



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
SEPTEMBER 23, 2009**

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 09-087 of AT&T**
- 2. Application 09-088 of Sally A. Noll**
- 3. Application 09-091 of Miguel and Kathryn Martinez**
- 4. Application 09-092 of Melissa and Alok Khorana**
- 5. Application 09-094 of Laroy C. Burgess**

MINUTES:

- Minutes of August 26, 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 23RD DAY OF SEPTEMBER, 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 Mrs. White, seconded by Mr. Barley, the minutes of the meeting of August 26, 2009 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on September 17, 2009. It read as follows: "A public hearing will be held on Wednesday, September 23, 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: 09-087, 09-088, 09-091, 09-092 and 09-094."

On motion of Mr. Breese, seconded by Mr. Barley, Applications 09-087, 09-088, 09-091 and 09-092 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, Application 09-094 was declared a Type II Action 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 09-087 of AT&T requesting a variance for a second wall sign, whereas only one wall sign is allowed by code on property located at 720 Jefferson Road.

On motion to deny by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 09-087 of AT&T be denied with the following finding of facts:

- < The requested variance is self-created as the applicant testified they leased the property with current zoning regulations in effect.
- < The requested variance is substantial in that the requested amount of the signage is twice the amount allowed by code.
- < The requested variance is out of character with the neighborhood as no other similarly situated retail building has been granted a rear sign like the applicant.

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

DENIED

Application 09-088 of Sally A. Noll requesting a variance for a 4' high chain link fence in front yard, whereas only a 3' high fence is allowed by code on property located at 33 Lehigh Station Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-088 of Sally A. Noll be approved.

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

UNANIMOUSLY CARRIED

Application 09-091 of Miguel and Kathryn Martinez requesting a variance for a 6' high white vinyl fence in front yard, whereas a 3' high fence is allowed by code on property located at 16 Hayden Street.

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 09-091 of Miguel and Kathryn Martinez be approved.

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

UNANIMOUSLY CARRIED

Application 09-092 of Melissa and Alok Khorana requesting a variance for an 8' setback from the water edge to the fence, whereas a 10' setback is required by code on property located at 112 Branchbrook Drive.

On motion to approve by Mr. MacIntyre, seconded by Mrs. White, it was RESOLVED THAT Application 09-092 of Melissa and Alok Khorana be approved.

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

UNANIMOUSLY CARRIED

Application 09-094 of Laroy C. Burgess requesting a variance for a 40' front setback, whereas a 60' front setback is required by code to install a Gazebo on property located at 87 Coronet Road.

On motion to approve by Mr. Barley, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 09-094 of Laroy C. Burgess be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. MacIntyre, seconded by Mr. Levey, it was agreed that the meeting be adjourned at 7:55 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson