

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 25<sup>TH</sup> DAY OF SEPTEMBER, 2013 AT 7:00 P.M.

MEMBERS PRESENT

Ken Breese, Co-Chairman  
Robert Barley, Jr.  
Douglas Levey  
David MacIntyre  
Beth Mossworth  
Beth White

MEMBERS ABSENT

Robert Steidle

Terry Ekwel, Fire Marshal/Building Inspector  
David Hou, Acting Zoning Board Attorney

On motion of Mr. MacIntyre, seconded by Mr. Breese, the minutes of the meeting of August 28, 2013 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on September 12, 2013. It read as follows: "A public hearing will be held on Wednesday, September 25, 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: 2013-081, 2013-082, 2013-083, 2013-084, 2013-085, 2013-086, 2013-087, 2013-088, 2013-089, 2013-090 and 2013-091."

On motion of Mr. MacIntyre, seconded by Mr. Barley, Application 2013-081 was declared a Type II Action under Section 617.5(c)(15) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. MacIntyre, seconded by Mr. Barley, Applications 2013-082, 2013-086, 2012-089 and 2013-090 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, White  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. MacIntyre, seconded by Mr. Barley, Applications 2013-083, 2013-084, 2013-085, 2013-087, 2013-088 and 2013-091 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, White  
NOES: None  
ABSTAIN: None

UNANIMOUSLY CARRIED

Requesting a one year extension of the following applications which were approved at the November 28, 2012 Zoning Board of Appeals meeting:

Application 2012-098 of Heritage Christian Services & Home Leasing, LLC requesting a variance for a side parking setback to be 11 feet and front parking setback to be 28 feet, whereas 30 feet is required for side parking setback and 60 feet is required for front setback on property located at 950 Commons Way.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT a one year extension of Application 2012-098 of Heritage Christian Services & Home Leasing, LLC be approved.

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

CARRIED

Application 2012-099 of Heritage Christian Services & Home Leasing, LLC requesting a variance for a parking ratio to be 1.0 spaces per dwelling unit, whereas 2.5 spaces per dwelling unit is required by code on property located at 950 Commons Way.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT a one year extension of Application 2012-099 of Heritage Christian Services & Home Leasing, LLC be approved.

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

CARRIED

The following application was tabled from the August 28, 2013 Zoning Board of Appeals meeting:

Application 2013-077 of Yogurt City requesting a variance for a second wall sign, whereas only one wall sign is allowed by code on property located at 3300 West Henrietta Road.

The application was withdrawn by the applicant.

Application 2013-081 of Joseph and Judith L. Gresko requesting a variance for a RV to be parked on grass next to driveway, whereas a RV can only be parked on driveway or driveway extension on property located at 104 Green Clover Drive.

On motion to deny by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-081 of Joseph and Judith L. Gresko be denied based on the following findings of fact:

1. Self created hardship.
2. Other means to rectify the situation.
3. Substantial request.

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

DENIED

Application 2013-082 of Ann Parker requesting a variance for a 2 foot side setback, whereas an 8 foot side setback is required by code (to build a deck) on property located at 10 Sperry Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2013-082 of Ann Parker be approved with the stipulation that the side setback be 5 feet.

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

UNANIMOUSLY CARRIED

Application 2013-083 of Wegmans Food Markets, Inc. requesting a variance for thirty-three (33) banners on light poles, whereas none are allowed by code on property located at 745 Calkins Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2013-083 of Wegmans Food Markets, Inc. be approved with the following stipulations:

1. Only 19 banners be allowed.
2. No banners allowed on east side.
3. No banners allowed on front north driveway.

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

UNANIMOUSLY CARRIED

Application 2013-084 of Wegmans Food Markets, Inc. requesting a variance for six (6) banners on light poles, whereas none are allowed by code on property located at 650 Hylan Drive.

On motion to approve by Mrs. Mossworth, seconded by Mr. Barley, it was RESOLVED THAT Application 2013-084 of Wegmans Food Markets, Inc. be approved.

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

CARRIED

Application 2013-085 of Henrietta Holding LLC requesting a variance for 332 square feet for a pole sign (a difference of 132 square feet – 66 square feet per face), whereas 200 square feet is allowed by code on property located at 3150 West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2013-085 of Henrietta Holding LLC be approved.

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

CARRIED

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.

This application was tabled.

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.

This application was tabled.

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.

This application was tabled.

Application 2013-089 of Dunkin Donuts requesting a variance for a 50 foot front setback, whereas an 80 foot front setback is required by code on property located at 2341 Brighton-Henrietta Town Line Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 2013-089 of Dunkin Donuts be approved.

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

CARRIED

Application 2013-090 of Dunkin Donuts requesting a variance for a 54 foot rear setback, whereas a 60 foot rear setback is required by code on property located at 2341 Brighton-Henrietta Town Line Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 2013-090 of Dunkin Donuts be approved.

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

CARRIED

Application 2013-091 of Centre Pointe Plaza requesting a variance for a reader board sign, whereas a simple plaza sign is allowed by code on property located at 2511 East Henrietta Road.

On motion to approve by Mr. Barley, seconded by Mrs. White, it was RESOLVED THAT Application 2013-091 of Centre Pointe Plaza be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. Levey, seconded by Mr. MacIntyre, it was agreed that the meeting be adjourned at 8:40 P.M.

Respectfully Submitted,

Kenneth Breese  
Co-Chairman