

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 25TH DAY OF JANUARY, 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 Mrs. Mossworth, seconded by Mrs. White, the minutes of the meeting of December 15, 2011 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on January 12, 2012. It read as follows: "A public hearing will be held on Wednesday, January 25, 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: 2011-102, 2011-103, 2011-104, 2011-105, 2011-106, 2011-107, 2011-108, 2011-109, 2011-110, 2011-111, 2011-112, 2011-113, 2011-114, 2011-115, 2011-116, 2011-117, 2011-118, 2011-119, 2011-120 and 2011-121."

On motion of Mrs. Mossworth, seconded by Mrs. White, Applications 2011-102 and 2011-106 were declared Unlisted Actions under Section 617.7(c)(1)(viii) 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, Applications 2011-103, 2011-104, 2011-110, 2011-111, 2011-112 and 2011-113 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, Applications 2011-105, 2011-107, 2011-114, 2011-115, 2011-116, 2011-119, 2011-120 and 2011-121 were declared Type II Actions 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 2011-108 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, Mossworth, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. Barley, Applications 2011-109, 2011-117 and 2011-118 were declared Unlisted Actions 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 2011-102 of The Estate of Lillian S. Pies requesting a variance to subdivide parcel located at 5041 East Henrietta Road into two (2) parcels; one containing all existing structures on a 1.211 acre parcel and the other parcel with approximately 45 acres (proposal pursuant to Will directives of Estate).

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-102 of The Estate of Lillian S. Pies be approved.

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

UNANIMOUSLY CARRIED

Application 2011-103 of Lasik MD Vision requesting a variance for a second wall sign, whereas only one wall sign is allowed by code on property located at 3400 West Henrietta Road.

On motion to approve by Mr. Barley, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-103 of Lasik MD Vision be approved.

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

CARRIED

Application 2011-104 of Mercedes-Benz requesting a variance for a second wall sign, whereas only one wall sign is allowed by code on property located at 3883 West Henrietta Road.

On motion to approve by Mrs. White, seconded by Mr. Levey, it was RESOLVED THAT Application 2011-104 of Mercedes-Benz be approved.

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

UNANIMOUSLY CARRIED

Application 2011-105 of Mark D. Sutter requesting a variance for a 3'6" foot side setback, whereas an 8 foot side setback is required by code to build a 20' x 26' garage on property located at 16 Maple Valley Crescent.

On motion to approve by Mrs. Mossworth, seconded by Mr. Levey, it was RESOLVED THAT Application 2011-105 of Mark D. Sutter be approved.

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

UNANIMOUSLY CARRIED

Application 2011-106 of Urban League of Rochester Economic Development Corp. (Goose Landing) requesting a variance for multiple dwelling use in R-1-15, whereas single dwelling use in R-1-15 is allowed by code on property located at (portion of Tax Account #188.01-1-8.121) East River Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-106 of Urban League of Rochester Economic Development Corp. (Goose Landing) be approved.

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

UNANIMOUSLY CARRIED

Application 2011-107 of Urban League of Rochester Economic Development Corp. (Goose Landing) requesting a variance for a south side setback of 0 feet, whereas 60 feet is required by code on property located at (portion of Tax Account #188.01-1-8.121) East River Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-107 of Urban League of Rochester Economic Development Corp. (Goose Landing) be approved.

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

UNANIMOUSLY CARRIED

Application 2011-108 of Urban League of Rochester Economic Development Corp. (Goose Landing) requesting a variance to reduce one-bedroom minimum area to 570 square feet, whereas 600 square feet is required by code on property located at (portion of Tax Account #188.01-1-8.121) East River Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-108 of Urban League of Rochester Economic Development Corp. (Goose Landing) be approved.

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

UNANIMOUSLY CARRIED

Application 2011-109 of Urban League of Rochester Economic Development Corp. (Goose Landing) requesting a variance to reduce number of parking spaces to 23, whereas 50 parking spaces are required by code on property located at (portion of Tax Account #188.01-1-8.121) East River Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-109 of Urban League of Rochester Economic Development Corp. (Goose Landing) be approved.

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

UNANIMOUSLY CARRIED

Application 2011-110 of CVS Pharmacy requesting a variance for a third wall sign, whereas two wall signs were previously approved on property located at 2580 East Henrietta Road.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-110 of CVS Pharmacy be approved.

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

CARRIED

Application 2011-111 of CVS Pharmacy requesting a variance for a fourth wall sign, whereas two wall signs were previously approved on property located at 2580 East Henrietta Road.

On motion to deny by Mrs. White, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-111 of CVS Pharmacy be denied with the following finding of facts:

- The applicant testified that Photo is more of a service and isn't necessary. Also, the applicant can achieve its means via its advertising in the newspapers, current signage and their website.
- The requested variance is substantial in that the total requested number of signs amounts to a 150% increase in total number of signs.
- The hardship is self-created since the applicant purchased the property with the current zoning laws then in effect.

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

DENIED

Application 2011-112 of CVS Pharmacy requesting a variance for a fifth wall sign, whereas two wall signs were previously approved on property located at 2580 East Henrietta Road.

On motion to deny by Mrs. White, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-112 of CVS Pharmacy be denied with the following finding of facts:

- The requested variance is substantial in that the total requested number of signs amounts to a 150% increase in total number of signs.
- The hardship is self-created since the applicant purchased the property with the current zoning laws then in effect.

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

DENIED

Application 2011-113 of CVS Pharmacy requesting a variance for 352.23 square feet of signage, whereas 292 square feet of signage was previously approved on property located at 2580 East Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-113 of CVS Pharmacy be approved for 319 square feet of signage.

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

CARRIED

Application 2011-114 of Episcopal Senior Life Communities requesting a variance for a rear setback of zero feet, whereas 60 feet is required by code - to permit the existing parking lot for Brentland Woods Assisted Living Facility (Lot R-2A) to be zero feet from the proposed subdivision line on property located at 3831 East Henrietta Road.

On motion to approve by Mr. Steidle, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-114 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 2011-115 of Episcopal Senior Life Communities requesting a variance for a rear setback of zero feet, whereas 60 feet is required by code - to permit the existing parking lot for Rockwood Center Independent Living Facility (Lot R-2B) to be zero feet from the proposed subdivision line on property located at 3831 East Henrietta Road.

On motion to approve by Mr. Steidle, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-115 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 2011-116 of Episcopal Senior Life Communities requesting a variance for a front setback of zero feet, whereas 60 feet is required by code for the new Rockwood Center Independent Living Facility (Lot R-2B) to permit the construction of an enclosed link hallway to the existing Brentland Woods Assisted Living Center on property located at 3831 East Henrietta Road.

On motion to approve by Mr. Steidle, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-116 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 2011-117 of Episcopal Senior Life Communities requesting a variance to permit 43 parking spaces on Lot R-2A to serve 51 assisted living units, whereas 128 parking spaces are required by code, on property located at 3831 East Henrietta Road.

On motion to approve by Mr. Steidle, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-117 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 2011-118 of Episcopal Senior Life Communities requesting a variance to permit 66 parking spaces (59 constructed and 7 land banked) on Lot R-2B to serve 40 assisted living units, whereas 100 parking spaces are required by code, on property located at 3831 East Henrietta Road.

On motion to approve by Mr. Steidle, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-118 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 2011-119 of Episcopal Senior Life Communities requesting a variance for a rear setback of zero feet, whereas 60 feet is required by code for the existing Brentland Woods Assisted Living Facility (Lot R-2A) to permit the construction of an enclosed link hallway to the new Rockwood Center Independent Living Facility on property located at 3831 East Henrietta Road.

On motion to approve by Mr. Steidle, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-119 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 2011-120 of Episcopal Senior Life Communities requesting a variance for a driveway setback of zero feet, whereas 60 feet is required by code, to permit the new driveway for Rockwood Independent Living Facility (Lot R-2B) to be zero feet from the proposed subdivision line on property located at 3831 East Henrietta Road.

On motion to approve by Mr. Steidle, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-120 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 2011-121 of Episcopal Senior Life Communities requesting a variance for a rear setback of zero feet, whereas 60 feet is required by code, to permit the existing driveway for Brentland Woods Assisted Living Facility (Lot R-2A) to be zero feet from the proposed subdivision line on property located at 3831 East Henrietta Road.

On motion to approve by Mr. Steidle, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-121 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. Breese, seconded by Mrs. Mossworth, it was agreed that the meeting be adjourned at 8:45 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson