

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF NOVEMBER 10, 2016**

A regular meeting of the Rush Zoning Board of Appeals was held on November 10, 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: Ron Schneider, Resident
Dan Woolaver, Councilperson, Town Board Liaison
Phil D'Alessandro, Building Inspector
Ron Schneider, Resident
David Sluberski, Resident
Michael & Patti Stewart, Residents

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

PUBLIC HEARING:

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, with an overhead door.

Chairperson Corbin inquired as to the use of the proposed addition. Mr. Schneider replied that it will be used for the restoration of vehicles, as that is the future focus of the business.

Chairperson Corbin asked if there will be any changes to the existing building. Mr. Schneider replied that they are planning to "skin" the outside of the existing building with the same steel as the proposed addition.

Mr. Schneider provided an updated survey map of the property to the Board, and also provided the following measurements from the proposed addition to the nearest corner of the neighboring homes:

- 275' to the west
- 102' to the south

Chairperson Corbin read into the record the questions from the Conservation Board:

- What will be the use of the new addition?
- Will a Department of Environmental Conservation permit be needed, such as for paint activities, and will the existing paint booth regulations be adequate?
- Will the septic be adequate?

Building Inspector Phil D'Alessandro advised that when a process has already been in use, such as the current painting operations at Snyder's Garage, there should be no issues with an expansion, but it is something he will research before issuing a building permit for the addition.

Mr. Schneider stated that they will not be adding plumbing fixtures or water lines to the proposed addition, so the current septic system will be adequate.

Chairperson Corbin also entered into the records the comments from:

- The Board of Fire Commissioners
- The Monroe County Department of Planning and Development
- The Monroe County Development Review Committee

Chairperson Corbin opened the floor for public comment and asked anyone speaking to please state their name for the record.

Resident David Sluberski is in support of the proposed addition. He has had his cars repaired at Snyder's Garage, and believes it is a great business and an asset to the Town.

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

Roll: Lee Hetrick aye

Garry Koppers	aye	
David Flass	aye	
Susan Swanton	aye	
Amber Corbin	aye	carried.

DECISION:

Board Member Flass made a Motion **WHEREAS**, this Board has examined **Application 2016-07Z**, submitted by Ron Schneider for Bill Snyder of Snyder’s Garage, located at 7676 West Henrietta Road, located in a Commercial Zoning District, requesting a front setback variance for a proposed addition to the north side of the existing structure; 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 and, therefore, not subject to further review 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”.

Chairperson Corbin seconded the Motion, and the Board polled:

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

WHEREAS, Application 2016-07Z was submitted by Bill Snyder of Snyder’s Garage of 7676 West Henrietta Road, Rush, NY requesting a variance from the one hundred forty (140’) foot front setback requirement set forth in the Code of Rush, Chapter 120-18 as described in the maps and diagrams submitted with application; and

WHEREAS, a public hearing on this application was scheduled and notice was 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 2016-07Z** be granted as requested in the plans submitted with this application and subject to the following conditions:

1. The proposed addition shall be placed no closer than eighty-eight feet (88’) from center line of West Henrietta Road.

2. No work is to be commenced on the addition until a building permit is obtained from the Town of Rush.
3. The construction of this addition is to be completed within one year of the approval of this application

The reasons for this action are:

1. The existing structure is currently seventy five (75') feet from the center line of West Henrietta Road, and the addition will be built fifteen (15') further back.
2. The placement of the addition is consistent with the neighborhood and the proximity of other pre-existing buildings on the road.
3. There will be no undesirable change in the character of the neighborhood.
4. There is no discernible detriment to the health, safety or welfare of the community or neighborhood that would occur by the granting of this variance.

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

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

APPROVAL OF MINUTES:

Chairperson Corbin made a Motion to approve the Minutes of October 13, 2016 as written.

Board Member Flass 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 had previously stated at the October 13, 2016 Zoning Board meeting that 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 Town Clerk Featherman.

Chairperson Corbin stated that there was a joint workshop regarding the proposed Zoning changes at the November 9, 2016 Town Board meeting. The Town Supervisor will notify all Boards of future meeting dates.

Board Member Swanton stated that the town attorney has reviewed the October Zoning Board Minutes containing information provided by Board Member Flass from his training class "Meetings, Hearings and Record Keeping." She believes the best possible outcome will be that the town will review the Rules and Procedures for all Town Boards.

REPORT OF OFFICERS:

Councilperson Woolaver had no report.

With no further business, a Motion was made by Chairperson Corbin and agreed by common consent that the meeting be adjourned at 7:23 PM.

Respectfully Submitted,

Shivaun Featherman
Deputy Town Clerk