

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF OCTOBER 9, 2008**

A regular meeting of the Rush Zoning Board of Appeals was held on October 9, 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
Robert Weiler
Amber Corbin
Kelly Pruden

Absent: Dan Taylor

OTHERS PRESENT: Lisa Sluberski, Town Board Liaison
Gerry Kusse, Code Enforcement Officer
Werner Wandersleben, Resident
Michael Qinlan, Resident
Linda Quinlan, Resident
Anthony Leib, Resident

WORKSHOP:

Application 2008-04 Z by Michael and Linda Quinlan of 270 Keyes Road, for an Area Variance to park a boat in front of the main dwelling. The proposed location does not comply with §120-57 G of the Rush Town Code. Property is in an R-30 Zoning District.

Mr. Quinlan stated that on the left side of the garage there is a fence and two propane tanks. In order to put the boat there the tanks would have to be moved and pine trees would have to be removed as well. The right side of the house is the location of the distribution box and the raised bed septic field, which extends the entire width of the side yard. Mr. Quinlan has also provided four signatures from neighbors that do not oppose his proposal.

Mr. Van Lare stated that the Zoning Board has never granted a variance for a boat in the front of a dwelling even with practical difficulties in the back. However, he stated Mr. Quinlan is entitled to have a Public Hearing and provide evidence for the request. The other alternative is to store the boat elsewhere. The Quinlans were informed that a board member will be assigned the application and will visit the site to investigate further.

INFORMAL DISCUSSION:

Mr. Werner Wandersleben to discuss an existing outdoor furnace.

Mr. Wandersleben stated that the furnace is located next to the existing garage on the north side. The garage is 25 feet from the north side lot line so anything on that side of the garage is on the side setback line. Mr. Wandersleben would like to keep the furnace in this location. The furnace heats the house and will soon heat the garage. The furnace is a very low burning and efficient system. There is an underground pipe that leads from the furnace underground to the basement where the hot water heater is located. Mr. Wandersleben stated that there is 105 feet of pipe and the piping is very expensive. This pipe also runs under the driveway, so moving it would be a very extensive project. The reason Mr. Wandersleben put the furnace in the current location is because it is not visible there. He also stated that it is not visible to neighbors as there are no homes in close proximity to the furnace location. In addition, it is a heavily wooded area of pine trees.

Mr. Van Lare stated that the issues are not so much the visibility, it is the particles and smoke produced by the furnace. Mr. Van Lare also stated that there are many concerns regarding outdoor furnaces. Many towns have banned them completely and some have severe restrictions on them. Rush does not have any of these but Rush does have setback requirements and that is the concern of the board.

BOARD DISCUSSION:

Lisa Sluberski reported that Town Attorney, Frank Pavia has the sign ordinance comments and will be drafting an updated ordinance for the Rush Town Board's review on October 22nd.

Mr. Kusse commented on the first proposed application and stated that it would take a very unusual circumstance to keep the Quinlan's from getting the boat behind the house. In response to the Quinlan's concern of other violations in town, Mr. Kusse discussed these various violations and stated that are currently being attended to.

The Zoning Board discussed the topic of outdoor furnaces. Mr. Van Lare read a letter from a neighbor regarding the severity of the smoke produced from the furnace. The Fire Marshall was contacted and he is not involved with outdoor furnaces; it is under the jurisdiction of the Building Code Enforcement Officer. Gerry Kusse has contacted the manufacturer of the furnace for proper installation requirements and for inspection purposes.

APPLICATION ASSIGNMENTS:

Don Van Lare has been assigned **Application 2008-04P** by Michael and Linda Quinlan.

APPROVAL OF MINUTES: September 11, 2008

ZONING BOARD OF APPEALS
OCTOBER 9, 2008

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

Robert Weiler seconded the motion and the Board Members polled:

Roll:	Kelly Pruden	aye	
	Amber Corbin	aye	
	Robert Weiler	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 7:55 PM.

Respectfully submitted,

Meribeth Palmer
Deputy Town Clerk