

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 APRIL 2014 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairman
Robert Barley, Jr.
Douglas Levey
David MacIntyre
Beth White
John Migliorini

MEMBERS ABSENT

Beth Mossworth
Douglas Levey

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

On motion of Chairman Steidle, seconded by Councilperson MacIntyre, the minutes of the meeting of March 26, 2014 were approved.

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

The following notice was published in the Henrietta Post on April 17, 2014. It read as follows: "A public hearing will be held on Wednesday, April 23, 2014 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: 2014-020, 2014-022, 2014-023, 2014-024, 2014-025, 2014-026, 2014-30, 2014-031.

On motion of Councilperson MacIntyre, seconded by Chairman Steidle, Applications 2014-022, 2014-023, 2014-031, were declared a Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

On motion of Councilperson MacIntyre, seconded by Chairman Steidle, Applications 2014-020 and 2014-025 were declared a Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

On motion of Councilperson MacIntyre, seconded by Chairman Steidle, Applications 2014-024 and 2014-026 were declared a Type II Actions under Section 617.5(c)(13) of the State Environmental Quality Review Act (SEQRA).

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

On motion of Councilperson MacIntyre, seconded by Chairman Steidle, Application 2014-030 was declared an Unlisted action under Section 617.5(c)(1)(iv) of the State Environmental Quality Review Act (SEQRA).

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-020 by Robert Tobey requesting a side setback variance of 9 feet for a garage addition, whereas 10 feet is required as set forth in Henrietta Town Code 295-9C. Property is located at 135 Glen Iris Drive, Rochester, New York. Property is zoned R-1-15.

With regard to **Application 2014-020** by Robert Tobey, requesting a setback variance, I Councilperson White, hereby move to approve such variance as follows, seconded by Councilperson MacIntyre.

The variance will not result in an undesirable change or detriment to nearby properties.

The variance cannot be achieved by some other, feasible method.

The variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty resulting in the request for the variance was not self-created:

WHEREAS, (a) public hearing(s) was duly advertised and held with regard to the variance(s); and

WHEREAS, a SEQR analysis was duly completed with regard to the variance(s); now, therefore, be it

RESOLVED, that in making its determination, the Zoning Board of Appeals has taken into consideration the benefit to the applicant if the Variance(s) is/are granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant; and be it further

RESOLVED, that the Zoning Board of Appeals hereby finds and hereby determines that such Variance(s) is approved; and be it further

RESOLVED, that this determination be filed in the office of the Henrietta Town Clerk within five business days hereof; and be it further

RESOVLED, that a copy of this determination be mailed to the subject applicant.

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-022 by Acura of Rochester requesting a variance to add a 4th wall sign whereas 3 wall signs are permitted under Henrietta Town Code 224-8B(1). Property is located at 3883 West Henrietta Road, Rochester, New York. Property is zoned C-B-1

With regard to **Application 2014-022** by Acura of Rochester, requesting a sign variance, I Councilperson Migliorini hereby move to approve such variance as follows, seconded by Councilperson White.

HENRIETTA ZONING BOARD OF APPEALS
APRIL 23, 2014

The variance will not result in an undesirable change or detriment to nearby properties.

The variance cannot be achieved by some other, feasible method.

The variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty resulting in the request for the variance was not self-created:

WHEREAS, (a) public hearing(s) was duly advertised and held with regard to the variance(s); and

WHEREAS, a SEQR analysis was duly completed with regard to the variance(s); now, therefore, be it

RESOLVED, that in making its determination, the Zoning Board of Appeals has taken into consideration the benefit to the applicant if the Variance(s) is/are granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant; and be it further

RESOLVED, that the Zoning Board of Appeals hereby finds and hereby determines that such Variance(s) is approved; and be it further

RESOLVED, that this determination be filed in the office of the Henrietta Town Clerk within five business days hereof; and be it further

RESOVLED, that a copy of this determination be mailed to the subject applicant.

In favor: Steidle, Barley, MacIntyre, White, Migliorini

Against: none

Abstain: none

Carried.

Application 2014-023 by Frank and Susan Mastowski requesting a variance for a 30' x 30' foot garage addition creating a depth of 56 feet, whereas a depth of 30 feet is permitted under Henrietta Town Code 295-6(5). Property is located at 1421 Middle Road, Rush, New York. Property is zoned RR-2.

With regard to **Application 2014-023** by Frank and Susan Mastowski, requesting an area variance, I Councilperson Barley, hereby move to approve such variance as follows, seconded by Councilperson MacIntyre.

The variance will not result in an undesirable change or detriment to nearby properties.

The variance cannot be achieved by some other, feasible method.

The variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty resulting in the request for the variance was not self-created:

WHEREAS, (a) public hearing(s) was duly advertised and held with regard to the variance(s); and

WHEREAS, a SEQR analysis was duly completed with regard to the variance(s); now, therefore, be it

RESOLVED, that in making its determination, the Zoning Board of Appeals has taken into consideration the benefit to the applicant if the Variance(s) is/are granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant; and be it further

RESOLVED, that the Zoning Board of Appeals hereby finds and hereby determines that such Variance(s) is approved; and be it further

RESOLVED, that this determination be filed in the office of the Henrietta Town Clerk within five business days hereof; and be it further

RESOVLED, that a copy of this determination be mailed to the subject applicant.

In favor: Steidle, Barley, MacIntyre, White, Migliorini

Against: none

Abstain: none

Carried.

Application 2014-024 by William Young requesting a lot size area variance for a lot consisting of 1.4 acres of land, whereas the required minimum lot size is 5 acres as set forth in Henrietta Town Code 295-9.1G(2)(a). The variance request is a result of a proposed subdivision. Property is located at 1442 Pinnacle Road, Henrietta, New York. Property is zoned RR-2.

With regard to **Application 2014-024** by William Young, requesting an area variance, I Chairman Steidle, hereby move to approve such variance as follows, seconded by Councilperson White.

The variance will not result in an undesirable change or detriment to nearby properties.

The variance cannot be achieved by some other, feasible method.

The variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty resulting in the request for the variance was not self-created:

WHEREAS, (a) public hearing(s) was duly advertised and held with regard to the variance(s); and

WHEREAS, a SEQR analysis was duly completed with regard to the variance(s); now, therefore, be it

RESOLVED, that in making its determination, the Zoning Board of Appeals has taken into consideration the benefit to the applicant if the Variance(s) is/are granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant; and be it further

RESOLVED, that the Zoning Board of Appeals hereby finds and hereby determines that such Variance(s) is approved; and be it further

RESOLVED, that this determination be filed in the office of the Henrietta Town Clerk within five business days hereof; and be it further

RESOVLED, that a copy of this determination be mailed to the subject applicant.

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none

Abstain: none

Carried.

Application 2014-025 by William Young requesting a side setback variance of 4 feet for an existing garage, whereas 10 feet is required as set forth in Henrietta Town Code 295-9.1G(2)(d). The variance request is a result of a proposed subdivision. Property is located at 1442 Pinnacle Road, Henrietta, New York. Property is zoned RR-2.

With regard to **Application 2014-025** by William Young, requesting a setback variance, I Chairman Steidle, hereby move to approve such variance as follows, seconded by Councilperson White.

The variance will not result in an undesirable change or detriment to nearby properties.

The variance cannot be achieved by some other, feasible method.

The variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty resulting in the request for the variance was not self-created:

WHEREAS, (a) public hearing(s) was duly advertised and held with regard to the variance(s); and

WHEREAS, a SEQR analysis was duly completed with regard to the variance(s); now, therefore, be it

RESOLVED, that in making its determination, the Zoning Board of Appeals has taken into consideration the benefit to the applicant if the Variance(s) is/are granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant; and be it further

RESOLVED, that the Zoning Board of Appeals hereby finds and hereby determines that such Variance(s) is approved; and be it further

RESOLVED, that this determination be filed in the office of the Henrietta Town Clerk within five business days hereof; and be it further

RESOLVED, that a copy of this determination be mailed to the subject applicant.

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-026 by William Young requesting a lot width variance of 38 feet, whereas 100 feet is required as set forth in Henrietta Town Code 295-9G(2)(b). The variance request is a result of a proposed subdivision. Property is located at 1442 Pinnacle Road, Henrietta, New York. Property is zoned RR-2.

With regard to **Application 2014-026** by William Young, requesting a lot width variance, I Chairman Steidle, hereby move to approve such variance as follows, seconded by Councilperson White.

The variance will not result in an undesirable change or detriment to nearby properties.

The variance cannot be achieved by some other, feasible method.

The variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty resulting in the request for the variance was not self-created:

WHEREAS, (a) public hearing(s) was duly advertised and held with regard to the variance(s); and

WHEREAS, a SEQR analysis was duly completed with regard to the variance(s); now, therefore, be it

RESOLVED, that in making its determination, the Zoning Board of Appeals has taken into consideration the benefit to the applicant if the Variance(s) is/are granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant; and be it further

RESOLVED, that the Zoning Board of Appeals hereby finds and hereby determines that such Variance(s) is approved; and be it further

RESOLVED, that this determination be filed in the office of the Henrietta Town Clerk within five business days hereof; and be it further

RESOVLED, that a copy of this determination be mailed to the subject applicant.

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-030 by Orville's Appliance Store requesting a variance for 28 parking spaces, whereas 61 spaces are required as set forth in Henrietta Town Code 295-43. Property is located at 875 Marketplace Drive, Rochester, New York. Property is zoned Planned Commercial District.

With regard to **Application 2014-030** by Orville's Appliance Store, requesting a parking space variance, I Councilperson MacIntyre, hereby move to approve such variance as follows, seconded by Councilperson Migliorini.

The variance will not result in an undesirable change or detriment to nearby properties.

The variance cannot be achieved by some other, feasible method.

The variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty resulting in the request for the variance was not self-created:

WHEREAS, (a) public hearing(s) was duly advertised and held with regard to the variance(s); and

WHEREAS, a SEQR analysis was duly completed with regard to the variance(s); now, therefore, be it

RESOLVED, that in making its determination, the Zoning Board of Appeals has taken into consideration the benefit to the applicant if the Variance(s) is/are granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant; and be it further

RESOLVED, that the Zoning Board of Appeals hereby finds and hereby determines that such Variance(s) is approved; and be it further

RESOLVED, that this determination be filed in the office of the Henrietta Town Clerk within five business days hereof; and be it further

RESOVLED, that a copy of this determination be mailed to the subject applicant.

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-031 by Acura of Rochester requesting a variance for a pole sign, whereas 2 wall signs have been permitted. The requested pole sign does not comply with Henrietta Town Code 224-8B(1). Property is located at 3883 West Henrietta Road, Rochester, New York. Property is zoned C-B-1.

With regard to **Application 2014-031** by Acura of Rochester, requesting a pole sign variance, I Councilperson Migliorini, hereby move to approve such variance as follows, seconded by Councilperson White.

The variance will not result in an undesirable change or detriment to nearby properties.

The variance cannot be achieved by some other, feasible method.

The variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty resulting in the request for the variance was not self-created:

WHEREAS, (a) public hearing(s) was duly advertised and held with regard to the variance(s); and

WHEREAS, a SEQR analysis was duly completed with regard to the variance(s); now, therefore, be it

RESOLVED, that in making its determination, the Zoning Board of Appeals has taken into consideration the benefit to the applicant if the Variance(s) is/are

HENRIETTA ZONING BOARD OF APPEALS
APRIL 23, 2014

granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant; and be it further

RESOLVED, that the Zoning Board of Appeals hereby finds and hereby determines that such Variance(s) is approved; and be it further

RESOLVED, that this determination be filed in the office of the Henrietta Town Clerk within five business days hereof; and be it further

RESOVLED, that a copy of this determination be mailed to the subject applicant.

In favor: Steidle, Barley, MacIntyre, White, Migliorini
Against: none
Abstain: none

Carried.

On motion to adjourn by Councilperson MacIntyre, seconded by Councilperson White, it was agreed that the meeting be adjourned at 7:30P.M.
Respectfully Submitted,

Robert Steidle
Zoning Board Chairperson