

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 28th DAY OF MAY 2014 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

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

On motion of Zoning Board Member Levey, seconded by Zoning Board Member Barley, the minutes of the meeting of April 23, 2014 were approved.

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

Carried.

The following notice was published in the Henrietta Post on May 22, 2014. It read as follows: "A public hearing will be held on Wednesday, May 28, 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: 2014-032, 2014-033, 2014-034, 2014-035, 2014-036, 2014-037, 2014-38, 2014-039, 2014-040, 2014-041, 2014-043, 2014-044, 2014-045.

On motion of Zoning Board Member MacIntyre, seconded by Chairman Steidle, Applications 2014-032, 2014-036, 2014-037, 2014-038 were declared a Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

Carried.

On motion of Zoning Board Member MacInyre, seconded by Chairman Steidle, Applications 2014-033, 2014-034, 2014-035, 2014-039, 2014-040, 2014-041, 2014-043, 2014-044, 2014-045 were declared a Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

Carried.

Application 2014-032 by Richard Holland requesting permission to add a driveway turn around/parking of 24' x 29'. Applicant's request does not conform to Henrietta Town Code 240-3K. Driveway is currently legal, non-conforming, property is located at 6045 West Henrietta Road, West Henrietta, New York. Property is zoned RR-1.

With regard to **Application 2014-032** by Richard Holland, requesting a driveway turn around/parking variance, I Zoning Board Member MacIntyre, hereby move to approve such variance as follows, seconded by Zoning Board Member Barley.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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 with the following conditions:

The driveway turn around must be constructed with asphalt or cement; 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, Levey, MacIntyre, Mossworth, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-033 by Freda Boldt requesting a front setback variance of 34.3 feet, whereas 40 feet is required by Henrietta Town Code 295-9 B(1)(b). Property is located at 77 Wright Road, Henrietta, New York. Property is zoned R-1-15.

With regard to **Application 2014-033** by Freda Boldt, requesting a front setback variance, I Zoning Board Member Barley, hereby move to approve such variance as follows, seconded by Zoning Board Member Mossworth.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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, Levey, MacIntyre, Mossworth, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-034 by Delta Sonic Car Wash Systems, Inc. requesting a front setback of 67.4 feet, whereas 125 feet is required by Henrietta Town Code 295-18A. Property is located at 340 Jefferson Road, Henrietta, New York. Property is zoned B-1.

With regard to **2014-034** by Delta Sonic Car Wash Systems, requesting a front setback variance, I Zoning Board Member Migliorini, hereby move to approve such variance as follows, seconded by Zoning Board Member Barley.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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, White, Migliorini
Against: Levey, MacIntyre, Mossworth
Abstain: none

Carried.

Application 2014-035 by Tito Batson Requesting permission to expand driveway width an additional 10 feet, whereas a maximum width of 20 feet is allowed under Henrietta Town Code 240-3J. Property is located at 84 Westcombe Park. Property is zoned R-1-15.

With regard to **Application 2014-035** by Tito Batson, requesting a driveway expansion variance, I Zoning Board Member Mossworth, hereby move to approve such variance as follows, seconded by Zoning Board Member Barley.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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, Levey, MacIntyre, Mossworth, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-036 by Paul Fien requesting a variance for a 140 square foot shed, whereas a maximum of 96 square feet is allowable under Henrietta Town Code 295-8. Property is located at 79 Round Hill Road, Henrietta, New York. Property is zoned R-1-15.

With regard to **Application 2014-036** by Paul Fien, requesting a variance for a 140 square foot shed, I Zoning Board Member MacIntyre, hereby move to approve such variance as follows, seconded by Zoning Board Member White.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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, Levey, MacIntyre, Mossworth, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-037 by Field and Stream requesting a variance for a second wall sign, whereas one wall sign is allowable under Henrietta Town Code 224-8B(2). Property is located at 1200 Market Place Drive, Henrietta, New York. Property is zoned Commercial B-1.

With regard to **Application 2014-037** by Field and Stream requesting a variance for a second wall sign, I Zoning Board Member Migliorini, hereby move to approve such variance as follows, seconded by Zoning Board Member White.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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, Levey, MacIntyre, Mossworth, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-038 by Field and Stream requesting a variance for an additional 285 square feet of signage, whereas 250 square feet is allowable under Henrietta Town Code 224-8B(1)(a). Property is located at 1200 Market Place Drive, Henrietta, New York. Property is zoned Commercial B-1.

With regard to **Application 2014-038** by Field and Stream requesting a variance for an additional 285 square feet of signage, I Zoning Board Member Migliorini, hereby move to approve such variance as follows, seconded by Zoning Board Member White.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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, Levey, MacIntyre, Mossworth, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-039 by Mike and Kathy Bowen Requesting a front setback variance of 47 feet, whereas 50 feet is required by Henrietta Town Code 295-9B(b). Property s located at 131 Pacer Drive, Henrietta, New York. Property is zoned RR-1.

With regard to **Application 2014-039** by Mike and Kathy Bowen, requesting a front setback variance, I Zoning Board Member Mossworth, hereby move to approve such variance as follows, seconded by Zoning Board Member Migliorini.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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, Levey, MacIntyre, Mossworth, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-040 by Ronald Henkel requesting a side setback variance for 5.41 feet, whereas 8 feet are required under Henrietta Town Code 295-9C. Property is located at 140 Long Branch Drive, Henrietta, New York. Property is zoned RR-1.

With regard to **Application 2014-040** by Ronald Henkel, requesting a side setback variance, I Zoning Board Member MacIntyre, hereby move to approve such variance as follows, seconded by Zoning Board Member Barley.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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 with the following conditions:

That Lattice, Shrubs and landscaping be placed around the stairs; 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, Levey, MacIntyre, Mossworth, White, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-041 by Krishna Dhakal requesting a 2' – 2" foot side setback variance, whereas 8 feet is required under Henrietta Town Code 295-6(9). Property is located at 45 Crystal Valley Overlook, Henrietta, New York. Property is zoned R-1-15.

With regard to **Application 2014-041** by Krishna Dhakal, requesting a side setback variance, I Chairman Steidle hereby move to approve such variance as follows, seconded by Zoning Board Member Mossworth.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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, Levey, Mossworth, White, Migliorini
Against: MacIntyre
Abstain: none

Carried.

Application 2014-043 by Josina McCarroll requesting a variance for stone driveway 3 feet from the property line, whereas 8 feet is required under Henrietta Town Code 240-3J. Property is located at 55 Academy Drive, Rochester, New York. Property is zoned R-1-15.

With regard to application **Application 2014-043** by Josina McCarroll, requesting a driveway area variance, I Zoning Board Member Mossworth, hereby move to deny such variance as follows, seconded by Zoning Board Member Barley.

The variance will result in an undesirable change/detriment to nearby properties.

The variance can be achieved by some other, feasible method.

The Variance is Substantial.

The Variance will 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 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 denied ; 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, Levey, MacIntyre, Mossworth, White, Migliorini
Against: none
Abstain: none

Carried / Failed.

Application 2014-044 by A.D. Simonetti Properties, LLC., Requesting permission to construct a parking lot with an 11 foot landscape mall, whereas 20 feet is required under Henrietta Town Code 295-16A. Property is located at 4161 West Henrietta Road, Rochester, New York. Property is zoned B-1.

No action was taken regarding the above said application pending review by the Town of Henrietta Conservation Board.

Application 2014-045 by Very Berry Yogurt requesting a variance for a second wall sign, whereas one sign is allowable under Henrietta Town Code 224-8B(2). Property is located at 205 Jefferson Road, Rochester, New York. Property is zoned Commercial B-1.

With regard to application **Application 2014-045** by Very Berry Yogurt, requesting a second wall sign variance, I Zoning Board Member Migliorini, hereby move to approve such variance as follows, seconded by Zoning Board Member Bartles.

The Variance will not result in an undesirable change/detriment to nearby properties.

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

The Variance is not 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, Mossworth, White, Migliorini
Against: Levey
Abstain: none

Carried.

On motion to adjourn by Zoning Board Member Levey, seconded by Zoning Board Member MacIntyre, it was agreed that the meeting be adjourned at 9:48 P.M.

Respectfully Submitted,

Robert Steidle
Zoning Board Chairperson