



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
JUNE 25, 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: 6:30 P.M.

PUBLIC HEARINGS: 7:00 P.M.

PUBLIC HEARING APPLICATIONS:

- 1. Application 08-102 of Avis**
- 2. Application 08-103 of William W. Hampson**
- 3. Application 08-104 of Khalid and Rabia Habib**
- 4. Application 08-105 of Maria Nikopolidis**
- 5. Application 08-106 of Keith A. Reynolds**
- 6. Application 08-107 of King David's Restaurant**
- 7. Application 08-108 of Mushroom Boulevard Realty LLC**
- 8. Application 08-109 of Timothy P. Benjamin**
- 9. Application 08-110 of Starbucks**
- 10. Application 08-111 of Starbucks**
- 11. Application 08-112 of Ann Gover**

MINUTES:

 Minutes of May 28, 2008

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 25TH DAY OF JUNE, 2008 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairperson
Kenneth Breese
Douglas Levey
David MacIntyre
Beth Mossworth
Beth White

MEMBERS ABSENT

Robert Barley, Jr.
Marc Duclos, Attorney

Jeff Wilkinson, Fire Marshal/Building Inspector

On motion of Mr. MacIntyre, seconded by Mr. Levey, the minutes of the meeting of May 28, 2008 were approved.

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on June 18, 2008. It read as follows: "A public hearing will be held on Wednesday, June 25, 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: 08-102, 08-103, 08-104, 08-105, 08-106, 08-107, 08-108, 08-109, 08-110, 08-111 and 08-112."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 08-102, 08-104, 08-107, 08-109, 08-110 and 08-111 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 08-103 and 08-105 were declared Type II Actions under Section 617.5(c)(9) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 08-106 and 08-112 were declared Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 08-108 was declared an Unlisted Action under Section 617.6(b)(4)(I) of the State Environmental Quality Review Act (SEQRA).

AYES: Steidle, Breese, Levey, MacIntyre, Mossworth, 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 for updated paperwork.

Application 08-103 of William W. Hampson requesting a variance for a 384 sq.ft. accessory building (converting garage), whereas a 206 sq.ft. accessory building is allowed by code on property located at 22 Lightfoot Street.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-103 of William W. Hampson be approved.

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

UNANIMOUSLY CARRIED

Application 08-104 of Khalid and Rabia Habib requesting a variance for a 4' fence, whereas a 3' fence is allowed by code on property located at 103 Westcombe Park.
On motion to approve by Mrs. Mossworth, seconded by Mr. Levey, it was RESOLVED THAT Application 08-104 of Khalid and Rabia Habib be approved.

AYES: Steidle, Breese, Levey, MacIntyre, Mossworth, 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.

Application 08-106 of Keith A. Reynolds requesting a variance for a 51'6" front setback, whereas 60' is required by code to replace existing steps with an 8'6" x 6" deck on property located at 48 Greenbrier Lane.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-106 of Keith A. Reynolds be approved.

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

UNANIMOUSLY CARRIED

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.

Application 08-108 of Mushroom Boulevard Realty LLC requesting a variance for 27 parking spaces and 8 land banked spaces, whereas 54 parking spaces are required by code on property located at 85 Mushroom Boulevard.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 08-108 of Mushroom Boulevard Realty LLC be approved with the stipulation that an access easement be obtained from the property owner to the west.

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

UNANIMOUSLY CARRIED

Application 08-109 of Timothy P. Benjamin requesting a variance for a 6' fence, whereas a 3' fence is allowed by code on property located at 15 Michel Drive.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-109 of Timothy P. Benjamin be approved with the stipulation that the fence cannot extend more than 30 feet from the south side of the house (12.8' setback).

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

UNANIMOUSLY CARRIED

Application 08-110 of Starbucks requesting a variance for a second wall sign ("Starbucks Coffee"), whereas one wall sign is allowed by code on property located at 640 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-110 of Starbucks be approved.

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

CARRIED

Application 08-111 of Starbucks requesting a variance for a third wall sign ("Starbucks Coffee"), whereas one wall sign is allowed by code on property located at 640 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-111 of Starbucks be approved.

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

CARRIED

Application 08-112 of Ann Gover requesting a variance for a 3 ½ ft. side setback, whereas 8 ft. is required by code to install a pool on property located at 12 Patrician Circle.

On motion to approve by Mrs. Mossworth, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-112 of Ann Gover be approved.

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

UNANIMOUSLY CARRIED

On motion of Mrs. Mossworth, seconded by Mr. MacIntyre, it was agreed that the meeting be adjourned at 8:50 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson

RS/tm