

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 NOVEMBER, 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 Mr. Levey, seconded by Mrs. Mossworth, the minutes of the meeting of October 24, 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 November 15, 2012. It read as follows: "A public hearing will be held on Wednesday, November 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: 2012-093, 2012-094, 2012-095, 2012-096, 2012-097, 2012-098, 2012-099 and 2012-100."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2012-093 and 2012-095 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 2012-094, 2012-096 and 2012-098 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 2012-097 was declared a Type II Action under Section 617.5(c)(15) 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 2012-099 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. MacIntyre, Application 2012-100 was declared an Unlisted Action under Section 617.7(c)(1)(iv) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 2012-093 of International Food Market requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 376 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2012-093 of International Food Market be approved.

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

UNANIMOUSLY CARRIED

Application 2012-094 of David Fuchs requesting a variance for a front setback of 54', whereas 60' is required by code to install a deck on property located at 21 Dikeman Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-094 of David Fuchs be approved.

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

UNANIMOUSLY CARRIED

Application 2012-095 of Kevin and Sandra Wehner requesting a variance for a fence 4 feet from inground pool's water's edge, whereas 10 feet is required by code on property located at 47 Ayrshire Lane.

On motion to approve by Mrs. Mossworth, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-095 of Kevin and Sandra Wehner be approved.

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

UNANIMOUSLY CARRIED

Application 2012-096 of Johnny and Noelle Brown requesting a variance for a front setback of 53.9', whereas 60' is required by code to install a deck on property located at 45 Guildhall Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-096 of Johnny and Noelle Brown be approved.

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

UNANIMOUSLY CARRIED

Application 2012-097 of Janet Wood requesting a variance to park her RV on grass by her home, whereas parking on anything but the driveway or driveway extension is not allowed by code on property located at 185 River Meadow Drive.

On motion to approve by Mr. Breese, seconded by Mrs. White, it was RESOLVED THAT Application 2012-097 of Janet Wood be approved.

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

UNANIMOUSLY CARRIED

Application 2012-098 of Heritage Christian Services & Home Leasing, LLC requesting a variance for a side parking setback to be 11 feet and front parking setback to be 28 feet, whereas 30 feet is required for side parking setback and 60 feet is required for front setback on property located at 950 Commons Way.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-098 of Heritage Christian Services & Home Leasing, LLC be approved.

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

CARRIED

Application 2012-099 of Heritage Christian Services & Home Leasing, LLC requesting a variance for a parking ratio to be 1.0 spaces per dwelling unit, whereas 2.5 spaces per dwelling unit is required by code on property located at 950 Commons Way.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-099 of Heritage Christian Services & Home Leasing, LLC be approved.

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

CARRIED

Application 2012-100 of RJ Dorschel Corporation requesting a variance to reduce the finished floor elevation for a 40' x 60' pole barn with finished floor to be 524.5', whereas 526.0' is required by code on property located at 50 Telco Road, and located within the 100 year floodplain.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-100 of RJ Dorschel Corporation be approved with the following stipulation:

RJ Dorschel Corporation, its successors and/or assigns agree to indemnify and hold harmless the Town of Henrietta from any liability arising or alleged to arise from the granting of the requested variance from the Flood Plain requirements.

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

UNANIMOUSLY CARRIED

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

Respectfully Submitted,

Robert Steidle
Zoning Board Chairman