

**RUSH ZONING BOARD OF APPEALS  
REGULAR MEETING  
MINUTES OF FEBRUARY 12, 2009**

A regular meeting of the Rush Zoning Board of Appeals was held on February 12, 2009 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

**OTHERS PRESENT:** Gerry Kusse, Code Enforcement Officer  
Lisa Sluberski, Town Board Liaison  
David Merchant, Resident  
Cora Lee Merchant, Resident

**INFORMAL DISCUSSION:**

David and Cora Lee Merchant appeared to discuss variances needed for a proposed accessory apartment. Mr. Merchant explained that he wants to add an accessory apartment to his home to accommodate aging parents. Mr. Merchant would be seeking a setback variance for the rear lot line. Mr. Merchant will also need a lot size variance due to the overall lot size being under the 1 acre requirement. Finally, Mr. Merchant will need a variance for the size of the proposed structure which is not to exceed 25 percent of the original dwelling's floor space. The Zoning Board expressed their concerns regarding accessory apartments in single family residential zones that later on become rentals. Mr. Van Lare also stated that many of these accessory apartments are duplexes rather than apartments due to being self contained and not having to depend on the main dwelling. The Merchants asked that the Board consider their proposal without being penalized for other accessory apartment violators. The Board suggested the Merchants make some compromises regarding the addition. Perhaps, consider making the addition part of the house rather than a separate unit. Mr. Merchant stated that they are making the apartment wheelchair accessible, therefore it has been difficult to cut back the square footage and still have it function. Mr. Merchant stated that he has collected signature of approval from all the surrounding neighbors regarding the setback. Mr. Merchant has also received approval from the Monroe County Health Department for septic and approval from the Monroe County Water Authority.

**BOARD DISCUSSION:**

The Board discussed the town code and accessory apartments further. The Board also discussed the commercial property located at 6115 Rush Lima Road.

Lisa Sluberski, Town Board Liaison stated the Sign Ordinance Workshop will be held on Saturday, March 7, 2009 from 9:00 AM . 12:00 noon. Lisa also stated that there will be correspondence forthcoming from Town Attorney Frank Pavia regarding the Wandersleben decision. Interviews for the Zoning Board position will be held February 23<sup>rd</sup>, beginning at 6:30PM.

**APPROVAL OF MINUTES:**

The Minutes of December 11, 2008 were reviewed.

Don Van Lare made a motion to approve the Minutes of December 11, 2008 as submitted.

Robert Weiler seconded the motion and the Board Members polled.

Roll:	Robert Weiler	aye	
	Amber Corbin	aye	
	Kelly Pruden	abstained	
	Don Van Lare	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 8:17 PM.

Respectfully Submitted,

Meribeth Palmer  
Deputy Town Clerk