

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF OCTOBER 13, 2016**

A regular meeting of the Rush Zoning Board of Appeals was held on October 13, 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
David Flass
Lee Hetrick
Susan Swanton
Shivaun Featherman, Deputy Town Clerk

OTHERS: Pamela Bucci, Town Clerk
Dan Woolaver, Councilperson, Town Board Liaison
Phil D'Alessandro, Building Inspector
Ron Schneider, Resident

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

WORKSHOP:

Application 2016-07Z by Bill Snyder of Snyder's Garage requesting a front setback variance for a proposed 40' x 60' addition to the north side of existing building. The proposed location does not comply with 120-18 of the Rush Town Code. Property is located at 7676 West Henrietta Road and is zoned Commercial.

Ron Schneider appeared representing property owner Bill Snyder and explained that they would like to build a 40' x 60' addition off the north side of the building, keeping it even with the back of the existing building. They had explored other ways of expanding, including adding the addition to the back of the building but roofs would not interface. Mr. Schneider pointed out on the proposed plans the location of an overhead door and where 6 windows are planned across the front. In addition they will be "skinning" the whole building with the same material as the proposed addition to give it a "nice facelift".

Chairperson Corbin inquired as to the use of the proposed addition. Mr. Schneider replied that along with the current collision repairs, the future focus of the business will be the restoration of older vehicles.

Chairperson Corbin noted from the drawing provided by Mr. Schneider that the septic is to the east and there is a detached shed on the property. Board Member Flass asked if

there is a leach field attached to the septic. Mr. Schneider replied that if there is, it's not near the area of the proposed addition. Board Member Hetrick advised that it is located on the other side of the driveway.

Chairperson Corbin noted that there are houses to the south and to the west of the property, and asked that approximate distances from the proposed addition to the nearest corner of the neighbors' homes be provided for the November 10th, 2016 public hearing.

Chairperson Corbin stated the property is zoned Commercial and the required setback from the centerline of the road is 140'. Chairperson Corbin noted there is a 75' setback measurement on the plans and asked how that measurement was obtained. Mr. Schneider replied that he obtained that measurement from the Monroe County website and measured it himself to verify it was accurate.

Chairperson Corbin explained to Mr. Schneider that two members of the Zoning Board will contact him to schedule a time to visit the property and take measurements before the November 10, 2016 public hearing. Residents and neighbors have the right to attend the public hearing and ask questions or voice any concerns. A decision may be possible at that time.

Building Inspector Phil D'Alessandro advised with approval of variances, an updated building plan is required.

APPROVAL OF MINUTES:

Chairperson Corbin made a Motion to approve the Minutes of September 8, 2016 as written.

Vice Chairperson Koppers seconded the Motion and the Board Members polled:

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

Board Member Swanton stated she will be voting “nay” on the approval of Minutes until there is clarification by the town attorney regarding the standards of the Rules of Procedure for the Zoning Board.

BOARD DISCUSSIONS:

Chairperson Corbin reminded Board Members to please make sure their yearly required 4 hours of training are completed by December 31st and documentation submitted to Deputy Clerk Featherman.

Board Member Flass stated that he attended the training class “Meetings, Hearings and Record Keeping” taught by Amy D’Angelo, Senior Planner of the Wayne County Department of Economic Development and Planning. Following are a few of the training points that he shared:

- There should not be discussions via group emails between Board Members as that constitutes a meeting, however, if that happens, the group emails should be made part of the record. One-to-one emails are fine.
- Procedures are not necessary to approve Minutes as the Minutes are official once the Clerk creates them. The purpose of having Board Members approve Minutes are for opportunities to make amendments. In those cases, the amendments would be added to the next month’s Minutes as addendums. There is no editing of the original Minutes as those are the official Minutes.
- As far as having procedures and bylaws, it was recommended not to use Roberts Rules of Order. Procedures should be 1-2 pages listing how the Board conducts meetings and day-to-day operations. Board Member Flass stated that while he appreciates Board Member Swanton’s tremendous work creating her document regarding Rules of Procedures, there is a lot in there that has to do with the *role* of the Zoning Board of Appeals. The roles shouldn’t be included because that’s already set by the Town. The Zoning Board needs to just set up how they do procedures; not their responsibilities. The purpose of the Board having Rules of Procedures is for decisions that are challenged. A judge will look to see if the Board followed their procedures in making a decision.
- A citizen cannot be required to give their name and address in order to address the Board; they can remain anonymous.
- Courts have found that general community opposition is not a valid basis for denial of a land use application.

Chairperson Corbin asked if this was for all Boards or just specific for Zoning Board? Board Member Flass replied it’s for all Boards in the Town. Chairperson Corbin thanked Board Member Flass for sharing some of his training.

Chairperson Corbin reminded Board Members of the November 9th, 2016 joint Boards meeting from 7:30 pm – 9:00 pm to discuss the Zoning Citizens Advisory Committee's proposed changes.

Board Member Swanton asked Town Clerk Bucci how was the Citizens Committee formed?

Town Clerk Bucci explained that information is in the Minutes. The Town Board advertised for applicants and interviewed candidates. The Board then made the selection and created the Citizens Advisory Committee to the Board. They are an Advisory Committee only and have no legislative powers. They don't have public meetings; they are an advisory to the Town Board.

Board Member Swanton stated they are an ad hoc group. Are their Minutes available on-line?

Town Clerk Bucci replied no; they are an advisory committee to the Town Board. Town Clerk Bucci recommended that Board Member Swanton consult with the town attorney regarding the committee's responsibilities to the Town Board.

Chairperson Corbin stated if acceptable to the Board Members, the discussion regarding Rules and Procedures will be tabled given what Board Member Flass has presented so Board Members can digest it along with awaiting the town attorney findings.

REPORT OF OFFICERS:

Councilperson Woolaver had no report.

Building Inspector D'Alessandro provided an update on 7935 West Henrietta Road. Although the property owner was denied a setback variance for a new home by the Zoning Board on September 8, 2016, and despite a Stop Work Order issued by Building Inspector D'Alessandro, it appears work is still proceeding on the home. The property owner will not return Building Inspector D'Alessandro's phone calls and emails, and will not allow property inspections of interior. Building Inspector D'Alessandro has contacted law enforcement, and a police report has been filed. Building Inspector D'Alessandro will continue to monitor and document activities.

APPLICATION ASSIGNMENTS:

Board Members Hetrick and Flass are assigned Application 2016-07Z.

ZONING BOARD OF APPEALS
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With no further business, a Motion was made by Chairperson Corbin and agreed by common consent that the meeting be adjourned at 7:33 PM.

Respectfully Submitted,

Shivaun Featherman
Deputy Town Clerk