

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 23<sup>RD</sup> DAY OF JANUARY, 2013 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

David MacIntyre  
Beth White

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

On motion of Mr. Breese, seconded by Mr. Barley, the minutes of the meeting of December 20, 2012 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on January 10, 2013. It read as follows: "A public hearing will be held on Wednesday, January 23, 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: 2012-104, 2012-106, 2012-107, 2012-108, 2012-109 and 2012-110."

On motion of Mr. Breese, seconded by Mr. Barley, Application 2012-104 was declared a Type II Action under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. Barley, Applications 2012-106, 2012-107, 2012-108, 2012-109 and 2012-110 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  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 2012-104 of Edward Maloney requesting a variance for a front setback of 35.4 feet, whereas 40 feet is required by code to replace wood step landing on property located at 32 Shamrock Drive.

On motion to approve by Mr. Barley, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-104 of Edward Maloney be approved.

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

UNANIMOUSLY CARRIED

Application 2012-106 of Vista Heights Inn requesting a variance for a two-sided LED sign for room prices, whereas no LED sign is allowed by code on property located at 4600 West Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-106 of Vista Heights Inn be approved.

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

CARRIED

Application 2012-107 of Scott Imfelt requesting a variance for a 120 square foot shed, whereas an 87.24 square foot shed is allowed by code on property located at 237 Countess Drive.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-107 of Scott Imfelt be approved.

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

UNANIMOUSLY CARRIED

Application 2012-108 of Faber Construction Co., Inc. requesting a variance for a 30 foot wide driveway, whereas a 24 foot driveway is allowed by code on property located at 144 Sedgley Park.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-108 of Faber Construction Co., Inc. be approved.

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

UNANIMOUSLY CARRIED

Application 2012-109 of James Nelson requesting a variance for relief from the parking of vehicles and trailers on side lot of property located at 3389 East River Road, whereas code restricts parking of these vehicles on residential properties, driveway extensions, or public right-of-ways.

On motion to deny by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-109 of James Nelson be denied based on the following finding of facts:

- The applicant testified that he did not explore the feasibility of other available means to address his problem. There was no inquiry into the availability of creating legal parking spaces or the economy of renting parking spaces.
- The hardship is self-created based on the applicant's testimony that he inherited the property with the current residential zoning.
- The requested variance is substantial as the code allows no vehicles to be parked on the grass, whereas the applicant is requesting six vehicles.
- The applicant testified that there were no other similar businesses in his residential neighborhood. The grant of the variance would detrimentally change the character of the neighborhood by allowing a business with multiple vehicles in a residential neighborhood.

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

UNANIMOUSLY DENIED

Application 2012-110 of Hydro Garden Center requesting a variance for a second pole sign, whereas only one pole sign is allowed by code on property located at 975 Jefferson Road.

On motion to approve by Mr. Barley, seconded by Mr. Mossworth, it was RESOLVED THAT Application 2012-110 of Hydro Garden Center be approved.

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

CARRIED

On motion to adjourn by Mr. Breese, seconded by Mr. Barley, it was agreed that the meeting be adjourned at 7:57 P.M.

Respectfully Submitted,

Robert Steidle  
Zoning Board Chairman