

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 23rd DAY OF OCTOBER, 2013 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairman
Kenneth Breese
David MacIntyre
Beth Mossworth
Beth White

MEMBERS ABSENT

Robert Barley, Jr.
Douglas Levey

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

On motion of Mr. MacIntyre, seconded by Mrs. White, the minutes of the meeting of September 25, 2013 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on October 10, 2013. It read as follows: "A public hearing will be held on Wednesday, October 23, 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: 2013-092, 2013-093, 2013-094, 2013-095, 2013-096, 2013-097 and 2013-099."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2013-092, 2013-093, 2013-094 and 2013-097 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2013-095, 2013-096 and 2013-099 were declared Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

The following applications (2013-086, 2013-087 and 2013-088) were tabled from the September 25, 2013 Zoning Board of Appeals meeting:

Application 2013-086 of Rochester Immediate Care requesting a variance for a setback of 10 feet for a pole sign, whereas a setback of 20 feet is required by code on property located at 2685 East Henrietta Road.

Applicant withdrew this application.

Application 2013-087 of Rochester Immediate Care requesting a variance for a full color message board on pole sign, whereas none are allowed by code on property located at 2685 East Henrietta Road.

On motion to deny by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-087 of Rochester Immediate Care be denied with the following findings of fact:

- The advertising benefit of an LED sign versus a permitted sign is minimal as compared to the detriment to the public in further negative visual impacts created by LED signs in the area.
- An LED message board for an urgent care facility doesn't fit within the character of the neighborhood; the testimony of other Monroe County area facilities do not have LED message boards.
- There are viable signage alternatives.
- The need is self-created in that the applicant may use a permitted sign.

Therefore the detriment to the community is greater than the benefit to the applicant.

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

DENIED

Application 2013-088 of Rochester Immediate Care requesting a variance for a reader board sign, whereas a simple plaza sign is allowed by code on property located at 2685 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-088 of Rochester Immediate Care be approved.

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

UNANIMOUSLY CARRIED

Application 2013-092 of Macie J. KostECKi requesting a variance for a 168 square foot shed, whereas a 150 square foot shed is allowed by code on property located at 140 Sedgley Park.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-092 of Macie J. KostECKi was approved.

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

UNANIMOUSLY CARRIED

Application 2013-093 of Alphonse Marrale requesting a variance for a 45'5" x 35' garage, whereas a 35' x 30' garage is allowed by code on property located at 15 Bradford Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-093 of Alphonse Marrale be approved with the stipulation that greenery be installed along the rear of garage.

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

UNANIMOUSLY CARRIED

Application 2013-094 of Virginia Chase requesting a variance for a 240 square foot shed, whereas a 150 square foot shed is allowed by code on property located at 648 Erie Station Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 2013-094 of Virginia Chase be approved.

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

UNANIMOUSLY CARRIED

Application 2013-095 of Sandulae Korean Cuisine Restaurant requesting a variance for a 40.9' front set-back, whereas a 125' front set-back is required by code for an addition on property located at 2489 Brighton-Henrietta TL Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2013-094 of Sandulae Korean Cuisine Restaurant be approved.

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

UNANIMOUSLY CARRIED

Application 2013-096 of Sandulae Korean Cuisine Restaurant requesting a variance for a 27.9' rear set-back, whereas a 60' rear set-back is required by code for an addition on property located at 2489 Brighton-Henrietta TL Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2013-096 of Sandulae Korean Cuisine Restaurant be approved.

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

UNANIMOUSLY CARRIED

Application 2013-097 of John F. Hatch requesting a variance for a 30' x 45' garage, whereas a 35' x 30' garage is allowed by code on property located at Lot 25 Wright Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2013-097 of John F. Hatch be approved.

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

UNANIMOUSLY CARRIED

Application 2013-099 of Victor J. Gudonis, Jr. requesting a variance for a 40' front set-back, whereas a 60' front setback is required by code to build a garage on property located at 708 Brooks Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. White, it was RESOLVED THAT Application 2013-099 of Victor J. Gudonis, Jr. be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. MacIntyre, seconded by Mrs. White, it was agreed that the meeting be adjourned at 7:55 P.M.

Respectfully Submitted,



Robert Steidle
Zoning Board Chairman