

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 27<sup>TH</sup> DAY OF FEBRUARY, 2013 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. Breese, seconded by Mr. MacIntyre, the minutes of the meeting of January 23, 2013 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on February 14, 2013. It read as follows: "A public hearing will be held on Wednesday, February 27, 2013 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: 2013-001, 2013-002, 2013-003, 2013-004, 2013-005, 2013-006, 2013-007, 2013-008, 2013-009, 2013-010, 2013-011, 2013-012, 2013-013 and 2013-014."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2013-001, 2013-002, 2013-003, 2013-004, 2013-005, 2013-006, 2013-011, 2013-013 and 2013-014 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, Applications 2013-007, 2013-008, 2013-009, 2013-010 and 2013-012 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

Application 2013-001 of Richard and Jessica Mura requesting a variance for a 50' front setback for an existing front deck, whereas 60' is required by code on property located at 43 Palo Alto Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-001 of Richard and Jessica Mura be approved.

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

UNANIMOUSLY CARRIED

Application 2013-002 of Walter and Kelly Cavatassi requesting a variance for a 20' front set back to construct a new home, whereas a 40' front setback is required by code on property located at Lot 101 Wintergarden Subdivision.

This application was tabled.

Application 2013-003 of Walter and Kelly Cavatassi requesting a variance for a 20' front set back to construct a new home, whereas a 40' front setback is required by code on property located at Lot 122 Wintergarden Subdivision.

This application was tabled.

Application 2013-004 of Walter and Kelly Cavatassi requesting a variance for a 20' front setback to construct a new home, whereas a 40' front setback is required by code on property located at Lot 126 Wintergarden Subdivision.

This application was tabled.

Application 2013-005 of Raymond McEvily requesting a variance for a 1 foot side setback for garage extension, whereas 11.94 feet is required by code on property located at 39 Tomahawk Trail.

On motion to approve by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-005 of Raymond McEvily be approved with the stipulation that the side setback for the garage extension be at least 2 feet.

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

UNANIMOUSLY CARRIED

Application 2013-006 of Raymond McEvily requesting a variance for a 1 foot side setback for driveway, whereas 5 feet is allowed by code on property located at 39 Tomahawk Trail.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-006 of Raymond McEvily be approved with the stipulation that the side setback for the driveway be at least 2 feet.

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

UNANIMOUSLY CARRIED

Application 2013-007 of Golden Corral requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 450 Jefferson Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-007 of Golden Corral be approved.

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

UNANIMOUSLY CARRIED

Application 2013-008 of Golden Corral requesting a variance for a double sided LED sign, whereas they are not allowed by code on property located at 450 Jefferson Road.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-008 of Golden Corral be approved.

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

CARRIED

Application 2013-009 of Golden Corral requesting a variance for 178.6 square feet of signage per side on pole/LED sign, whereas 100 square feet of signage per side is allowed by code on property located at 450 Jefferson Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-009 of Golden Corral be approved.

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

CARRIED

Application 2013-010 of Hampton Inn & Suites requesting a variance for a third sign (ground), whereas two signs are allowed by code on property located at 280 Clay Road.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-010 of Hampton Inn & Suites be approved.

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

UNANIMOUSLY CARRIED

Application 2013-011 of Hampton Inn & Suites requesting a variance for a 10' front setback (for monument sign), whereas 20' is required by code on property located at 280 Clay Road.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-011 of Hampton Inn & Suites be approved.

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

UNANIMOUSLY CARRIED

Application 2013-012 of Garber Auto requesting a variance for a second ground sign, whereas only one sign is allowed by code on property located at 3890 West Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2013-012 of Garber Auto be approved with the stipulation that there be a clearance of 9' to grade.

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

UNANIMOUSLY CARRIED

Application 2013-013 of Garber Auto requesting a variance for a 10' setback for ground sign, whereas a 20' setback is required by code on property located at 3890 West Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2013-013 of Garber Auto be approved.

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

UNANIMOUSLY CARRIED

Application 2013-014 of Garber Auto requesting a variance for a 10' setback to relocate existing ground sign, whereas 20' is required by code on property located at 3890 West Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2013-014 of Garber Auto be approved with the stipulation that there be a clearance of 9' to grade.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. Breese, seconded by Mr. MacIntyre, it was agreed that the meeting be adjourned at 8:24 P.M.

Respectfully Submitted,

Robert Steidle  
Zoning Board Chairman