

FOR APPROVAL

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 27TH DAY OF AUGUST 2014 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Douglas Levey

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

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

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

Carried.

The following notice was published in the Henrietta Post on August 21, 2014. It read as follows: "A public hearing will be held on Wednesday, August 21, 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: 2014-060, 2014-066, 2014-067, 2014-068, 2014-069, 2014-70, 2014-71, 2014-72, 2014-73, 2014-74, 2014-75, 2014-76, 2014-77, 2014-78 and 2014-79.

On motion of Zoning Board Member MacIntyre, seconded by Chairman Steidle, Applications 2014-066, 2014-067, 2014-068, 2014-073, 2014-074, 2014-075 and 2014-078 were declared a Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

Carried.

On motion of Zoning Board Member MacIntyre, seconded by Chairman Steidle, Applications 2014-069, 2014-070, 2014-071, 2014-072 and 2014-077 were declared a Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

Carried.

On motion of Zoning Board Member MacIntyre, seconded by Chairman Steidle, Application 2014-076, was declared an unlisted actions under Section 617.5(c)(1)(iv) of the State Environmental Quality Review Act (SEQRA).

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

Carried.

Tabled Application 2014-060 by Asia Food Market requesting permission for a second wall sign, whereas one wall sign is allowable under Henrietta Town Code 224-8B(1). Property is located at 1885 Brighton-Henrietta Town Line Road, Rochester, New York. Property is zoned I.

With regard to **Tabled Application 2014-060** by Asia Food Market, requesting a second wall sign, I Zoning Board Member Barley, hereby move to such variance as follows, seconded by Zoning Board Member MacIntyre.

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 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 ZBA 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 ZBA 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, MacIntyre, Mossworth, White, Barley, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-066 by Park Point at RIT requesting permission for a reader board sign, whereas a simple monument sign is allowable under Henrietta Town Code 224-8B(2). Property is located at 205 Jefferson Road, Rochester, New York. Property is zoned I.

With regard to **Application 2014-066** by park point at RIT requesting permission for a reader board sign, I Zoning Board Member Barley, 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 self-created:

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

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

Against: none

Abstain: none

Carried.

Application 2014-067 by Park Point at RIT requesting permission for a reader board sign, whereas a simple monument sign is allowable under Henrietta Town Code 224-8B(2). Property is located at 205 Jefferson Road, Rochester, New York. Property is zoned I.

With regard to **Application 2014-067** by Park Point at RIT requesting a permission for a reader board sign, I Zoning Board Member Barley, 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 self-created:

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

Carried.

Application 2014-068 by Pole Position Raceway requesting a variance for 816 square feet of signage, whereas 587 square feet was previously approved. Request does not comply with Henrietta Town Code 224-Table 2. Property is located at 15 Miracle Mile Drive, Henrietta, New York. Property is zoned C-B-1.

After Zoning Board discussion and with assistance from Zoning Board Attorney Donald Young, the Board noted that the variance would cover the lettered sign only. Code Enforcement Officer Ekwel rendered an opinion that the checkerboard banner on the above stated property is considered signage and would need a variance as well.

With regard to **Application 2014-068** by Pole Position Raceway requesting a variance for 816 square feet of signage, 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 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 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

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

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

Carried.

Application 2014-069 by John Telcro Jr. requesting a front setback variance of 50 feet for a proposed deck, whereas 60 feet is required under Henrietta Town Code 295-9B(b). Property is located at 45 Zornow Drive, Rochester, New York. Property is zoned R-1-15.

With regard to **Application 2014-069** by John Telco requesting a front setback variance of 50 feet for a proposed deck, I Zoning Board Member Mossworth,

hereby move to approve such variance as follows, seconded by Zoning Board Member MacIntyre.

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

The variance can 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 self-created:

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

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

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

Carried.

Application 2014-070 by Jeffrey Ambroselli requesting a front setback variance of 50 feet for a pre-existing deck, whereas 60 feet is required under Henrietta Town

Code 295-9B(1)(b). Property is located at 74 Viscount Drive, Rochester, New York. Property is zoned R-1-15.

With regard to **Application 2014-070** by Jeffrey Ambroselli requesting a 50 foot front setback variance for a pre-existing deck, I Zoning Board Member Mossworth, hereby move to approve such variance as follows, seconded by Zoning Board Member MacIntyre.

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 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

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RESOLVED, that the ZBA 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, MacIntyre, Mossworth, White, Barley, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-071 by Scott McHenry requesting a front setback variance of 50.5 feet for a proposed addition and deck, whereas a 60 foot setback is required under Henrietta Town Code 295-9B(2). Property is located at 86 Kramer Drive, Rochester, New York. Property is zoned R-1-15.

With regard to **Application 2014-071** by Scott McHenry requesting a front setback variance of 50.5 feet for a proposed addition and deck, I Zoning Board Member Mossworth, 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 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 ZBA 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 ZBA 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, MacIntyre, Mossworth, White, Barley, Migliorini
Against: none

Abstain: none

Carried.

Application 2014-072 by Scott McHenry requesting a front setback variance of 30.5 feet for a proposed garage addition, whereas a 60 foot setback is required under Henrietta Town Code 295 -9B(2). Property is located at 86 Kramer Drive, Rochester, New York. Property is zoned R-1-15.

With regard to **Application 2014-072** by Scott McHenry requesting a front setback variance of 30.5 feet for a proposed garage addition, I Zoning Board Member Mossworth, 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 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 ZBA 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 ZBA 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, MacIntyre, Mossworth, White, Barley, Migliorini
Against: none
Abstain: none
Carried.

Application 2014-076 by Richard J. Dorschel requesting a variance to construct a finished floor 8 inches above the 100 year flood plain, whereas 2 feet is required under Henrietta Town Code 125-16A(1). Property is located at 3399 West Henrietta Road, Rochester, New York. Property is zoned C-B-1.

The Zoning Board discussed the Mr. Dorschel's application and has requested that Mr. Dorschel submit a "hold harmless letter" noting and understanding that the facility will be in a 100 flood plain and that the Town of Henrietta will be held harmless for any flood damage that may occur.

With regard to **Application 2014-076** Richard J. Dorschel requesting a variance to construct a finished floor 8 inches above the 100 year flood plain, 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 self-created:

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

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

RESOLVED, that in making its determination, the ZBA 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 ZBA 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, MacIntyre, Mossworth, White, Barley, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-077 by Patrick Coogan requesting a side setback variance of 7 feet to expand the existing garage, whereas 9.5 feet is required under Henrietta Town Code 295-9C. Property is located at 32 Masthead Way, Rochester, New York. Property is zoned R-1-15.

With regard to **Application 2014-077** by Patrick Coogan requesting a side setback variance of 7 feet to expand the existing garage, I Zoning Board Chairman Steidle, 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 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 ZBA has taken into consideration the benefit to the applicant if the Variance(s) is/are granted as weighed against

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RESOLVED, that the ZBA 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, MacIntyre, Mossworth, White, Barley, Migliorini
Against: none
Abstain: none

Carried.

Application 2014-078 by Nick Tu and Guo Wei requesting a variance to place a 192 square foot shed on their property, whereas 150 square feet maximum is allowable under Henrietta Town Code 295-2. Property is located at 27 Calver Court, Henrietta, New York. Property is zoned R-1-15.

With regard to **Application 2014-078** by Nick Tu and Guo Wei requesting a variance to place a 192 square foot shed on their property, I Zoning Board Member MacIntyre, 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 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

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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, MacIntyre, Mossworth, White, Barley, Migliorini
Against: none
Abstain: none

Carried.

On motion to adjourn by Board Member MacIntyre, seconded by Councilperson Mossworth, it was agreed that the meeting be adjourned at 8:15 PM.

Respectfully Submitted,

Robert Steidle
Zoning Board Chairperson