

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 27TH DAY OF JUNE, 2012 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

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

On motion of Mrs. White, seconded by Mrs. Mossworth, the minutes of the meeting of May 23, 2012 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 June 14, 2012. It read as follows: "A public hearing will be held on Wednesday, June 27, 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: 2012-057, 2012-058, 2012-059, 2012-039, 2012-040, 2012-041, 2012-042, 2012-043, 2012-044, 2012-045, 2012-046, 2012-047, 2012-048, 2012-049, 2012-050, 2012-051, 2012-052, 2012-053, 2012-054, 2012-055 and 2012-056."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2012-039, 2012-040, 2012-046, 2012-050, 2012-055 and 2012-056 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 2012-041, 2012-042, 2012-044, 2012-045, 2012-047, 2012-048, 2012-051, 2012-052, 2012-053 and 2012-054 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

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 2012-043 was declared a Type II Action under Section 617.5(c)(9) 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 2012-049 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, MacIntyre, Mossworth, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. Barley, Applications 2012-057, 2012-058 and 2012-059 were declared Unlisted Actions under Section 617.7(c)(1)(v) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 2012-057 of Atlas Henrietta, LLC requesting an appeal of the determination of the Director of Building and Fire Prevention that the listed properties are being occupied in violation of Henrietta Town Code Section 295-2 definition of "Family". The listed properties are as follows: 80 Elk River Road, 629 Shore Drive, 623 Shore Drive, 617 Shore Drive, 611 Shore Drive, 605 Shore Drive, 160 Oak Mills Crossing, 156 Oak Mills Crossing, 120 Oak Mills Crossing, 112 Oak Mills Crossing and 104 Oak Mills Crossing.

This application was tabled.

Application 2012-058 of Atlas Income Housing Inc./Atlas General Contractors, Inc. requesting an appeal of the determination of the Director of Building and Fire Prevention that the listed properties are being occupied in violation of Henrietta Town Code Section 295-2 definition of "Family". The listed properties are as follows: 88 Oak Mills Crossing, 92 Oak Mills Crossing, 96 Oak Mills Crossing, 100 Oak Mills Crossing, 99 Oak Mills Crossing, 77 Elk River Road, 76 Elk River Road, 159 Oak Mills Crossing, 163 Oak Mills Crossing, 167 Oak Mills Crossing, 164 Oak Mills Crossing, 108 Oak Mills Crossing, 105 Oak Mills Crossing and 28 Reids Grove.

This application was tabled.

Application 2012-059 of Atlas Cornhill, Inc. requesting an appeal of the determination of the Director of Building and Fire Prevention that the listed property is being occupied in violation of Henrietta Town Code Section 295-2 definition of "Family". The listed property is 23 Still Pond Way.

This application was tabled.

Application 2012-039 of West Henrietta Fire Department requesting a variance for an LED lighted two (2) sided sign, whereas a simple ground sign is allowed by code on property located at 774 Erie Station Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-039 of West Henrietta Fire Department be approved.

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

CARRIED

Application 2012-040 of Ricardo R. Santiago requesting a variance for a 6' high fence in front setback, whereas a 3' high fence is allowed by code on property located at 209 Thompson Road.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-040 of Ricardo R. Santiago be approved.

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

UNANIMOUSLY CARRIED

Application 2012-041 of Michael Drake requesting a variance for a 54' front setback, whereas a 60' front setback is required by town code and sub map to construct a 6' x 14' front deck on property located at 100 Camelot Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-041 of Michael Drake be approved.

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

UNANIMOUSLY CARRIED

Application 2012-042 of Thomas G. Hartley, Sr. requesting a variance for a 1' side setback for a pre-existing shed, whereas a 4' side setback is required by code on property located at 39 Kathy Drive.

On motion to approve by Mr. Barley, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-042 of Thomas G. Hartley, Sr. be approved.

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

CARRIED

Application 2012-043 of Thomas G. Hartley, Sr. requesting a variance for a 160 square foot pre-existing shed, whereas a 150 square foot shed is allowed by code on property located at 39 Kathy Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-043 of Thomas G. Hartley, Sr. be approved.

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

CARRIED

Application 2012-044 of Victor J. Gudonis, Jr. requesting a variance for a 54.83' front setback, whereas a 60' front setback is required by code to build a two-car garage with an internal handicap ramp on property located at 708 Brooks Road.

On motion to approve by Mr. Barley, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-044 of Victor J. Gudonis, Jr. be approved.

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

UNANIMOUSLY CARRIED

Application 2012-045 of F. Robert Harder requesting a variance for a 49.3' front setback, whereas a 60' front setback is required by code to build a 12' x 12' deck on property located at 48 Dikeman Road.

Due to the absence of the applicant, the application will be heard at the July 25, 2012 Zoning Board of Appeals Meeting.

Application 2012-046 of Sutherland Group requesting a variance for a second sign on the pole, whereas only one sign is allowed by code on property located at 1180 Jefferson Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 2012-046 of Sutherland Group be approved.

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

UNANIMOUSLY CARRIED

Application 2012-047 of Debbie Reed requesting a variance for a 2' side setback to install a pool, whereas a 10' side setback is required by code on property located at 117 Covered Wagon Trail.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2012-047 of Debbie Reed be approved.

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

UNANIMOUSLY CARRIED

Application 2012-048 of Wright Wisner Distributing Corp. requesting a variance for a 15' rear setback, whereas 60' is required by code to construct a 29,200 sq.ft. warehouse addition on property located at 3165 Brighton-Henrietta TL Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-048 of Wright Wisner Distributing Corp. be approved.

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

UNANIMOUSLY CARRIED

Application 2012-049 of Wright Wisner Distributing Corp. requesting a variance for 190 parking stalls, whereas 385 parking stalls are required by code on property located at 3165 Brighton-Henrietta TL Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-049 of Wright Wisner Distributing Corp. be approved.

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

UNANIMOUSLY CARRIED

Application 2012-050 of Greg and Jennifer Dawley requesting a variance for a 6' and 8' fence distance from pool, whereas a distance of 10' is required by code on property located at 1685 Pinnacle Road.

This application was withdrawn.

Application 2012-051 of Mark's Pizzeria requesting a variance for a landscaped mall of 6.6' to 40', whereas 20' is required by code on property located at 1465 Jefferson Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-051 of Mark's Pizzeria be approved.

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

CARRIED

Application 2012-052 of Brannon Homes (Chelsea Meadows Subdivision – Section 3) requesting a variance for a minimum lot size of 10,800 square feet, whereas 15,000 square feet is required by code on property located on Lehigh Station Road (Lots 301 through 330 – Tax Acct. #175.03-1-3.111).

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-052 of Brannon Homes (Chelsea Meadows Subdivision – Section 3) be approved.

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

CARRIED

Application 2012-053 of Brannon Homes (Chelsea Meadows Subdivision – Section 3) requesting a variance for a lot width of 65 feet, whereas 80 feet is required by code on property located on Lehigh Station Road (Lots 301 through 330 - Tax Acct. #175.03-1-3.111).

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-053 of Brannon Homes (Chelsea Meadows Subdivision – Section 3) be approved.

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

CARRIED

Application 2012-054 of Brannon Homes (Chelsea Meadows Subdivision – Section 3) requesting a variance for a front setback of 35 feet, whereas 40 feet is required by code on property located on Lehigh Station Road (Lots 301 through 330 - Tax Acct. #175.03-1-3.111).

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-054 of Brannon Homes (Chelsea Meadows Subdivision – Section 3) be approve.

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

CARRIED

Application 2012-055 of Phillips Edison & Co. requesting a variance for a reader board sign, whereas a single pole sign advertising the name of the shopping plaza is allowed by code on property located at 1100 Jefferson Road.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-055 of Phillips Edison & Co. be approved.

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

UNANIMOUSLY CARRIED

Application 2012-056 of Phillips Edison & Co. requesting a variance for 390 square feet of signage, whereas 270 square feet of signage is allowed by code on property located at 1100 Jefferson Road.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-056 of Phillips Edison & Co. 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. Breese, it was agreed that the meeting be adjourned at 10:40 P.M.

Respectfully Submitted,

Robert Steidle
Zoning Board Chairman