjourned at 7:37 PM.

Respectfully Submitted,

Shivaun Featherman
Deputy Town Clerk