



**TOWN OF HENRIETTA  
ZONING BOARD OF APPEALS  
APRIL 22, 2009**

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**AGENDA**

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

**Terry Ekwel, Fire Marshal/Building Inspector  
Marc Duclos, Zoning Board Attorney**

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

**PUBLIC HEARINGS:       7:00 P.M.**

**PUBLIC HEARING APPLICATIONS:**

- 1. Application 09-023 of Lehigh Park Associates, LLC**
- 2. Application 09-024 of Pitstop**
- 3. Application 09-026 of Rare Hospitality International, Inc. d.b.a. Longhorn Steakhouse**
- 4. Application 09-027 of Rare Hospitality International, Inc. d.b.a. Longhorn Steakhouse**
- 5. Application 09-028 of Rare Hospitality International, Inc. d.b.a. Longhorn Steakhouse**
- 6. Application 09-029 of Benderson Development Co., LLC**
- 7. Application 09-030 of Suneel Koul**

**MINUTES:**

**Minutes of March 25, 2009**

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 22<sup>ND</sup> DAY OF APRIL, 2009 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

Terry Ekwel, Fire Marshal/Building Inspector  
Marc Duclos, Attorney

On motion of Mr. Breese, seconded by Mr. MacIntyre, the minutes of the meeting of March 25, 2009 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on April 16, 2009. It read as follows: "A public hearing will be held on Wednesday, April 22, 2009 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: 09-023, 09-024, 09-026, 09-027, 09-028, 09-029 and 09-030."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 09-023, 09-024, 09-026, 09-027 and 09-028 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 09-029 and 09-030 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

**Application 09-023 of Lehigh Park Associates, LLC** requesting a variance for a second ground sign, whereas only one ground sign is allowed by code on property located at 1260 Lehigh Station Road.

***On motion to approve by Mr. MacIntyre, seconded by Mrs. White, it was RESOLVED THAT Application 09-023 of Lehigh Park Associates, LLC be approved.***

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

UNANIMOUSLY CARRIED

**Application 09-024 of Pitstop, LLC** requesting a variance for a 4' x 6' LED message board sign on the pylon sign, changing only every 24 hours, on property located at 5300 West Henrietta Road.

***On motion to deny by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-024 of Pitstop, LLC be denied with the following findings of fact:***

- < ***The applicant testified that using Human Beings by the roadside can be as effective as the requested sign. Thus there are other means feasible to the applicant.***
- < ***The applicant testified that there are no other signs such as the one requested within a mile of the applicant's property. Thus the sign would be the only one in the neighborhood, thereby creating an undesirable change in the character of the neighborhood.***
- < ***The applicant purchased the property with the current zoning laws in effect. Thus the alleged difficulty is self-created.***

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

DENIED

**Application 09-026 of Rare Hospitality International, Inc. d.b.a. Longhorn Steakhouse** requesting a variance for a second wall sign of 68.87 sq.ft., whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-026 of Rare Hospitality International, Inc. d.b.a. Longhorn Steakhouse be approved.***

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

CARRIED

**Application 09-027 of Rare Hospitality International, Inc. d.b.a. Longhorn Steakhouse** requesting a variance for a fourth wall sign of 19.68 sq.ft., whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-027 of Rare Hospitality International, Inc. d.b.a. Longhorn Steakhouse be approved.***

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

UNANIMOUSLY CARRIED

**Application 09-028 of Rare Hospitality International, Inc. d.b.a. Longhorn Steakhouse** requesting a variance for a third wall sign of 68.87 sq.ft., whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-028 of Rare Hospitality International, Inc. d.b.a. Longhorn Steakhouse be approved.***

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

UNANIMOUSLY CARRIED

**Application 09-029 of Benderson Development Co., LLC** requesting a variance for an 88.16' front setback, whereas a 125' front setback is required by code on property located at 675 Jefferson Road.

***On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 09-029 of Benderson Development Co., LLC be approved.***

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

UNANIMOUSLY CARRIED

**Application 09-030 of Suneel Koul** requesting a variance for a 30' rear buffer zone, whereas a 50' rear buffer zone is required by code on property located at 2116 East Henrietta Road.

***On motion to deny by Mr. Levey, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-030 of Suneel Koul be denied with the following findings of fact:***

- < ***The alleged difficulty is self-created as the current zoning laws were in effect when the applicant purchased the property.***
- < ***The testimony of several neighbors reveals that their properties are down hill of the proposed project. Reducing the set back in conjunction with winter snow removal will cause drainage problems in the adjoining neighborhood. Thus the application will have adverse physical effects.***
- < ***The testimony reveals that the customers/clients of the proposed building will be able to look directly into the backyards of the residential parcels. The exposure to the public will create an undesirable change in the character of the neighborhood.***
- < ***The requested variance is substantial in that it is a 40% reduction in what the Code requires.***

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

DENIED

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

Respectfully Submitted,

Robert Steidle  
Chairperson