



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
MAY 28, 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 08-079 of Carlos Rezende**
- 2. Application 08-081 of Joseph Rounsville**
- 3. Application 08-082 of Will Kropp**
- 4. Application 08-083 of Jason Conklin**
- 5. Application 08-084 of Ethan and Susan Crist**
- 6. Application 08-085 of Men's Wearhouse**
- 7. Application 08-086 of Men's Wearhouse**
- 8. Application 08-087 of Men's Wearhouse**
- 9. Application 08-088 of Chris Campbell**
- 10. Application 08-089 of Kost Tire/Auto Care**
- 11. Application 08-090 of Legacy at Erie Station**
- 12. Application 08-092 of Wegmans Food Markets, Inc.**
- 13. Application 08-093 of Wegmans Food Markets, Inc.**
- 14. Application 08-094 of Wegmans Food Markets, Inc.**
- 15. Application 08-095 of Wegmans Food Markets, Inc.**
- 16. Application 08-097 of Scannell Properties**
- 17. Application 08-098 of Scannell Properties**

MINUTES:

 **Minutes of April 23, 2008 (Copy Enclosed)**

**LEGAL NOTICE
PUBLIC HEARING**

A public hearing will be held on **Wednesday, May 28, 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:

1. **Application 08-079 of Carlos Rezende** requesting a variance for a 6.6' side setback, whereas 8' is required by code, to construct an addition on property located at 1489 Lehigh Station Road.
2. **Application 08-081 of Joseph Rounville** requesting a variance for a 48.8' front setback, whereas 60' is required by code, to replace an existing front porch on property located at 256 Lycoming Road.
3. **Application 08-082 of Will Kropp** requesting a variance for an 8' high fence along the rear of the property, whereas a 6' high fence is allowed by code on property located at 1960 Lehigh Station Road.
4. **Application 08-083 of Jason Conklin** requesting a variance for a 10' x 14' shed (140 sq.ft.), whereas 104 sq.ft. is allowed by code on property located at 32 Green Isle Road.
5. **Application 08-084 of Ethan and Susan Crist** requesting a variance for a 2' side setback, whereas a 4' side setback is required by code, to relocate an existing 8' x 12' shed on property located at 249 River Meadow Drive.
6. **Application 08-085 of Men's Wearhouse** requesting a variance for a second wall sign ("Tux" - facing south elevation), whereas one wall sign is allowed by code on property located at 600 Jefferson Road.
7. **Application 08-086 of Men's Wearhouse** requesting a variance for a third wall sign ("Tux" - facing east elevation), whereas one wall sign is allowed by code on property located at 600 Jefferson Road.
8. **Application 08-087 of Men's Wearhouse** requesting a variance for a fourth wall sign ("Men's Wearhouse" - facing south elevation), whereas one wall sign is allowed by code on property located at 600 Jefferson Road.
9. **Application 08-088 of Chris Campbell** requesting a variance for a 160 sq.ft. shed, whereas 150 sq.ft. is allowed by code on property located at 32 Hillingdon Court.
10. **Application 08-089 of Kost Tire/Auto Care** requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 3535 West Henrietta Road.

11. **Application 08-090 of Legacy at Erie Station** requesting a variance for an 8' high fence, whereas a 6' high fence is allowed by code, to screen emergency generator on property located at 1545 Erie Station Road.
12. **Application 08-092 of Wegmans Food Markets, Inc.** requesting a variance for a 3rd wall sign (57 sq.ft. - "Pharmacy" on front northern facade), whereas two wall signs are allowed by code on property located at 745 Calkins Road.
13. **Application 08-093 of Wegmans Food Markets, Inc.** requesting a variance for a 4th wall sign (99 sq.ft. - "Market Café" on front northern facade), whereas two wall signs are allowed by code on property located at 745 Calkins Road.
14. **Application 08-094 of Wegmans Food Markets, Inc.** requesting a variance for a 5th wall sign (55 sq.ft. - "Café" on western facade), whereas two wall signs are allowed by code on property located at 745 Calkins Road.
15. **Application 08-095 of Wegmans Food Markets, Inc.** requesting a variance for 596 square feet of signage, whereas 250 square feet is allowed by code on property located at 745 Calkins Road.
16. **Application 08-097 of Scannell Properties** requesting a variance for 272 parking stalls, whereas 353 parking stalls are required by code on property located at 225 Thruway Park Drive.
17. **Application 08-098 of Scannell Properties** requesting a variance for a 55' rear setback, whereas a 60' rear setback is required by code on property located at 225 Thruway Park Drive.

All of the above are more particularly described in plans on file with this Board.

ALL INTERESTED PERSONS PLEASE BE PRESENT

**Robert Steidle, Chairman
Zoning Board of Appeals**

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 28TH DAY OF MAY, 2008 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

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

On motion of Mr. Levey, seconded by Mrs. White, the minutes of the meeting of April 23, 2008 were approved.

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

NOES: None

ABSTAIN: Barley

CARRIED

The following notice was published in the *Henrietta Post* on May 21, 2008. It read as follows: "A public hearing will be held on Wednesday, May 28, 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: 08-079, 08-081, 08-082, 08-083, 08-084, 08-085, 08-086, 08-087, 08-088, 08-089, 08-090, 08-092, 08-093, 08-094, 08-095, 08-097 and 08-098."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 08-079, 08-081 and 08-084 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, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 08-082, 08-085, 08-086, 08-087, 08-089, 08-090, 08-092, 08-093, 08-094 and 08-095 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, Mossworth, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 08-083 and 08-088 were declared Type II Actions under Section 617.5(c)(9) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 08-097 was declared an Unlisted Action under Section 617.6(b)(4)(I) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 08-079 of Carlos Rezende requesting a variance for a 6.6' side setback, whereas 8' is required by code, to construct an addition on property located at 1489 Lehigh Station Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 08-079 of Carlos Rezende be approved.

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

UNANIMOUSLY CARRIED

Application 08-081 of Joseph Rounsville requesting a variance for a 48.8' front setback, whereas 60' is required by code, to replace an existing front porch on property located at 256 Lycoming Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 08-081 of Joseph Rounsville be approved.

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

UNANIMOUSLY CARRIED

Application 08-082 of Will Kropp requesting a variance for an 8' high fence along the rear of the property, whereas a 6' high fence is allowed by code on property located at 1960 Lehigh Station Road.

On motion to deny by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 08-082 of Will Kropp be denied due to it being out of character with the neighborhood.

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

DENIED

Application 08-083 of Jason Conklin requesting a variance for a 10' x 14' shed (140 sq.ft.), whereas 104 sq.ft. is allowed by code on property located at 32 Green Isle Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 08-083 of Jason Conklin be approved.

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

UNANIMOUSLY CARRIED

Application 08-084 of Ethan and Susan Crist requesting a variance for a 2' side setback, whereas a 4' side setback is required by code, to relocate an existing 8' x 12' shed on property located at 249 River Meadow Drive.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 08-084 of Ethan and Susan Crist be approved.

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

UNANIMOUSLY CARRIED

Application 08-085 of Men's Wearhouse requesting a variance for a second wall sign ("Tux" - facing south elevation), whereas one wall sign is allowed by code on property located at 600 Jefferson Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 08-085 of Men's Wearhouse be approved.

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

UNANIMOUSLY CARRIED

Application 08-086 of Men's Wearhouse requesting a variance for a third wall sign ("Tux" - facing east elevation), whereas one wall sign is allowed by code on property located at 600 Jefferson Road.

This application was withdrawn by the applicant.

Application 08-087 of Men's Wearhouse requesting a variance for a fourth wall sign ("Men's Wearhouse" - facing south elevation), whereas one wall sign is allowed by code on property located at 600 Jefferson Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 08-087 of Men's Wearhouse be approved.

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

UNANIMOUSLY CARRIED

Application 08-088 of Chris Campbell requesting a variance for a 160 sq.ft. shed, whereas 150 sq.ft. is allowed by code on property located at 32 Hillingdon Court.

On motion to approve by Mr. Barley, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-088 of Chris Campbell be approved.

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

UNANIMOUSLY CARRIED

Application 08-089 of Kost Tire/Auto Care requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 3543 West Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 08-089 of Kost Tire/Auto Care be approved.

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

CARRIED

Application 08-090 of Legacy at Erie Station requesting a variance for an 8' high fence, whereas a 6' high fence is allowed by code, to screen emergency generator on property located at 1545 Erie Station Road.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 08-090 of Legacy at Erie Station be approved with the following stipulations:

- 1. The fence to be located 12" from edge of existing concrete pad.***
- 2. A variety of 6' - 8' evergreens planted on all sides. A plan to be submitted and approved by Town staff.***

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

UNANIMOUSLY CARRIED

Application 08-092 of Wegmans Food Markets, Inc. requesting a variance for a 3rd wall sign (57 sq.ft. - “Pharmacy” on front northern facade), whereas two wall signs are allowed by code on property located at 745 Calkins Road.

On motion to approve by Mr. Levey, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-092 of Wegmans Food Markets, Inc. be approved.

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

UNANIMOUSLY CARRIED

Application 08-093 of Wegmans Food Markets, Inc. requesting a variance for a 4th wall sign (99 sq.ft. - “Market Café” on front northern facade), whereas two wall signs are allowed by code on property located at 745 Calkins Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-093 of Wegmans Food Markets, Inc. be approved.

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

UNANIMOUSLY CARRIED

Application 08-094 of Wegmans Food Markets, Inc. requesting a variance for a 5th wall sign (55 sq.ft. - “Café” on western facade), whereas two wall signs are allowed by code on property located at 745 Calkins Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-094 of Wegmans Food Markets, Inc. be approved.

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

UNANIMOUSLY CARRIED

Application 08-095 of Wegmans Food Markets, Inc. requesting a variance for 596

square feet of signage, whereas 250 square feet is allowed by code on property located at 745 Calkins Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-095 of Wegmans Food Markets, Inc. be approved.

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

UNANIMOUSLY CARRIED

Application 08-097 of Scannell Properties requesting a variance for 272 parking stalls, whereas 353 parking stalls are required by code on property located at 225 Thruway Park Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-097 of Scannell Properties be approved.

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

UNANIMOUSLY CARRIED

Application 08-098 of Scannell Properties requesting a variance for a 55' rear setback, whereas a 60' rear setback is required by code on property located at 225 Thruway Park Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-098 of Scannell Properties be approved.

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

UNANIMOUSLY CARRIED

On motion of Mr. MacIntyre, seconded by Mr. Levey, it was agreed that the meeting be adjourned at 9:10 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson

RS/tm