

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 MARCH, 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  
Donald Young, Zoning Board Attorney

On motion of Mr. Breese, seconded by Mr. MacIntyre, the minutes of the meeting of February 27, 2013 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 March 14, 2013. It read as follows: "A public hearing will be held on Wednesday, March 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: 2013-015, 2013-016, 2013-017, 2013-018, 2013-019, 2013-020, 2013-021, 2013-022, 2013-023, 2013-024, 2013-025, 2013-026, 2013-027, 2013-028, 2013-029, 2013-030, 2013-031 and 2013-032."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2013-015, 2013-016, 2013-017, 2013-018, 2013-019, 2013-020, 2013-021, 2013-022, 2013-023, 2013-024, 2013-025, 2013-026, 2013-027, 2013-028, 2013-029 and 2013-030 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, Application 2013-031 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, MacIntyre, Mossworth, White  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 2013-032 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 2013-015 of Applebees Restaurant requesting a variance for a fifth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-015 of Applebees Restaurant be approved.

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

CARRIED

Application 2013-016 of Applebees Restaurant requesting a variance for a sixth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-016 of Applebees Restaurant be approved.

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

CARRIED

Application 2013-017 of Applebees Restaurant requesting a variance for a seventh wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-017 of Applebees Restaurant be approved.

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

CARRIED

Application 2013-018 of Applebees Restaurant requesting a variance for an eighth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-018 of Applebees Restaurant be denied.

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

DENIED

Application 2013-019 of Applebees Restaurant requesting a variance for a ninth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-019 of Applebees Restaurant be denied.

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

DENIED

Application 2013-020 of Applebees Restaurant requesting a variance for a tenth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-020 of Applebees Restaurant be denied.

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

DENIED

Application 2013-021 of Applebees Restaurant requesting a variance for an eleventh wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by MacIntyre, seconded by Mr. Breese, it was  
RESOLVED THAT Application 2013-021 of Applebees Restaurant be denied.

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

DENIED

Application 2013-022 of Applebees Restaurant requesting a variance for a twelfth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by MacIntyre, seconded by Breese, it was  
RESOLVED THAT Application 2013-022 of Applebees Restaurant be denied.

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

DENIED

Application 2013-023 of Applebees Restaurant requesting a variance for a thirteenth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by Mr. MacIntyre, seconded by Mr. Breese, it was  
RESOLVED THAT Application 2013-023 of Applebees Restaurant be denied.

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

DENIED

Application 2013-024 of Applebees Restaurant requesting a variance for a fourteenth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by Mr. MacIntyre, seconded by Mr. Breese, it was  
RESOLVED THAT Application 2013-024 of Applebees Restaurant be denied.

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

DENIED

Application 2013-025 of Applebees Restaurant requesting a variance for a fifteenth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-025 of Applebees Restaurant be denied.

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

DENIED

Application 2013-026 of Applebees Restaurant requesting a variance for a sixteenth wall sign (awning), whereas only four wall signs are allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-026 of Applebees Restaurant be denied.

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

DENIED

Application 2013-027 of Applebees Restaurant requesting a variance for a total of 340.19 square footage of signage, whereas only 250 square feet is allowed by code on property located at 3360 West Henrietta Road.

On motion to deny by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-028 of Applebees Restaurant be denied.

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

DENIED

Application 2013-028 of Burger King requesting a variance for a fourth wall sign (Burger King), whereas three are allowed by code on property located at 1100 Jefferson Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-028 of Burger King be approved.

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

UNANIMOUSLY CARRIED

Application 2013-029 of Burger King requesting a variance for a fifth wall sign (Home of the Whopper), whereas three are allowed by code on property located at 1100 Jefferson Road.

On motion to denied by Mr. Levey, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2013-029 of Burger King be denied.

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

DENIED

Application 2013-030 of LeCesse Construction requesting a variance for a second site sign installation depicting HCR Funding, whereas three signs are allowed by code on property located at 725 Calkins Road – Calkins Corners.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2013-030 of LeCesse Construction be approved.

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

UNANIMOUSLY CARRIED

Application 2013-031 of Frank J. Hampton requesting a variance for a 55 foot front setback to construct an enclosed front entry with open porch, whereas a 60 foot front setback is required by code on property located at 5069 East Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2013-031 of Frank J. Hampton be approved.

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

UNANIMOUSLY CARRIED

Application 2013-032 of Riverton Golf Course requesting a variance for a 1.0' below FEMA 100 year flood plain elevation (for construction of storage building), whereas 2' above the required FEMA 100 year flood elevation is required by code on property located at 524 Scottsville West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2013-032 of Riverton Golf Course be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. MacIntyre, seconded by Mr. Breese, it was agreed that the meeting be adjourned at 8:15 P.M.

Respectfully Submitted,

Robert Steidle  
Zoning Board Chairman