

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF MARCH 11, 2010**

A regular meeting of the Rush Zoning Board of Appeals was held on March 11, 2010 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 PM.

BOARD MEMBERS PRESENT: Robert Weiler, Deputy Chairman
Amber Corbin
Kelly Pruden
Al Simon
Meribeth Palmer, Deputy Town Clerk
EXCUSED: Don Van Lare, Chairman

OTHERS PRESENT: Lisa Sluberski, Town Board Member, Resident
Jeremy Remchuk, Resident
EXCUSED: Thomas Doupe, Zoning Board Liaison

WORKSHOP:

Application 2010-04Z by Jeremy Remchuk for an Area Variance to install an above ground pool within the side setback of the south property line. The proposed location does not comply with the required setback in an R-30 Zoning District. Property is located at 19 Keyes Road.

Mr. Remchuk provided the board with additional measurements, photos and information required for the application. The board discussed the slope of the back yard and the location of the tree. The Board suggested moving the pool over 15 feet so that a variance would not be required. Mr. Remchuk stated that the proposed location is one of the most level areas of the back yard and that he has done some leveling in that location already. The board stated that in order to grant the variance applicants need to show that there is no other possible location or present a hardship that is not self created. Mr. Remchuk will look to see if there is another viable area for the pool that will not require a variance. Mr. Remchuk apologized for taking the Boards time to review his application. Although he met with the Code Enforcement Officer, Mr. Remchuk stated that he was not informed that he needed to present a hardship that is not self created. Mr. Remchuk will notify the Rush Clerk's Office on Monday March 15th if he decides to withdraw his application.

Robert Weiler read letters from adjacent residents, Edward Perdue and Thomas Fagan stating that they have no objection to the proposed pool location.

INFORMAL DISCUSSION:

Robert Weiler reminded board members that there are some training workshops coming up if anyone needs additional credit hours. It was also noted that the

Saturday Workshops for the Planned Unit Development (PUD) and Sign Ordinance earlier this year were approved as credit hours.

Deputy Clerk Palmer will check on the credit hour status of the Zoning Board members and report back.

Lisa Sluberski commented on the new carbon monoxide detector law, the new lead paint abatement requirements and wind turbines all of which were mentioned at the March 10, 2010 Town Board meeting by Code Enforcement Officer Gerald Kusse.

Deputy Clerk Palmer will email the Windtamer product brochure to the Zoning Board members.

APPROVAL OF MINUTES:

The Minutes of January 14, 2010 were reviewed.

Robert Weiler made a motion to approve the Minutes of January 14, 2010.

Al Simon seconded the motion and the Board Members polled.

Roll:	Robert Weiler	aye	
	Amber Corbin	aye	
	Kelly Pruden	aye	
	Al Simon	aye	carried.

The Minutes of February 11, 2010 were reviewed.

Robert Weiler made a motion to approve the Minutes of February 11, 2010.

Kelly Pruden seconded the motion and the Board Members polled.

Roll:	Robert Weiler	aye	
	Amber Corbin	aye	
	Kelly Pruden	aye	
	Al Simon	aye	carried.

With no further business, a motion was made by Robert Weiler and agreed by common consent that the meeting be adjourned at 7:35 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk

