



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
FEBRUARY 28, 2007
AGENDA**

**Robert Steidle, Chairman
Robert Barley, Jr.
Kenneth Breese
Douglas Levey
David MacIntyre
Andrew Malcolm
Beth Mossworth**

**Marc Duclos, Zoning Board Attorney
Christopher Roth, Director of Building/Fire Prevention**


WORKSHOP: 6:30 P.M.

PUBLIC HEARINGS: 7:00 P.M.

PUBLIC HEARING APPLICATIONS:

- 1. Application 07-007 of Westbrooke Commons**
- 2. Application 07-013 of Erie Station Properties, LLC**
- 3. Application 07-014 of Erie Station Properties, LLC**
- 4. Application 07-015 of Erie Station Properties, LLC**
- 5. Application 07-016 of Erie Station Properties, LLC**

MINUTES:

 **Minutes of January 24, 2007 (Copy Enclosed)**

RESERVED HEARINGS (from the January 24, 2007 Meeting):

-  **Application 06-197 of Brusters Ice Cream**
-  **Application 06-214 of Brusters Ice Cream - withdrawn by the applicant.**

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 FEBRUARY, 2007 AT 7:00 P.M.

MEMBERS PRESENT

Andrew Malcolm, Acting Chairperson
Robert Barley, Jr.
Douglas Levey
David MacIntyre
Beth Mossworth

MEMBERS ABSENT

Robert Steidle
Kenneth Breese

Marc Duclos, Attorney
Christopher Roth, Fire Marshal/Building Inspector

On motion of Mrs. Mossworth, seconded by Mr. Levey, the minutes of the meeting of January 24, 2007 were approved.

AYES: Barley, Levey, MacIntyre, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on February 21, 2007. It read as follows: "A public hearing will be held on Wednesday, February 28, 2007 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: 07-007, 07-013, 07-014, 07-015 and 07-016."

On motion of Mrs. Mossworth, seconded by Mr. Levey, Applications 07-007, 07-013, 07-014, 07-015 and 07-016 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

AYES: Barley, Levey, MacIntyre, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 07-007 of Westbrooke Commons requesting a variance for a third ground sign, whereas two are allowed by code on property located at 133 Golden Rod Lane.

On motion to approve by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 07-007 of Westbrooke Commons be approved.

AYES: Barley, Levey, MacIntyre, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 07-013 of Erie Station Properties, LLC requesting a variance for a second ground sign, whereas only one is allowed by code on property located at 1545 Erie Station Road.

On motion to approve by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 07-013 of Erie Station Properties, LLC be approved.

AYES: Barley, Levey, MacIntyre, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 07-014 of Erie Station Properties, LLC requesting a variance for a third ground sign, whereas only one is allowed by code on property located at 1545 Erie Station Road.

On motion to approve by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 07-014 of Erie Station Properties, LLC be approved.

AYES: Barley, Levey, MacIntyre, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 07-015 of Erie Station Properties, LLC requesting a variance for a fourth ground sign, whereas only one is allowed by code on property located at 1545 Erie Station Road.

On motion to approve by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 07-015 of Erie Station Properties, LLC be approved.

AYES: Barley, Levey, MacIntyre, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 07-016 of Erie Station Properties, LLC requesting a variance for a second wall sign, whereas only one is allowed by code on property located at 1545 Erie Station Road.

On motion to approve by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 07-016 of Erie Station Properties, LLC be approved.

AYES: Barley, Levey, MacIntyre, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

The following applications were reserved from the January 24, 2007 meeting.

Application 06-197 of Brusters Ice Cream requesting a variance for an 86.2 ft. front setback, whereas 125 ft. is required by code on property located at 2755 East Henrietta Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 06-197 of Brusters Ice Cream be approved.

AYES: Barley, Levey, Malcolm, Mossworth
NOES: MacIntyre
ABSTAIN: None

CARRIED

Application 06-214 of Brusters Ice Cream was withdrawn at the request of the applicant.

On motion of Mr. Levey, seconded by Mrs. Mossworth, it was agreed that the meeting be adjourned at 7:45 P.M.

Respectfully Submitted,

Andrew Malcolm

Acting Chairperson

AM/tm