

RUSH TOWN BOARD MINUTES
April 12, 2017

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Town Supervisor Cathleen Frank at 7:00 PM on April 12, 2017, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Daniel Woolaver ----- Councilperson
Rita McCarthy ----- Deputy Town Supervisor
Gerald Kusse ----- Councilperson
Cathleen Frank ----- Supervisor
Pamela Bucci ----- Town Clerk
John Mancuso, Esq. ----- Attorney for the Town

EXCUSED: Jillian Coffey ----- Councilperson

OTHERS PRESENT: All Rush Residents

Dick and Mary Knapp	Al Sweet
Jerry Farrell	Amber Corbin - Chair, Zoning Board
Jim Wilkins	Pat Kraus - Member, Conservation Board
Jim Chaize	Dave Sluberski
Jerry Stoutenberg	Cecil Palmer
Marianne Rizzo	Bill Udicious
Hans Schmittehenner	Ed Richard
Beth Hoak	Kathryn Hankins
Brent Morris	Paula Anderson
Chris Giordano	Kathy Steiner
Don Scheg	Mike Quinlan
Jim Bucci	Chris Shaffer
Sally Ward	Don Eichenhauer
Jim Smith	

I. PUBLIC COMMENT

Supervisor Frank stated that an updated version of the Local Law being proposed is available. The update provides only wording clarification. Copies were made and distributed to those in attendance. Attorney Mancuso added that the clarification is based on comments received from the community.

Supervisor Frank opened the floor inviting anyone wishing to address the Town Board to come forward. All those wishing to speak to the Town Board were asked, if able, to stand at the podium and to state their name and address for record keeping purposes.

Resident Marianne Rizzo stated that she is opposed to the Monroe County Fair being held at the Rush Riverside Refuge. Residents near the Rush Riverside Refuge should be noticed of a possible Fair being in their neighborhood. She is opposed to the use of any chemicals on the Rush Riverside Refuge land.

Resident Dave Sluberski noted that there was no mention of the wind storm on the town website. Mr. Sluberski suggested that the town have a better way to approach a disaster and that businesses that provide services be posted on the website.

Resident Cecil Palmer suggested that the town have a vision for the Rush Riverside Refuge. Science and research is changing and he wishes to see a partner work with town for the purposes of studying land and environment using solar power.

Resident Kathryn Hankins recommended that the newsletter include more information for residents to be informed, including public hearing material. Zoning follows a master plan. A design charrette should be held in a larger venue. Leases are not available for review nor is there a permissive referendum. More information needs to be communicated to the public so that the residents can help the Town Board make good decisions.

Resident Hans Schmitthenner stated that he represents the silent majority. He read aloud a letter submitted to the Town Board in support of leasing the buildings at the Rush Riverside Refuge before they fall down. Farmers today use pesticides that are more organic. Farmers do not let trees grow in ditches. There is a Farmland Preservation Committee. The upgrades previously presented by Mr. Howlett for leased property at the Rush Riverside Refuge make sense. Mr. Schmitthenner is in favor of bringing the Fair to Rush and increasing Rush's visibility.

Supervisor Frank moved to begin the Public Hearing at 7:15 PM - Local Law # of 2017 - Proposed Amendments to §120-57 - Required Off-street Parking.

RESOLUTION #2017-106

PUBLIC HEARING 7:15 PM -Town Clerk Pamela Bucci read aloud the legal notice.

LOCAL LAW NO. __ OF 2017 TO AMEND THE ZONING LAW OF THE TOWN OF RUSH, CHAPTER 120 OF THE CODE OF THE TOWN OF RUSH, BY AMENDING SECTION 120-57 OF THE ZONING LAW OF THE TOWN OF RUSH REGARDING REQUIRED OFF-STREET PARKING

PLEASE TAKE NOTICE, a public hearing will be held by the Rush Town Board, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York, on the 26th day of April at 7:15 PM, local time, for the purpose of amending Section 120-57 of the Zoning Law of the Code of the Town of Rush in relation to required off-street parking.

Copies of the proposed Local Law #__ of 2017 are available for inspection at the Town Clerk's Office during normal business hours.

At such hearing any person may be heard in favor of or against the revisions to the Rush Town Code as proposed at the above time and date.

Resident Amber Corbin stated that she is a member of the Zoning Board of Appeals and is opposed to the changes. One hundred signatures were submitted to the Board opposed to this change. Residents purchase properties in Rush based on the current code and they should be respected. Research shows that the Rush's off-street parking is one of the most restrictive in the area. In a previous joint workshop, the Town Board discussed making no change to off-street parking but have now made another decision. The legal notice of this meeting should go to more people and it should be easier to find the proposal on the website. The new version of the proposed Local Law is much more clear. Ms. Corbin had concerns in the original proposal and made phone calls to town board members. A definition of a principal structure is not in the current Code. Many homes have driveways on the side of their homes. Zoning changes should not be made without an updated comprehensive plan.

Resident Dave Sluberski stated that he opposes changes. There are inconsistencies with zoning.

Resident Marianne Rizzo opposes the change and would err in a more conservative direction.

Resident Jerry Stoutenberg questioned why there are issues with off-street parking when off-street parking has previously not been an issue of violation. He has lived in Rush 40 years. The previous building inspector stated that as long as his trailer was licensed it could be parked where located close to the property line where neighbors cannot view it.

Resident Bill Udicious, a former town supervisor, stated that he is not opposed to zoning law changes, however, is opposed to this Local Law change. Hardship conditions are for the Zoning Board of Appeals process.

Resident Kathryn Hankins stated that zoning should be aligned with the comprehensive plan. There is no reason for people to get sited because they have conditions that have existed for years. There is a misunderstanding. There is a real recognition that Rush has different neighborhoods. It is best

to be responsive and respectful of our community. Residents should have heard feedback from all the boards. Ms. Hankins opposes this proposal.

Resident Brent Morris has lived in Rush for 4 ½ years and opposes the change in the zoning code. Mr. Morris stated that he has a handicap, has a small lot and parks his trailer in the driveway. Storing his trailer off site will cost as much as his taxes and will create a burden.

Resident Chis Giordano stated that current setbacks prohibit the mounting of solar panels. Mr. Giordano suggested emailing information to town residents.

Resident Don Scheg asked why the Town Board has decided to review the code and make the proposal. Mr. Scheg has not decided whether he approves or opposes the amendment.

Mike Quinlan stated that he had previously been in violation numerous times for parking his boat in his driveway and appeared in Rush Court. During that time, he canvassed the town counting 75 violations of trailers and boats making him feel singled out. Selective enforcement is wrong for all residents. The majority of visible parcels are well kept. Unless a person is searching, they may not notice boats and trailers. We live in a finger lakes region. Many people have boats. After appearing in court, Mr. Quinlan was advised to apply for a variance from the Zoning Board of Appeals. Mr. Quinlan paid a \$125 for an application and was told by the Zoning Board of Appeals that off-street parking variances were never approved and he was denied. Mr. Quinlan suggested that a May 1 through September 30 timeframe would allow residents to park on their property or driveway while allowing the Code Enforcement Officer to enforce the code when a vehicle or junk sits in a driveway over an extended period of time. Mr. Quinlan stated that he does not wish to store his boat or trailer in his driveway for twelve months nor put it in storage for twelve months.

Resident Christine Shaffer stated that her horse trailer has been stationed in her driveway for the last 10 years. The driveway with a proper foundation exists on the property and she was informed by the town that as long as the trailer was registered and in good repair, there would be no violations of the code. Having recently put a down payment on a motorhome and finding that it cannot be parked in the driveway is alarming. Ms. Shaffer sees no dilapidated trailers in town and no issues with parking in a driveway. She does not wish to relocate to a different community.

Supervisor Frank interrupted the public hearing and directed the audience to the sketch illustrating the current Rush Town Code. Off-street parking is allowed only directly behind the back corner of the home. The proposed amendment will allow off-street parking behind the front corner of the home.

Resident Sally Ward is opposed to the amendment. The law is so broad that it leaves open the possibility of multiple trailers, motorhomes and boats. There are many excellent suggestions for the Board to consider. Time limits may be a good idea as well as size of lots to be considered. Ms. Ward urged the Board to reconsider a more limited law amendment.

Resident Diane Van Lare stated that she is strongly opposed because amending the law benefits a minority and will probably not benefit a majority. A petition of over 100 residents was presented to the Town Board opposing the amendment. In section 1.1 b. of the proposal for amendment it states that it will provide for health, safety and welfare for persons and property within Rush. A person's obstruction of view does not add to the beauty of the environment. Present owners have always had alternatives. They could comply, get a variance or find an off-site place to park. If approved, neighbors will have no recourse. The Town Board noted that Section 120—57 is stricter in Rush than all the towns in Monroe County and adjacent towns. Rush is unique. It is a community offering close homes in the hamlet, close neighborhoods and spacious parcels. There has not been adequate notification of the public hearing. The proposal was hard to locate on the town website and should have been placed in the bi-monthly town newsletter.

RESOLUTION #2017-107

Having heard all comments from the audience, Councilperson McCarthy moved to close the public hearing at 8:02 PM. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye	
	Councilperson McCarthy	aye	
	Councilperson Kusse	aye	
	Supervisor Frank	aye.	carried.

RESOLUTION #2017-108

Councilperson McCarthy moved to adjourn for an attorney-client privileged closed session at 8:02 PM. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye	
	Councilperson McCarthy	aye	
	Councilperson Kusse	aye	
	Supervisor Frank	aye.	carried.

RESOLUTION #2017-109

Councilperson McCarthy moved to reopen the regular meeting at 8:25 PM. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye	
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Councilperson McCarthy	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye.	carried.

Supervisor Frank requested discussion from the Board.

Councilperson Woolaver, liaison to the Zoning Citizens Committee, stated that the reason this law was brought up for review and is being amended is that there may be over 100 trailers in violation of the current law. A few years ago, a person drove through town bringing complaints to a town official. Recently another resident drove around town bringing more complaints regarding this same issue to an official. Prior to these drive-through instances, neighbors have not filed complaints. The law drafted reflects the fact that many residents do not appear to care if a neighbor has a trailer or such in the driveway. The law should be changed to reflect what is acceptable to town residents. It is not noticeable.

Councilperson McCarthy stated that members of the Planning, Zoning and Conservation Boards were invited to a workshop to discuss all of the recommendations presented by an appointed Zoning Citizens Advisory Committee. Section 120-57 became a decisive priority. A resident was making a point of reporting violators of off-street parking which required many residents to begin a process of requesting a variance. The whole point of a public hearing is to hear opposition and support of a given subject. This review has been a two-year process. A timeline of the inception of the Zoning Citizens Advisory Committee to this point will be created and placed on the town website. It is surprising to know that Rush is one of the most restrictive for off-street parking in the entire county and surrounding counties. Removing off-street vehicles from backyards with current weather and yard conditions is difficult and destructive. Many residents believe this proposed amendment is more restrictive, however, it is less restrictive than the current Town Code. The Board is negotiating a midpoint.

Councilperson Kusse stated that Rush is unique. It has high and low density areas. Most residents cannot see trailers, campers or boats from the road. Rush has a few close neighborhoods. The Town of Pittsford has spot sub zoning. Councilperson Kusse is in favor of tabling this law and gathering more information. In government, there is a very vocal minority and silent majority.

Supervisor Frank stated that this review originated with an advisory committee comprised of Rush citizens. They were asked to review sections of the Code that needed updating and worked diligently for more than one year. The Code for boats and trailers is too restrictive. People should have the right to enjoy the use of their recreational vehicles. This proposed law is

a compromise so that people have access to their recreational vehicles and trailers. A search will be performed to tally of how many variances have been granted for recreational vehicles and multiple trailers. Other towns in the county are allowed only one designated vehicle. A seasonal option may also be appropriate.

Supervisor Frank suggested tabling a decision and asked Attorney Mancuso about specific procedures.

Councilperson Woolaver stated that he has multiple vehicles of off-street parking.

Attorney Mancuso stated that a public hearing may be scheduled based on the red-lined proposed local law. Any public hearing can be cancelled. There is no prohibition in the Board making additional amendments. A local law must be presented in form.

RESOLUTION #2017-110

Councilperson McCarthy moved to schedule a public hearing on Wednesday, April 26, 2017 at 7:15 PM, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York for the purpose hearing proposed red-lined amendments to §120-57 - Required Off-street Parking of Local Law of 2017. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye	
	Councilperson McCarthy	aye	
	Councilperson Kusse	aye	
	Supervisor Frank	aye.	carried.

II. APPROVAL OF MINUTES:

Councilperson Kusse stated that he meant to state in the March 22 2017 Meeting that he attended the Rush Fireman’s Banquet not the Rush Fire District Meeting.

RESOLUTION #2017-111

Councilperson McCarthy moved to approve the Town Board of Minutes of March 22, 2017, as amended. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye	
	Councilperson McCarthy	aye	
	Councilperson Kusse	aye	
	Supervisor Frank	aye.	carried.

III. TRANSFER OF FUNDS:

Councilperson McCarthy, moved having audited all expenditures of unreserved fund balances or unanticipated funds, allow transfers #5 through #10 in the amount of \$12,582.00 to be transferred to the selected accounts. Councilperson Woolaver seconded the motion.

Roll: Councilperson Woolaver aye
Councilperson McCarthy aye
Councilperson Kusse aye
Supervisor Frank aye. carried.

IV. APPROVAL OF ABSTRACT:

Councilperson McCarthy moved that having audited all expenditures for vouchers 2016 #316 through 382 on Abstract dated April 12, 2017, they be allowed in the amount of \$60,622.33. Councilperson Woolaver seconded the motion.

Roll: Councilperson Woolaver aye
Councilperson McCarthy aye
Councilperson Kusse aye
Supervisor Frank aye. carried.

V. CORRESPONDENCE:

Supervisor Frank received a letter from Farm Bureau Board of Directors - They strongly support the Monroe County Fair Association in Rush and getting back to its agricultural roots.

VI. REPORTS OF OFFICERS AND COMMITTEES:

Councilperson Woolaver offered the following:

- Performed the Rush Court Justice audit with Councilperson McCarthy. Court Clerk Sally Newell assisted. The results were read aloud with all policies and procedures in order pursuant to New York State Comptroller's Guidelines.

Councilperson McCarthy offered the following:

- Attended the Rush-Henrietta School District first draft of their budget.

Councilperson Kusse offered the following:

- Attended the Rush-Henrietta School District first draft of their budget. Presentation was great. The population forecast for the next 3-5 years out will not see growth. May see a correlated result with the school budget.
- Attended Conservation Board meeting.
- Performed the Town Clerk audit with Councilperson Coffey per government guidelines. Having audited Town Clerk Bucci for a second year, commended her for a big job of collecting and managing it well. Councilperson Coffey will submit the report.

Supervisor Frank offered the following:

- Steering Committee for the Design Charrette is making progress. There are three sub-committees of History, Logistics and Communications and Advertising. The Charrette is scheduled Saturday, June 10th , 8 AM until 5 PM at the William Udicious Pavilion, 1900 Rush Scottsville Road.

VII. OLD BUSINESS:

A. Status Update on Energy Saving Upgrades to Town Hall - Councilperson Kusse stated the there is no new updated information. Supervisor Frank will add a status update to the next meeting agenda.

B. Update on Partnership with Monroe County Fair Association - Supervisor Frank is conferencing with the attorneys for the town regarding a 2017 contract. The Fair Association is meeting April 17 to continue discussing their needs. The town has not received official documentation to review.

C. Update on Lease Agreements for Rush Riverside Refuge - Supervisor Frank reported that the Chase cattle and Howlett farming leases are being amended.

VIII. NEW BUSINESS:

A. Resolution to accept the Arbor Day Grant - Supervisor Frank applied for an Arbor Day grant which the town has been awarded in the amount of \$1,000.00.

RESOLUTION #2017- 112

Councilperson McCarthy made a motion to accept the Arbor Day Grant which was awarded to the Town on March 18, 2017, in the amount of \$1,000.00 for the purchase of trees. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye	
	Councilperson McCarthy	aye	
	Councilperson Kusse	aye	
	Supervisor Frank	aye.	carried.

B. Resolution to sign continued lease of Building 5 at the Rush Riverside Refuge for 6 month with Robert Gruschow of Gruschow International - Supervisor Frank stated the Gruschow lease required continuation of a 6-month period.

RESOLUTION #2017-113

Councilperson McCarthy moved to continue the lease of Building 5 at the Rush Riverside Refuge, East River Road, Rush for a 6-month period. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver		aye	
	Councilperson McCarthy		aye	
	Councilperson Kusse		aye	
	Supervisor Frank		aye.	carried.

C. Resolution to sign contract with Doug Miller Family Sports Park - Supervisor Frank stated that a soccer camp will be run by the Doug Miller Family Sports Park through the Rush Recreation Department for a summer soccer camp. The contract has been reviewed and accepted by the town attorneys.

RESOLUTION #2017-114

Councilperson McCarthy moved to authorize the Town Supervisor to enter into a contract with Doug Miller Family Sports Park to conduct a summer soccer camp through the Rush Recreation Department. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver		aye	
	Councilperson McCarthy		aye	
	Councilperson Kusse		aye	
	Supervisor Frank		aye.	carried.

IX. PUBLIC COMMENT:

Supervisor Frank opened the floor for comments to the Town Board.

Resident Kathryn Hankins stated that the 100 signatures were not referenced and suggested a moratorium or maybe the lawyer says no. Different neighborhoods are in Rush. There are very few people that move to Rush that do not know the restrictions of the Code. There should possibly be seasonal uses. The town is getting around the BOCES property that is for park and ancillary uses for the 100 acres. Open bids should be done. The town is not getting a lot of funds when the town is in the business of slaughtering animals. The focus should be on the refuge. Any one of those leases should have a clause in it to be subject to permissive referendum. Leases should be able to be seen by all to study. There should not be chemicals used on the land if a fair is going to be located on the acreage.

Resident Jim Smith lives across from the Rush Riverside Refuge and is interested in being informed of the Monroe County Fair being located on the acreage.

Resident Dave Sluberski requested to view the Monroe County Fair Association contract.

Resident Kathy Steiner, being a former town councilperson welcomes the Fair coming to Rush. Rush residents talk about giving Rush exposure and inviting

others to town, wanting our town to be seen and welcoming. Ms. Steiner stated that her residence is on a corner, trailer is in the driveway hidden from being very visible from the road but in violation. Entertaining a season timeframe is a good idea. Ms. Steiner stated that she was the liaison to the BOCES Citizens Advisory Committee and thinks the fair and agriculture on the property is an awesome idea.

Resident Gerry Farrell stated the he is the Vice President of Monroe County Fair Grounds. Gerry approached Supervisor Frank. The association looking for a partnership and a place to hold the grounds. The Association will be bringing money to the town to renovate the buildings. There is no current plan for rides. The interest is strictly a 4H agricultural fair. There will be bathrooms, water and electric.

Resident Cecil Palmer stated that having a vision is a step in the right direction.

Resident Jim Wilkins suggested that residents be allowed to park on their driveway and not be required to put a pad next to their homes or park in the lawn, possibly ruining it. The Board needs to act on getting the owner of the former Big M property on East Henrietta Road to do something with the property.

Resident Mary Knapp stated that Rush is unlike other towns in Monroe County. We should not be benchmarked with other towns. We have larger lots. Ms. Knapp's wish is to continue being proud of Rush. It is a very neatly kept town. Residents need to be concerned about neighbors. The Monroe County Fair is an excellent idea. It is a huge opportunity for Rush.

Resident Amber Corbin asked if there is anything to be read into the record and why would the Board be having another public hearing on the red lined issues presented.

Attorney John Mancuso stated that the public hearing is to hear and review all the items brought forward. Since the red-lined item is for clarification and additional comments were received, the Board, in its best interest, would like to hold another public hearing.

Resident Marianne Rizzo is stunned by the presentation and lack of information and process. Ms. Rizzo is in favor of a Fair but not in Rush.

Resident Christine Shaffer favors strongly the idea of the Fair in Rush, however, requires more information in order to support it. Issues of safety, welfare and noise among other things should be concerned. A broader conversation is necessary.

Resident Chris Giordino is in support of the fair but needs more information.

X. ADJOURNMENT:

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 9:30 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci
Town Clerk