



**TOWN OF HENRIETTA  
ZONING BOARD OF APPEALS  
NOVEMBER 20, 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 08-191 of Sharon and Rodney Moorman**
- 2.     Application 08-192 of Read's Ice Cream, Inc.**
- 3.     Application 08-193 of Bert's Bikes & Fitness**
- 4.     Application 08-194 of Bert's Bikes & Fitness**
- 5.     Application 08-195 of Bert's Bikes & Fitness**
- 6.     Application 08-196 of Real McKeever, LLC**

**MINUTES:**

 **Minutes of October 29, 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 20TH DAY OF NOVEMBER, 2008 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairperson  
Robert Barley, Jr.  
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. Mossworth, seconded by Mr. Barley, the minutes of the meeting of October 29, 2008 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on November 13, 2008. It read as follows: "A public hearing will be held on Thursday, November 20, 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: 08-191, 08-192, 08-193, 08-194, 08-195 and 08-196."

On motion of Mr. Breese, seconded by Mr. Barley, Applications 08-191, 08-192 and 08-195 were declared Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. Barley, Applications 08-193 and 08-194 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. Barley, Application 08-196 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, Mossworth, White  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-191 of Sharon and Rodney Moorman** requesting a variance for a 53' front setback, whereas 60' is required by code to build a 9' x 23' front porch/deck on property located at 103 Guildhall Road.

***On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 08-191 of Sharon and Rodney Moorman be approved.***

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

UNANIMOUSLY CARRIED

**Application 08-192 of Read's Ice Cream, Inc.** requesting a variance for a zero setback to erect "Read's Homemade Ice Cream" sign on property located at 3130 East Henrietta Road.

***On motion to approve by Mrs. White, seconded by Mr. Levey, it was RESOLVED THAT Application 08-192 of Read's Ice Cream, Inc. be approved.***

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

UNANIMOUSLY CARRIED

**Application 08-193 of Bert's Bikes & Fitness** requesting a variance for 577 sq.ft. of signage, whereas 250 sq.ft. is allowed by code on property located at 100 Jay Scutti Boulevard.

***On motion to approve by Mrs. White, seconded by Mr. Barley, it was RESOLVED THAT Application 08-193 of Bert's Bikes & Fitness be approved with the stipulation that the signage be no more than 403 square feet.***

AYES: Steidle, Barley, Breese, Mossworth, White

NOES: Levey

ABSTAIN: None

CARRIED

**Application 08-194 of Bert's Bikes & Fitness** requesting a variance to increase bottom height of pole sign to 32', whereas 20' is allowed by code on property located at 100 Jay Scutti Boulevard.

***On motion to approve by Mr. Breese, seconded by Mr. Steidle, it was RESOLVED THAT Application 08-194 of Bert's Bikes & Fitness be approved with the following stipulations:***

1. ***The total height of the pole sign be no more than 35 feet.***
2. ***The sign be 8' high and 24' wide (192 sq.ft.).***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-195 of Bert's Bikes & Fitness** requesting a variance for a 5' setback for pole sign, whereas a 20' setback is required by code on property located at 100 Jay Scutti Boulevard.

***On motion to approve by Mrs. White, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-195 of Bert's Bikes & Fitness be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-196 of Real McKeever, LLC** requesting a variance to allow 656 parking spaces, whereas 812 parking spaces are required by code on property located at Jay Scutti Plaza South, 1000 Hylan Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 08-196 of Real McKeever, LLC be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mrs. Mossworth, seconded by Mr. Breese, it was agreed that the meeting be adjourned at 8:17 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson

RS/tm