



**TOWN OF HENRIETTA  
ZONING BOARD OF APPEALS  
JULY 30, 2008**

---

**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: 6:00 P.M.**

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




**PUBLIC HEARING APPLICATIONS:**

- 1. Application 08-124 of Greg Barkstrom/Fox Five, LLC**
- 2. Application 08-127 of Five Star Bank**
- 3. Application 08-128 of Five Star Bank**
- 4. Application 08-129 of Five Star Bank**
- 5. Application 08-130 of Five Star Bank**
- 6. Application 08-131 of Allan W. Sandford/Daytona Partners I, LLC**
- 7. Application 08-132 of Walter Whitney**
- 8. Application 08-133 of George Pietropaolo - Precision Properties**
- 9. Application 08-134 of George Pietropaolo - Precision Properties**
- 10. Application 08-135 of George Pietropaolo - Precision Properties**
- 11. Application 08-136 of George Pietropaolo - Precision Properties**
- 12. Application 08-137 of Diane M. Adams**
- 13. Application 08-138 of Lovin' Cup**
- 14. Application 08-139 of Circuit City**
- 15. Application 08-140 of Circuit City**
- 16. Application 08-141 of Circuit City**
- 17. Application 08-142 of Metro Mattress**
- 18. Application 08-143 of Metro Mattress**
- 19. Application 08-144 of The Hertz Corporation**

**MINUTES:**

-  Minutes of June 25, 2008 (Copy Enclosed)**

**TABLED APPLICATIONS (from June 25, 2008 Meeting):**

-  Application 08-102 of Avis**
-  Application 08-105 of Maria Nikopolidis**
-  Application 08-107 of King David's Restaurant**

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 30TH DAY OF JULY, 2008 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairperson  
Robert Barley, Jr.  
Kenneth Breese  
Douglas Levey  
David MacIntyre  
Beth White

MEMBERS ABSENT

Beth Mossworth

Jeff Wilkinson, Fire Marshal/Building Inspector  
Marc Duclos, Attorney

On motion of Mrs. White, seconded by Mr. Breese, the minutes of the meeting of June 25, 2008 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on July 23, 2008. It read as follows: "A public hearing will be held on Wednesday, July 30, 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: 08-124, 08-127, 08-128, 08-129, 08-130, 08-131, 08-132, 08-133, 08-134, 08-135, 08-136, 08-137, 08-138, 08-139, 08-140, 08-141, 08-142, 08-143 and 08-144."

On motion of Mr. Breese, seconded by Mr. Barley, Applications 08-124, 08-127, 08-128, 08-129, 08-130, 08-131, 08-138, 08-139, 08-140, 08-141, 08-142, 08-143 and 08-144 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 08-132, 08-133, 08-134, 08-135, 08-136 and 08-137 were declared Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

**Application 08-102 of Avis** requesting a variance for a second wall sign ("Avis"), whereas only one wall sign is allowed by code on property located at 10 Miracle Mile Drive.

This application was tabled at the June 25, 2008 meeting.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-102 of Avis be approved.***

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

UNANIMOUSLY CARRIED

**Application 08-105 of Maria Nikopolidis** requesting a variance for an existing 230 sq.ft. accessory building, whereas a 217 sq.ft. accessory building is allowed by code on property located at 116 Cape Cod Way.

This application was tabled at the June 25, 2008 meeting.

***This application was withdrawn by the applicant at the meeting.***

**Application 08-107 of King David's Restaurant** requesting a variance for a second wall sign ("King David's Restaurant" - 39 sq.ft.), whereas one wall sign is allowed by code on property located at 205 Jefferson Road.

This application was tabled at the June 25, 2008 meeting.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 08-107 of King David's Restaurant be approved and that the applicant must abide by the written sign criteria set by Wilmorite.***

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

UNANIMOUSLY CARRIED

**Application 08-124 of Greg Barkstrom/Fox Five, LLC** requesting a variance for a 100 sq.ft. readerboard sign (listing four tenants) using existing poles, to replace existing sign on property located at 600 Jefferson Road.

***On motion to approve by Mr. Levey, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-124 of Greg Barkstrom/Fox Five, LLC be approved with the following stipulations:***

***☐ All of the sign bands have a red background and white lettering.***

***☐ The font and height of the lettering be identical.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-127 of Five Star Bank** requesting a third wall sign (“Five Star Bank”) on western elevation, whereas two wall signs are allowed by code on property located at 745 Calkins Road.

***On motion to approve by Mr. Barley, seconded by Mrs. White, it was RESOLVED THAT Application 08-127 of Five Star Bank be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-128 of Five Star Bank** requesting a fourth wall sign (“a Star”) on western elevation, whereas two wall signs are allowed by code on property located at 745 Calkins Road.

***On motion to approve by Mr. Barley, seconded by Mrs. White, it was RESOLVED THAT Application 08-128 of Five Star Bank be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-129 of Five Star Bank** requesting a fifth wall sign (“Five Star Bank”) on east elevation, whereas two wall signs are allowed by code on property located at 745 Calkins Road.

***On motion to approve by Mr. Barley, seconded by Mrs. White, it was RESOLVED THAT Application 08-129 of Five Star Bank be approved.***

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

UNANIMOUSLY CARRIED

**Application 08-130 of Five Star Bank** requesting a sixth wall sign (“a Star”) on east elevation, whereas two wall signs are allowed by code on property located at 745 Calkins Road.

***On motion to approve by Mr. Barley, seconded by Mrs. White, it was RESOLVED THAT Application 08-130 of Five Star Bank be approved.***

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

UNANIMOUSLY CARRIED

**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 table by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 08-131 of Allan W. Sandford/Daytona Partners, LLC be tabled.***

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

UNANIMOUSLY CARRIED

**Application 08-132 of Walter Whitney** requesting a variance for a 50' front setback to build a 10' x 16' deck, whereas 60' is required by code on property located at 99 Farnsworth Road North.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-132 of Walter Whitney be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-133 of George Pietropaolo - Precision Properties** requesting a variance for a 20' front setback for parking (to build two new apartment buildings), whereas a 60' front setback is required by code on property located at 2100 Hylan Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-133 of George Pietropaolo - Precision Properties be approved.***

AYES: Steidle, Barley, Breese, Levey, White

NOES: MacIntyre

ABSTAIN: None

CARRIED

**Application 08-134 of George Pietropaolo - Precision Properties** requesting a variance for a 10' side setback for parking (to build two new apartment buildings), whereas a 60' side setback is required by code on property located at 2100 Hylan Drive.

***On motion to approve by Mrs. White, seconded by Mr. Levey, it was RESOLVED THAT Application 08-134 of George Pietropaolo be approved with the stipulation that the side setback for parking be eleven feet.***

AYES: Steidle, Barley, Levey, White

NOES: Breese, MacIntyre

ABSTAIN: None

CARRIED

**Application 08-135 of George Pietropaolo - Precision Properties** requesting a variance for a 26' rear setback for parking (to build two new apartment buildings), whereas a 60' rear setback is required by code on property located at 2100 Hylan Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-135 of George Pietropaolo be approved.***

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

CARRIED

**Application 08-136 of George Pietropaolo - Precision Properties** requesting a variance for a 42' rear setback for the building, whereas a 60' rear setback is required by code on property located at 2100 Hylan Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-136 of George Pietropaolo be approved.***

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

CARRIED

**Application 08-137 of Diane M. Adams** requesting a variance for a 55' front setback to build an attached garage, whereas a 60' front setback is required by code on property located at 24 Casa Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 08-137 of Diane M. Adams be approved.***

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

UNANIMOUSLY CARRIED

**Application 08-138 of Lovin' Cup** requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 205 Jefferson Road.

**On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-138 of Lovin' Cup be approved and that the applicant must abide by the written sign criteria set by Wilmorite.**

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

UNANIMOUSLY CARRIED

**Application 08-139 of Circuit City** requesting a variance for a second wall sign ("Verizon Wireless"), whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

**On motion to deny by Mr. Barley, seconded by Mr. Levey, it was RESOLVED THAT Application 08-139 of Circuit City be denied with the following findings of fact:**

**☞ Denied, because the applicant testified that the requested sign is not necessary for advertising purposes and that the business operates within the property regardless of the existence of a sign. Thus, the variance is not necessary as per the applicant's own testimony.**

**☞ Furthermore, the hardship was self-created by the applicant.**

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

UNANIMOUSLY CARRIED

**Application 08-140 of Circuit City** requesting a variance for a third wall sign ("Firedog"), whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

**On motion to deny by Mr. Barley, seconded by Mr. Levey, it was RESOLVED THAT Application 08-140 of Circuit City be denied with the following findings of fact:**

**☞ Denied, because the applicant testified that the requested sign is not necessary for advertising purposes and that the business operates within the property regardless of the existence of a sign. Thus, the variance is not necessary as per the applicant's own testimony.**

**☞ Furthermore, the hardship was self-created by the applicant.**

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

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-141 of Circuit City** requesting a variance for a fourth wall sign (“Car Installation”), whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

***On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-141 of Circuit City be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-142 of Metro Mattress** requesting a variance for a second facade sign, whereas only one facade sign is allowed by code on property located at 600 Jefferson Road.

***On motion to approve by Mr. Steidle, seconded by Mr. Breese, it was RESOLVED THAT Application 08-142 of Metro Mattress be approved with the stipulation that it meets the same criteria as the sign (“Tuxedo”) on the far east of the building.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-143 of Metro Mattress** requesting a variance for an additional 124.5 sq.ft. of signage, whereas 250 sq.ft. of signage is allowed by code on property located at 600 Jefferson Road.

***On motion to approve by Mr. Steidle, seconded by Mr. Barley, it was RESOLVED THAT Application 08-143 of Metro Mattress be approved with the maximum square footage of signage not to exceed 374.5 square feet.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-144 of The Hertz Corporation** requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 3760 West Henrietta Road.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-144 of The Hertz Corporation be approved.***

AYES: Steidle, Barley, Levey, MacIntyre, White

NOES: Breese

ABSTAIN: None

CARRIED

On motion of Mr. Levey, seconded by Mr. MacIntyre, it was agreed that the meeting be adjourned at 9:28 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson

RS/tm