

**RUSH ZONING BOARD OF APPEALS  
REGULAR MEETING  
MINUTES OF SEPTEMBER 9, 2010**

A regular meeting of the Rush Zoning Board of Appeals was held on September 9, 2010 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  
Kelly Pruden  
Amber Corbin  
Al Simon  
Meribeth Palmer, Deputy Town Clerk

**OTHERS PRESENT:** Michael Duch, Resident  
Suzanne Duch, Resident  
Gerry Kusse, Code Enforcement Officer  
Tom Doupe, Town Board Liaison

**INFORMAL DISCUSSION:**

Resident Michael Duch and Suzanna Duch appeared to request a side setback variance of 13 feet for a pre-existing shed. Although a permit was purchased by the previous owner, a variance was not obtained and no certificate of occupancy was issued for the shed. In 1991 there was a micro burst that moved and destroyed the shed. Mr. Duch replaced the shed putting it in a slightly different location that was drier, more aesthetically pleasing and less visible to the neighbors. Mr. Duch submitted a survey map showing the current location of the shed. Mr. Duch also informed the Board that there is a row of pine trees that run along the west property line and other trees that hides the shed from the neighbor's view. The Board requested that Mr. Duch obtain a letter from the neighbor stating that they have no opposition to the current location of the shed. The Zoning Board also requested that Mr. Duch indicate any other structures on the survey map submitted.

Mr. Duch will submit the variance application fee and a Public Hearing will be scheduled.

Code Enforcement Officer Gerry Kusse stated that Mr. Duch took the initiative to check with him before putting his house on the market to make sure it was in compliance. Mr. Kusse stated that Mr. Duch has been very pro active and extremely cooperative.

Chairman Van Lare mentioned the most recent request from the Town Board for comments on the Town of Perinton's wind energy ordinance.

Chairman Van Lare inquired with Councilman Doupe regarding the status of the request to change the wording of Zoning Ordinance 120-16B. The Chairman has requested the code state the word "structures" rather than buildings. Councilman Doupe stated that the Town Board is waiting for comments from the Town Attorney.

Councilman Doupe stated that he will contact Supervisor Udicious regarding the status of Chairman Van Lare's request to change the ordinance.

The Zoning Board discussed Application 2010-05Z by Mr. DeMinco. The Board is currently waiting for the status of the septic system location on the property.

**APPROVAL OF MINUTES:** August 12, 2010

Don Van Lare made a motion to approve the Minutes of August 12, 2010.

Kelly Pruden seconded the motion and the Board Members polled.

Roll:	Robert Weiler	aye	
	Kelly Pruden	aye	
	Al Simon	aye	
	Amber Corbin	aye	
	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 8:05 PM.

Respectfully Submitted,

Meribeth Palmer  
Deputy Town Clerk