

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF AUGUST 12, 2010**

A regular meeting of the Rush Zoning Board of Appeals was held on August 12, 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: Susan Swanton, Land owner
Paul Corbin, Resident
Marianne Rizzo, Resident

WORKSHOP:

Application 2010-05Z by Chris DeMinco requesting an area variance to park a motor home/car hauler forward of the rear foundation line of the main dwelling. The proposed location does not comply with 120-57G of the Rush Town Code. Property is located at 980 Rush Scottsville Road and is in an R-30 zoning district.

Mr. DeMinco appeared before the board to request a variance to park a motor home/car hauler in the drive way. He stated that it has been there for approximately three years. Mr. DeMinco also noted that there were other similar vehicles in the immediate vicinity. Mr. Weiler stated that he viewed the area 3 days in row. Several vehicles were in compliance, others were not long term and came and went within the 3 day time period. Mr. DeMinco stated that his vehicle is there year round with the exception of weekends during racing season which runs approximately April thru May. Mr. DeMinco submitted a map showing the location of the septic system, a drainage swale and the footage between the structures and property lines to the east and west. Mr. De Minco also mention that he came to the town several years back requesting to put in a heavy duty driveway for heavy duty vehicles and he was told to go to Monroe County for a permit and had no knowledge of town code 120-57G. Mr. DeMinco is planning on researching the exact size and location of the septic system leach lines.

Chairman Van Lare explained that the Zoning Board is very consistent in not allowing trailers, motor homes, boats and similar vehicles in front of dwellings and that the board hopes to find a way to help Mr. DeMinco find a suitable location on the property for the vehicle.

Chairman Van Lare stated that a board member would be over to view the property.

The Public Hearing is scheduled for October 14, 2010.

INFORMAL DISCUSSION:

Review of the Swanton bed and breakfast home petition/request.

Chairman Van Lare reminded the audience that this is not a Public Hearing. The Chairman also stated that the Zoning Board would not be making any decision regarding the Swanton petition request.

The Zoning Board received and entered into the record letters from residents Marianne Rizzo, Lucius Fox and Paul Corbin.

The Zoning Board reviewed the merit of the request by Ms. Swanton to change town code to allow bed and breakfast homes in a residential district with a Special Permit. The Chairman noted that the board should look at the requested change in general as it would apply to all applicants that could meet the requirements set forth by the Town Board. After further discussion the Zoning Board did not feel that they should act as a legislative board.

Ms. Swanton, Residents Ms. Rizzo and Mr. Corbin all made brief comments regarding the matter.

Don Van Lare made a motion that the Zoning Board of Appeals declines to give an opinion on this matter since the Zoning Board of Appeals might be required to adjudicate a similar matter in the future, resulting in a conflict of interest.

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| Roll: | Robert Weiler | aye | |
| | Kelly Pruden | aye | |
| | Al Simon | aye | |
| | Amber Corbin | aye | |
| | Don Van Lare | aye | carried. |

Deputy Clerk Palmer will forward letters of correspondence received by the Zoning Board of Appeals to the Rush Town Board regarding the Swanton request.

APPROVAL OF MINUTES: May 13, 2010

Don Van Lare made a motion to approve the Minutes of May 13, 2010.

Bob Weiler seconded the motion and the Board Members polled.

RUSH ZONING BOARD OF APPEALS
AUGUST 12, 2010

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| Roll: | Robert Weiler | aye | |
| | Kelly Pruden | aye | |
| | Al Simon | abstained | |
| | Amber Corbin | aye | |
| | Don Van Lare | aye | carried. |

Al Simon was excused from the May 13, 2010 meeting.

Application 2010-05Z has been assigned to board member Al Simon.

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