

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF JULY 10, 2008**

A regular meeting of the Rush Zoning Board of Appeals was held on July 10, 2008 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
Amber Corbin
Kelly Pruden

EXCUSED: Robert Weiler

ABSENT: Dan Taylor

OTHERS PRESENT: Richard Anderson, Town Board member, Resident
Keith Nehrke, Resident

PUBLIC HEARING:

Application 2008-02Z by Keith Nehrke and Krystal Huxlin for an Area Variance to park a boat on the west side of the house. The proposed location does not comply with §120-57 G of the Code of the Town of Rush. Property is located at 1514 Rush Scottsville Road. Property is in an R-30 Zoning District.

Mr. Nehrke stated that he is requesting an area variance for parking his boat 5 to 7 feet from the side lot line behind his house. There is not enough flat area anywhere else behind the house that is in compliance with the code. This is due to a small back lot with slopping land and an existing deck. The proposed location has a tall row of arborvitae trees that would shield the boat from the neighbor west of the lot line.

Richard Anderson, property owner to the north of the applicant stated that there is a stake hidden in the arborvitae that marks the property line. Mr. Anderson also stated that he has no objections to the proposed location for the boat.

Don Van Lare stated for the record that the applicant submitted a petition of signatures dated the 27th and 28th of May from surrounding neighbors supporting the application.

Application 2008-02Z was referred to as a Local Matter by Monroe County Department of Planning & Development, Monroe County Development Review.

There was no further discussion and the hearing was closed.

INFORMAL DISCUSSION:

Don Van Lare requested that the Zoning Board members visit the location of Application 2008-03Z before the Public Hearing scheduled for the August 14th Zoning Board meeting.

Byrne Dairy may be coming before the Zoning Board in the near future for commercial zoning information as part of the approval process.

Board members were reminded to turn in certification or proof of hours for workshops attended as they receive them, rather than at the end of the year. These items should be submitted to Pamela Bucci, Town Clerk.

There was discussion regarding upcoming workshops and Don Van Lare stated that there are still funds available in the zoning budget. The Town Board has approved mileage reimbursement. Mileage has also been increased of 58.5 cents per mile.

DECISIONS:

Amber Corbin made a Motion **WHEREAS**, this Board has examined Application 2008-02Z, submitted by Keith Nehrke and Krystel Huxlin of 1514 Rush Scottsville Road, located in an R-30 Zoning District, request a side set back variance to park a seventeen foot (17') power boat on the west side of an existing residence, and the maps, and diagrams and other materials were submitted with the application.

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 which requires no further processing 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.

Kelly Pruden seconded the motion and the Board Members polled:

| | | | |
|-------|--------------|-----|----------|
| Roll: | Amber Corbin | aye | |
| | Kelly Pruden | aye | |
| | Don Van Lare | aye | carried. |

WHEREAS, Application 2008-02Z was submitted by Keith Nehrke and Krystel Huxlin of 1514 Rush Scottsville Road, requesting a variance from a side setback requirement of twenty-five feet (25') to park a seventeen foot (17') power boat on the west side of an existing residence, as set forth in the Code of Rush, Chapter 120-57 G, as described in the maps and diagrams submitted with the 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 2008-02Z be granted as requested in the plans submitted with this application, subject to the following conditions:

1. The boat trailer shall be parked no closer than four feet (4') from the west property line.
2. Such parking of the seventeen foot (17') power boat and trailer shall be permitted only to the rear of the main structure.(120-57 G)
3. The arborvitae trees on the west property line will provide sufficient screening between the properties since the boat and trailer is less than six feet (6') high and said arborvitae will not be removed.
4. If the applicants alters the conditions of their variance or changes the boat or trailer, the variance is void.

The reasons for this action are:

1. The back yard of the property is very small, sloped and has many trees and a deck.
2. The placement of the boat trailer will be screened by tall arborvitae trees.
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.

Kelly Pruden seconded the motion and the Board Members polled:

| | | | |
|-------|--------------|-----|----------|
| Roll: | Amber Corbin | aye | |
| | Kelly Pruden | aye | |
| | Don Van Lare | aye | carried. |

APPROVAL OF MINUTES:

The Minutes of June 12, 2008 were reviewed.

Don Van Lare made a Motion to approve the Minutes of June 12, 2008 as submitted.

Kelly Pruden seconded the motion and the Board Members polled:

| | | | |
|-------|--------------|-----|----------|
| Roll: | Amber Corbin | aye | |
| | Kelly Pruden | aye | |
| | Don Van Lare | aye | carried. |

There were no further discussions and the Meeting was adjourned at 7:35 P.M.

Respectfully submitted,

Meribeth Palmer
Deputy Town Clerk