

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 28<sup>TH</sup> DAY OF MARCH, 2012 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

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

On motion of Mr. Breese, seconded by Mrs. White, the minutes of the meeting of February 22, 2012 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on March 15, 2012. It read as follows: "A public hearing will be held on Wednesday, March 28, 2012 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: 2012-007, 2012-008, 2012-009, 2012-010, 2012-011, 2012-012, 2012-013, 2012-014, 2012-015, 2012-016, 2012-017, 2012-018, 2012-019, 2012-020, 2012-021, 2012-022, 2012-023 and 2012-024."

On motion of Mr. Breese, seconded by Mr. Barley, Applications 2012-007, 2012-008, 2012-009, 2012-010, 2012-012, 2012-13, 2012-014, 2012-015, 2012-016, 2012-017, 2012-018, 2012-019, 2012-020, 2012-021, 2012-022, 2012-023 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 2-12-011 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, Mossworth, White  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. Barley, Application 2012-024 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 2012-007 of Tile Creations by Valerie requesting a variance for a second wall sign, whereas only one wall sign is allowed by code on property located at 2973 West Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 2012-007 of Tile Creations by Valerie be approved.

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

UNANIMOUSLY CARRIED

Application 2012-008 of Dorschel Mini of Rochester requesting a variance for a second wall sign, whereas only one wall sign is allowed by code on property located at 3875 West Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-008 of Dorschel Mini of Rochester be approved.

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

UNANIMOUSLY CARRIED

Application 2012-009 of Dorschel Mini of Rochester requesting a variance for a directional sign with advertising of business, whereas none are allowed by code on property located at 3875 West Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-009 of Dorschel Mini of Rochester be approved.

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

CARRIED

Application 2012-010 of Joe's Brooklyn Pizza requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 1100 Jefferson Road (#23B).

On motion to approve by Mr. Barley, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-010 of Joe's Brooklyn Pizza be approved.

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

CARRIED

Application 2012-011 of Mighty Taco requesting a variance for a side setback of 0 feet for pylon sign placement, whereas 5 feet was previously approved on property located at 410 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-011 of Mighty Taco be approved.

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

UNANIMOUSLY CARRIED

Application 2012-012 of Benderson Development Co./LA Fitness requesting a variance for a 391.66 square foot free standing sign on Jefferson Road, whereas a 200 square foot sign is allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-012 of Benderson Development Co./LA Fitness be approved with the stipulation that the total square footage of signage not exceed 372 square feet.

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

UNANIMOUSLY CARRIED

Application 2012-013 of Benderson Development Co./LA Fitness requesting a variance for a reader board sign, whereas a single sign advertising the name of the plaza is allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-013 of Benderson Development Co./LA Fitness be approved.

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

UNANIMOUSLY CARRIED

Application 2012-014 of Benderson Development Co./LA Fitness requesting a variance for a second free standing sign, whereas only one free standing sign is allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-014 of Benderson Development Co./LA Fitness be denied.

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

UNANIMOUSLY DENIED

Application 2012-015 of Benderson Development Co./LA Fitness requesting a variance for a reader board for second free standing sign, whereas none are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-015 of Benderson Development Co./LA Fitness be denied.

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

UNANIMOUSLY DENIED

Application 2012-016 of Benderson Development Co./LA Fitness requesting a variance for a second wall sign, whereas only one is allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-016 of Benderson Development Co./LA Fitness be approved.

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

UNANIMOUSLY CARRIED

Application 2012-017 of Benderson Development Co./LA Fitness requesting a variance for a third wall sign, whereas only one wall sign is allowed by code on property located at 100 Marketplace Drive.

This application was tabled.

Application 2012-018 of Benderson Development Co./LA Fitness requesting a variance for a fourth wall sign, whereas only one is allowed by code on property located at 100 Marketplace Drive.

This application was tabled.

Application 2012-019 of Benderson Development Co./LA Fitness requesting a variance for 776 square feet of signage, whereas only 250 square feet is allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-019 of Benderson Development Co./LA Fitness be approved with the stipulation that the total square footage of signage not exceed 446 square feet.

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

UNANIMOUSLY CARRIED

Application 2012-020 of First Niagara Bank requesting a variance for a second wall sign, whereas one is allowed by code on property located at 1000 Hylan Drive.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 2012-020 of First Niagara Bank be approved.

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

UNANIMOUSLY CARRIED

Application 2012-021 of Operation Brain Freeze, LLC (Dairy Queen) requesting a variance for a second wall sign, whereas one is allowed by code on property located at 1100 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-021 of Operation Brain Freeze, LLC (Dairy Queen) be approved.

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

UNANIMOUSLY CARRIED

Application 2012-022 of Operation Brain Freeze, LLC (Dairy Queen) requesting a variance for a third wall sign, whereas one is allowed by code on property located at 1100 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-022 of Operation Brain Freeze, LLC (Dairy Queen) be approved.

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

UNANIMOUSLY CARRIED

Application 2012-023 of Operation Brain Freeze, LLC (Dairy Queen) requesting a variance for 204.5 square feet of wall signage, whereas 162.4 square feet is allowed by code on property located at 1100 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-023 of Operation Brain Freeze, LLC (Dairy Queen) be approved.

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

UNANIMOUSLY CARRIED

Application 2012-024 of Operation Brain Freeze, LLC (Dairy Queen) requesting an area variance to provide 1,076 parking spaces, whereas 1,322 parking spaces are required by code on property located at 1100 Jefferson Road.

On motion to approve by Mrs. White, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-024 of Operation Brain Freeze, LLC (Dairy Queen) be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. Breese, seconded by Mr. Barley, it was agreed that the meeting be adjourned at 8:35 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson