



**TOWN OF HENRIETTA  
ZONING BOARD OF APPEALS  
JANUARY 28, 2009**

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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**

**WORKSHOP: 6:15 P.M.**

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

**PUBLIC HEARING APPLICATIONS:**

- 1. Application 08-220 of Edwards Communities Development Company**
- 2. Application 08-221 of Edwards Communities Development Company**
- 3. Application 08-222 of Edwards Communities Development Company**
- 4. Application 08-223 of Edwards Communities Development Company**
- 5. Application 08-224 of Edwards Communities Development Company**
- 6. Application 08-226 of Price Rite**
- 7. Application 08-227 of Price Rite**
- 8. Application 08-228 of Price Rite**
- 9. Application 08-229 of Dorschel Automotive Group**
- 10. Application 08-230 of Dorschel Automotive Group**
- 11. Application 09-002 of Dorschel Automotive Group**
- 12. Application 09-003 of Dorschel Automotive Group**

**MINUTES:**

- Minutes of December 18, 2008**

**TABLED APPLICATIONS:**

- 1. Application 08-203 of Pitstop LLC**
- 2. Application 08-204 of Pitstop LLC**
- 3. Application 08-205 of Pitstop LLC**
- 4. Application 08-211 of Tracey Road Equipment, Inc.**
- 5. Application 08-213 of Tracey Road Equipment, Inc.**
- 6. Application 08-214 of Tracey Road Equipment, Inc.**

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 JANUARY, 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

Marc Duclos, Attorney

On motion of Mrs. Mossworth, seconded by Mr. Barley, the minutes of the meeting of December 18, 2008 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 January 22, 2009. It read as follows: "A public hearing will be held on Wednesday, January 28, 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: 08-220, 08-221, 08-222, 08-223, 08-224, 08-226, 08-227, 08-228, 08-229, 08-230, 09-002 and 09-003."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 08-211, 08-212, 08-213, 08-222, 08-223, 08-224, 08-226, 08-227, 08-228, 08-229, 08-230, 09-002 and 09-003 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 08-220 and 08-221 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 08-220 of Edwards Communities Development Company** (for Province student housing development) requesting a variance to allow proposed buildings and structures (for buildings #1, #8 and #9) to have an east and south setback of 30ft., whereas 60ft. setback is required by code on property located on the east side of John Street, opposite Perkins Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 08-220 of Edwards Communities Development Company be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-221 of Edwards Communities Development Company** (for Province student housing development) requesting a variance to allow proposed parking, drive aisles and walks to have an east and south setback of 23.3ft., whereas 60ft. setback is required by code on property located on the east side of John Street, opposite Perkins Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 08-221 of Edwards Communities Development Company be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-222 of Edwards Communities Development Company** (for Province student housing development) requesting an area variance to allow 24 efficiency units to be 418 sq.ft.+/- in size, whereas a minimum of 500 sq.ft. is required by code on property located on the east side of John Street, opposite Perkins Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 08-222 of Edwards Communities Development Company be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-223 of Edwards Communities Development Company** (for Province student housing development) requesting an area variance to allow 96 efficiency units to be 352 sq.ft.+/- in size, whereas a minimum of 500 sq.ft. is required by code on property located on the east side of John Street, opposite Perkins Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 08-223 of Edwards Communities Development Company be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-224 of Edwards Communities Development Company** (for Province student housing development) requesting an area variance to allow 24 one-bedroom units to be 582 sq.ft. +/- in size, whereas a minimum of 600 sq.ft. is required by code on property located on the east side of John Street, opposite Perkins Drive.

***On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 08-224 of Edwards Communities Development Company be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-226 of Price Rite** requesting a variance for 402 sq.ft. of signage, whereas a maximum of 250 sq.ft. is allowed by code on property located at 3333 West Henrietta Road.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-226 of Price Rite be approved.***

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

UNANIMOUSLY CARRIED

**Application 08-227 of Price Rite** requesting a variance for a second wall sign ("Grocery Depot"), whereas one wall sign is allowed by code on property located at 3333 West Henrietta Road.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-227 of Price Rite be approved.***

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

CARRIED

**Application 08-228 of Price Rite** requesting a variance for a third wall sign ("Produce Depot"), whereas one wall sign is allowed by code on property located at 3333 West Henrietta Road.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-228 of Price Rite be approved.***

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

CARRIED

**Application 08-229 of Dorschel Automotive Group** requesting a 10<sup>th</sup> wall sign (“The Dorschel Café”), whereas nine were allowed by code on property located at 3817 West Henrietta Road.

***On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-229 of Dorschel Automotive Group be approved.***

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

CARRIED

**Application 08-230 of Dorschel Automotive Group** requesting 772 sq.ft. of signage, whereas 712 sq.ft. of signage had been previously approved by code on property located at 3817 West Henrietta Road.

***On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-230 of Dorschel Automotive Group be approved.***

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

CARRIED

**Application 09-002 of Dorschel Automotive Group** requesting a variance to add a reader board sign to the existing Used Car Value pole sign on property located at 3399 West Henrietta Road.

***On motion to deny by Mrs. White, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-002 of Dorschel Automotive Group be denied.***

AYES: Barley, Breese, MacIntyre, Mossworth, White  
NOES: Steidle  
ABSTAIN: Levey

DENIED

**Application 09-003 of Dorschel Automotive Group** requesting a variance to add a reader board sign to the existing Toyota/Scion pole sign on property located at 3399 West Henrietta Road.

***On motion to approve by Mrs. White, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-003 of Dorschel Automotive Group be approved with the stipulation that the sign be changed only once in a 24 hour period.***

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

NOES: None

ABSTAIN: Levey

CARRIED

**Application 08-203 of Pitstop LLC** requesting a variance for a seventh wall sign, whereas six are allowed by code on property located at 5300 West Henrietta Road.

***This application was tabled at the December 18, 2008 meeting.***

***On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-203 of Pitstop LLC be approved with the stipulation that the sign not exceed 40 square feet.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-204 of Pitstop LLC** requesting a variance for an eighth wall sign, whereas six are allowed by code on property located at 5300 West Henrietta Road.

***This application was tabled at the December 18, 2008 meeting.***

***On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-204 of Pitstop LLC be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-205 of Pitstop LLC** requesting a variance for 460 sq.ft. of signage, whereas 272 sq.ft. of signage is allowed by code on property located at 5300 West Henrietta Road.

***This application was tabled at the December 18, 2008 meeting.***

***On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-205 of Pitstop LLC be approved with the stipulation that the maximum square footage of signage be 316 square feet.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-211 of Tracey Road Equipment, Inc.** requesting a variance for 418.5 sq.ft. of signage, whereas 374 sq.ft. of signage is allowed by code on property located at 300 Middle Road.

***This application was tabled at the December 18, 2008 meeting. The applicant submitted a correction to their application requesting 446 sq.ft. of signage (not 418.5 sq.ft. of signage as the original application stated).***

***On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-211 of Tracey Road Equipment, Inc. be approved.***

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-213 of Tracey Road Equipment, Inc.** requesting a variance for a third wall sign ("Tracey Road Equipment, Inc." - 15.5 sq.ft.), whereas one wall sign is allowed by code on property located at 300 Middle Road.

***This application was tabled at the December 18, 2008 meeting. The applicant***

**submitted a correction to their application requesting a third wall sign of 43 sq.ft. (not 15.5 sq.ft. as the original application stated).**

**On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-213 of Tracey Road Equipment, Inc. be approved.**

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

**Application 08-214 of Tracey Road Equipment, Inc.** requesting a variance for a second wall sign ("New Holland Construction" - 29 sq.ft.), whereas one wall sign is allowed by code on property located at 300 Middle Road.

***This application was tabled at the December 18, 2008 meeting. No changes were made to the original application.***

**On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 08-214 of Tracey Road Equipment, Inc. be approved.**

AYES: Steidle, Barley, Breese, Levey, MacIntyre, 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 8:40 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson

RS/tm