

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 19<sup>th</sup> DAY OF DECEMBER, 2013 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Terry Ekwell, Fire Marshal/Building Inspector  
Donald Young, Zoning Board Attorney

On motion of Mrs. White, seconded by Mrs. Mossworth, the minutes of the meeting of November 20, 2013 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on December 5, 2013. It read as follows: "A public hearing will be held on Thursday, December 19, 2013 at 7:00P.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: 2013-108, 2013-110, 2013-111, 2013-112, 2013-114, 2013-115, 2013-116, 2013-117, 2013-118, 2013-119, 2013-120, 2013-121, 2013-122, 2013-123 and 2014-124."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2013-108, 2013-110, 2013-111 and 2013-112 were declared Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2013-114, 2013-115, 2013-116, 2013-117, 2013-118, 2013-121, 2013-122, 2013-123 and 2013-124 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2013-119 and 2013-120 were declared Type II Actions under Section 617.5(c)(13) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 2013-108 of Hylan Place Apartments/Precision Properties, LLC requesting a variance for a 42 foot side set back, whereas 60 feet is required by code on property located at 2100 Hylan Drive.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2013-108 of Hylan Place Apartments/Precision Properties, LLC be approved.

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

CARRIED

Application 2013-124 of Hylan Place Apartments/Precision Properties, LLC requesting a variance for a 26 foot rear setback, whereas 60 feet is required by code on property located at 2100 Hylan Drive.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2013-124 of Hylan Place Apartments/Precision Properties, LLC be approved with the stipulation that there is no access to rear of building.

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

CARRIED

Application 2013-110 of Brannon Homes requesting a variance for a 35 foot front setback, whereas a 40 foot front setback 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 Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-110 of Brannon Homes be approved.

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

UNANIMOUSLY CARRIED

Application 2013-111 of Brannon Homes requesting a variance for a minimum lot area 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 Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-111 of Brannon Homes be approved.

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

UNANIMOUSLY CARRIED

Application 2013-112 of Brannon Homes requesting a variance for a minimum 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 Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-112 of Brannon Homes be approved.

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

UNANIMOUSLY CARRIED

Application 2013-114 of Tops Markets requesting a variance for a second wall sign (Pharmacy), whereas only one wall sign is allowed by code on property located at 1225 Jefferson Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. White, it was RESOLVED THAT Application 2013-114 of Tops Markets be approved.

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

UNANIMOUSLY CARRIED

Application 2013-115 of Tops Markets requesting a variance for a third wall sign (Bakery), whereas only one wall sign is allowed by code on property located at 1225 Jefferson Road.

On motion to deny by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-115 of Tops Markets be denied.

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

UNANIMOUSLY DENIED

Application 2013-116 of Tops Markets requesting a variance for a fourth wall sign (Café), whereas only one wall sign is allowed by code on property located at 1225 Jefferson Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-116 of Tops Markets be approved.

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

CARRIED

Application 2013-117 of Tops Markets requesting a variance for a fifth wall sign (Deli), whereas only one wall sign is allowed by code on property located at 1225 Jefferson Road.

On motion to deny by Mr. MacIntyre, seconded by Mrs. White, it was RESOLVED THAT Application 2013-117 of Tops Markets be denied.

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

UNANIMOUSLY DENIED

Application 2013-118 of Tops Markets requesting a variance for total signage of 315.99 square feet, whereas 250 square feet is allowed by code on property located at 1225 Jefferson Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2013-118 of Tops Markets be approved with the stipulation that the total signage be no more than 285 square feet.

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

UNANIMOUSLY CARRIED

Application 2013-119 of Mary Cariola Children's Center requesting a variance for a 70 foot lot width, whereas a 100 foot lot width is required by code on property located on East River Road just north of Martin Road.

On motion to approve by Mr. Steidle, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2013-119 of Mary Cariola Children's Center be approved.

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

UNANIMOUSLY CARRIED

Application 2013-120 of Mary Cariola Children's Center requesting a variance for the construction of a residential care facility on a three acre parcel that is located within a RR-2 district, whereas five acres is required by code on property located on East River Road just north of Martin Road.

On motion to approve by Mr. Barley, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2013-120 of Mary Cariola Children's Center be approved.

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

UNANIMOUSLY CARRIED

Application 2013-121 of Continental School of Beauty requesting a variance for a second pylon sign, whereas one pylon sign is allowed by code on property located at 633 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2013-121 of Continental School of Beauty be approved with the large primary tenant sign and a single sub-tenant sign, with the stipulation that: No tenant be advertised on both pole signs located on the parcel.

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

UNANIMOUSLY CARRIED

Application 2013-122 of Continental School of Beauty requesting a variance for 174 square feet of additional signage for second pylon sign, whereas only 200 square feet is allowed by code (for a total of 376 square feet for 2 pylon signs) on property located at 633 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2013-122 of Continental School of Beauty be approved with the large primary tenant sign and a single sub-tenant sign, with the stipulations that:

- Approval be for 165 square feet of signage.
- No tenant be advertised on both pole signs located on the parcel.

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

UNANIMOUSLY CARRIED

Application 2013-123 of Continental School of Beauty requesting a variance for a readerboard sign, whereas a simple pole sign is allowed by code on property located at 633 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2013-123 of Continental School of Beauty be approved with the large primary tenant sign and a single sub-tenant sign, with the stipulation that:

- No tenant be advertised on both pole signs located on the parcel.

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

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

Respectfully Submitted,

Robert Steidle  
Zoning Board Chairman