

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 22ND DAY OF FEBRUARY, 2012 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairperson
Robert Barley, Jr. (Joined the meeting at approximately 7:15 PM)
Kenneth Breese
Douglas Levey
David MacIntyre
Beth Mossworth
Beth White

MEMBERS ABSENT

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 January 25, 2012 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on February 9, 2012. It read as follows: "A public hearing will be held on Wednesday, February 22, 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: 2012-001, 2012-002, 2012-003, 2012-004, 2012-005 and 2012-006."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2012-001, 2012-003, 2012-004, 2012-005 and 2012-006 were declared Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 2012-002 was declared a Type II Action under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 2012-005 of Christina Hoffower requesting a variance for a 34.2 foot front setback, whereas a 40 foot front setback is required by code on property located at 15 Green Aster Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-005 of Christina Hoffower be approved.

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

UNANIMOUSLY CARRIED

At this point in the meeting (approximately 7:15 PM), Robert Barley joined the meeting.

Application 2012-001 of Banners Day Care/Sherri Pierpont requesting a variance for a rear setback of zero feet, whereas 60 feet is required by code to build an addition with connecting corridor to an existing building on properties located at 3510/3520 Winton Place.

On motion to approve by Mr. Levey, seconded by Mrs. White, it was RESOLVED THAT Application 2012-001 of Banners Day Care/Sherri Pierpont be approved.

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

UNANIMOUSLY CARRIED

Application 2012-002 of Metzger Gear Inc. requesting a variance for a fourth wall sign, whereas three have been approved on property located at 218 Mushroom Boulevard.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2012-002 of Metzger Gear Inc. be approved.

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

UNANIMOUSLY CARRIED

Application 2012-003 of Operation Brain Freeze, LLC (Dairy Queen Chill & Grill Restaurant) requesting a variance for a front setback of 50.50 feet, whereas 125 feet is required by code to construct a building on property located at 1100 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-003 of Operation Brain Freeze, LLC (Dairy Queen Chill & Grill Restaurant) be approved.

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

UNANIMOUSLY CARRIED

Application 2012-004 of Operation Brain Freeze, LLC (Dairy Queen Chill & Grill Restaurant) requesting a variance for a minimum landscape mall width of 4.61 feet whereas 20 feet is required 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 of Operation Brain Freeze, LLC (Dairy Queen Chill & Grill Restaurant) be approved.

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

UNANIMOUSLY CARRIED

Application 2012-006 of Mighty Taco requesting a variance for a 5 foot side setback, whereas a 20 foot side setback is required by code for sign placement on property located at 410 Jefferson Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-006 of Mighty Taco be approved.

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

CARRIED

The following applications were tabled from the December 15, 2011 Henrietta Zoning Board of Appeals meeting:

Application 2011-097 of Mighty Taco requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 410 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-097 of Mighty Taco be approved for a second wall sign to be located on the east elevation.

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

CARRIED

Application 2011-098 of Mighty Taco requesting a variance for a third wall sign, whereas one wall sign is allowed by code on property located at 410 Jefferson Road.

On motion to deny by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-098 of Mighty Taco be denied.

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

UNANIMOUSLY DENIED

Application 2011-099 of Mighty Taco requesting a variance for an LED Board, whereas they are not allowed by code on property located at 410 Jefferson Road.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-099 of Mighty Taco be approved with the stipulation that the sign not change more than once in a 24 hour period.

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

CARRIED

On motion to adjourn by Mr. MacIntyre, seconded by Mr. Breese, it was agreed that the meeting be adjourned at 7:51 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson