



**TOWN OF HENRIETTA  
ZONING BOARD OF APPEALS  
AUGUST 27, 2008**

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**AGENDA**

**Robert Steidle, Chairman  
Robert Barley, Jr.  
Kenneth Breese  
Douglas Levey  
David MacIntyre  
Beth Mossworth  
Beth White**

**Marc Duclos, Zoning Board Attorney  
Jeff Wilkinson, Fire Marshal/Building Inspector**

**WORKSHOP: 6:30 P.M.**

**PUBLIC HEARINGS: 7:00 P.M.**

**PUBLIC HEARING APPLICATIONS:**

- 1. Application 08-145 of Dean L. Kalen**
- 2. Application 08-150 of Jeffrey Contini**
- 3. Application 08-154 of Robert Abert**
- 4. Application 08-156 of Michael P. Zuber**
- 5. Application 08-158 of Wok With You**
- 6. Application 08-159 of Pinnacle Homes Inc.**
- 7. Application 08-160 of Pinnacle Homes Inc.**

**MINUTES:**

- Minutes of July 30, 2008 (Copy Enclosed)**

**TABLED APPLICATIONS (from July 30, 2008 Meeting):**

- Application 08-131 of Allan W. Sandford/Daytona Partners I, LLC**

PURSUANT TO CALL A MEETING OF THE ZONING BOARD OF APPEALS OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL, 475 CALKINS ROAD, HENRIETTA, NEW YORK ON THE 27TH DAY OF AUGUST, 2008 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairperson

Robert Barley, Jr. (Mr. Barley joined the meeting at approximately 7:30 PM)

Kenneth Breese

Douglas Levey

Beth Mossworth

Beth White

MEMBERS ABSENT

David MacIntyre

Jeff Wilkinson, Fire Marshal/Building Inspector

Marc Duclos, Attorney

On motion of Mrs. White, seconded by Mr. Levey, the minutes of the meeting of July 30, 2008 were approved.

AYES: Steidle, Breese, Levey, White

NOES: None

ABSTAIN: Mossworth

CARRIED

The following notice was published in the *Henrietta Post* on August 20, 2008. It read as follows: "A public hearing will be held on Wednesday, August 27, 2008 at 7:00 P.M. in the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York before the Zoning Board of Appeals of the Town of Henrietta regarding the following applications: 08-145, 08-150, 08-154, 08-156, 08-158, 08-159 and 08-160."

On motion of Mr. Breese, seconded by Mrs. Mossworth, Applications 08-145, 08-156, 08-159 and 08-160 were declared Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

AYES: Steidle, Breese, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mrs. Mossworth, Application 08-150 was declared a Type II Action under Section 617.5(c)(9) of the State Environmental Quality Review Act (SEQRA).

AYES: Steidle, Breese, Levey, Mossworth, White  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mrs. Mossworth, Applications 08-154 and 08-158 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

AYES: Steidle, Breese, Levey, Mossworth, White  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

***The following application was tabled from the July 30, 2008 meeting:***

**Application 08-131 of Allan W. Sandford/Daytona Partners I, LLC** requesting a variance to reconfigure existing sign (to remove four existing panels and replace with one panel and add three new panels for additional tenants) on property located at 3760 West Henrietta Road.

***On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 08-131 of Allan W. Sandford/Daytona Partners I, LLC be approved.***

AYES: Steidle, Breese, Mossworth, White  
NOES: Levey  
ABSTAIN: None

CARRIED

**Application 08-145 of Dean L. Kalen** requesting a variance for an 8' side setback, whereas 10' is required by code to add an additional 10½' x 28' garage on property located at 193 Tumbleweed Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-145 of Dean L. Kalen be approved.***

AYES: Steidle, Breese, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-150 of Jeffrey Contini** requesting a variance to place a pool in the side yard, whereas a pool is only allowed to be placed in the rear yard as per code on property located at 10 Bedfordshire Drive.

***On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 08-150 of Jeffrey Contini be approved with the following stipulations:***

1. **A minimum 24"H x 40'L berm be installed in a north-south direction, centered on the pool, and parallel to East Henrietta Road.**
2. **A minimum of (5) 5' - 6' high evergreen trees be planted on the berm. The planting plan should be approved by the Engineering Department.**
3. **The berm and planting shall be constructed to look natural.**

AYES: Steidle, Breese, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

***Mr. Barley joined the meeting at approximately 7:30 PM***

**Application 08-154 of Robert Abert** requesting a variance to convert the two-car garage into livable space without building a one-car garage, whereas a one-car garage is required by code on property located at 144 Covered Wagon Trail.

**On motion to deny by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-154 of Robert Abert be denied based on the following findings of fact:**

- 1. The applicant testified that he did not consider whether the benefit could be achieved by other means feasible, thus the Board can not preclude the possibility that the variance is necessary.**
- 2. Based on the testimony of six neighbors, an undesirable change in the neighborhood would be created by granting the variance as the aesthetic quality of the neighborhood would be harmed and the belief that there would be a detriment to property values.**
- 3. The Board also finds that applicant intends to use the converted area for business purposes based on the applicant's testimony as well as that of the neighbors who appeared in opposition to the application.**
- 4. The applicant purchased the home with a two-car garage and the alleged difficulty is self-created.**
- 5. The request is substantial as it does not provide for any garage space whatsoever, effectively requesting a 100% reduction of the Code requirements.**
- 6. Based on the testimony of the neighbors the variance will have adverse physical effects in the neighborhood based on additional traffic created by the pick-up and drop off of children at daycare.**

AYES: Steidle, Barley, Breese, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-156 of Michael P. Zuber** requesting a variance for a 32' front setback, whereas a 40' front setback is required by code to build an 8' x 24' covered porch on property located at 38 Bemis Way.

***On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-156 of Michael P. Zuber be approved.***

AYES: Steidle, Barley, Breese, Levey, Mossworth, White  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-158 of Wok With You** requesting a second wall sign (to be 39 sq.ft.), whereas only one wall sign is allowed by code on property located at 205 Jefferson Road.

***On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 08-158 of Wok With You be approved and that the applicant must abide by the written sign criteria set by Wilmorite.***

AYES: Steidle, Barley, Breese, Levey, Mossworth, White  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-159 of Pinnacle Homes, Inc.** requesting a variance for a 55' front setback, whereas 60' is required by code on Branchbrook Drive, to build a home on property located at Lot 420 Harvest Hills Subdivision, at the corner of Branchbrook Drive and Long Branch Drive.

***On motion to approve by Mrs. White, seconded by Mr. Breese, it was RESOLVED THAT Application 08-159 of Pinnacle Homes, Inc. be approved.***

AYES: Steidle, Barley, Breese, Levey, Mossworth, White  
NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-160 of Pinnacle Homes, Inc.** requesting a variance for a 55' front setback, whereas 60' is required by code on Long Branch Drive, to build a home on property located at Lot 420 Harvest Hills Subdivision, at the corner of Branchbrook Drive and Long Branch Drive.

***On motion to approve by Mrs. White, seconded by Mr. Breese, it was RESOLVED THAT Application 08-160 of Pinnacle Homes, Inc. be approved.***

AYES: Steidle, Barley, Breese, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Levey, seconded by Mr. Breese, it was agreed that the meeting be adjourned at 8:52 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson

RS/tm