



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
MARCH 26, 2008**

AGENDA

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

**Marc Duclos, Zoning Board Attorney
Jeff Wilkinson, Fire Marshal/Building Inspector**

WORKSHOP: 6:00 P.M.

PUBLIC HEARINGS: 7:00 P.M.

PUBLIC HEARING APPLICATIONS:

☐ There are 23 Applications - please see Legal Notice for listing

MINUTES:

☐ Minutes of February 27, 2008 (Copy Enclosed)

CONTINUED HEARINGS FROM 2/27/08 MEETING:

- 1. Application 08-007 of Wiljeff, LLC (Park Point @ RIT)**
- 2. Application 08-008 of Wiljeff, LLC (Park Point @ RIT)**

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 26TH DAY OF MARCH, 2008 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairperson
Kenneth Breese
Robert Barley, Jr.
Douglas Levey
Beth Mossworth
Beth White

MEMBERS ABSENT

David MacIntyre

Marc Duclos, Attorney
Jeff Wilkinson, Fire Marshal/Building Inspector

On motion of Mrs. Mossworth, seconded by Mr. Barley, the minutes of the meeting of February 27, 2008 were approved.

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

UNANIMOUSLY CARRIED

The following notice was posted on the Town of Henrietta's official website www.townofhenrietta.org on March 14, 2008 and sent to the Henrietta Post on March 14, 2008. It read as follows: "A public hearing will be held on Wednesday, March 26, 2008 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: 08-017, 08-018, 08-019, 08-028, 08-030, 08-031, 08-032, 08-033, 08-034, 08-035, 08-038, 08-040, 08-041, 08-042, 08-043, 08-044, 08-045, 08-046, 08-047, 08-048, 08-049, 08-050 and 08-051."

On motion of Mr. Breese, seconded by Mr. Levey, Applications 08-017, 08-018, 08-019 and 08-038, were declared Type II Actions under Section 617.5©(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. Levey, Applications 08-030, 08-031, 08-032, 08-033, 08-034, 08-035, 08-040, 08,041, 08-042, 08-043, 08-044, 08-045, 08-046, 08-047, 08-048, 08-049, 08-050 and 08-051 were declared Type II Actions under Section 617.5©(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. Levey, Application 08-028 was declared an Unlisted Action under Section 617.7(c)(1)(I) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

At the February 27, 2008 meeting, a continuance of the following applications was called by Chairman Steidle for the March 26, 2008 meeting.

Application 08-007 of Wiljeff, LLC (Park Point @ RIT) requesting a variance for an additional 966 square feet of ground sign area for the development parcel, whereas 250 square feet is allowed by code on property located at 205 Jefferson Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-007 of Wiljeff, LLC (Park Point @ RIT) be approved.

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

UNANIMOUSLY CARRIED

Application 08-008 of Wiljeff, LLC (Park Point @ RIT) requesting a variance to place a third free-standing ground sign at the corner of Jefferson Road and John Street, whereas only two free-standing ground signs are allowed by code.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-008 of Wiljeff, LLC (Park Point @ RIT) be approved.

AYES: Steidle, Breese, Barley, Levey, Mossworth, White

NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 08-017 of Karen M. Kucio requesting a variance for 3' side setback to build a three-season room on back of existing home with a 3' side setback, whereas a minimum of 8' is required by code on property located at 54 River Meadow Drive.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-017 of Karen M. Kucio be approved.

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

UNANIMOUSLY CARRIED

Application 08-018 of Thomas Hendrick requesting a variance for a 34' front setback, whereas 40' is required by code, to place a 10' x 14' shed alongside the garage located on property at 94 Nevins Road.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 08-018 of Thomas Hendrick be approved with the stipulation that the shed be moved to the rear of the pad.

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

UNANIMOUSLY CARRIED

Application 08-019 of Stephen R. MacIntyre requesting a variance for a 26' side setback, whereas 40' is required by code, to build an attached garage on property located at 43 Ivory Way.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 08-019 of Stephen R. MacIntyre be approved.

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

CARRIED

Application 08-028 of Rerob, LLC requesting a variance for an additional 6,000 gallon tank for ethanol, for a total of 38,000 gallons (two tanks totaling 32,000 gallons were previously approved for gasoline), whereas a total of 24,000 gallons is allowed by code on property located at 3001 Winton Road South.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 08-028 of Rerob, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 08-030 of Kost Tire requesting a variance for 435 sq. ft. of signage, whereas 250 sq.ft. of signage is allowed by code on property located at 3535 West Henrietta Road.

On motion to deny by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 08-030 of Kost Tire be denied as it is not necessary.

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

DENIED

Application 08-031 of Kost Tire requesting a variance for a second wall sign "KOST TIRE AUTO CARE" on left side of building (non-illuminated 3' x 60' plastic letters), whereas one wall sign is allowed by code on property located at 3535 West Henrietta Road.

On motion to deny by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 08-031 of Kost Tire be denied with the following finding of facts:

☞ The applicant can achieve the benefit sought by use of the reader board sign approved by this Board previously. The applicant's request is substantial in that it doubles the amount of signs allowed per code. The alleged difficulty is self-created because the applicant purchased the

property with the current zoning regulations in effect.

AYES: Steidle, Breese, Levey, Mossworth

NOES: Barley, White

ABSTAIN: None

DENIED

Application 08-032 of Kost Tire requesting a variance for a third wall sign “KOST TIRE AUTO CARE” on right side of building (non-illuminated 3' x 60' plastic letters), whereas one wall sign is allowed by code on property located at 3535 West Henrietta Road.

 ***Applicant withdrew this application.***

Application 08-033 of Barnes & Noble requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 205 Jefferson Road.

On motion to deny by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 08-033 of Barnes & Noble be denied with the following finding of facts:

- 1. Request is substantial in that it doubles the square footage of the signage.***
- 2. Benefit can be achieved through the Park Point Pylon Sign directly in front of the building. The signage is therefore duplicated.***
- 3. The sign will have an undesirable change in the character of the neighborhood by having the term “@ RIT” included in the sign by potentially causing confusion since the actual building is located in Park Point.***

AYES: None

NOES: Steidle, Breese, Barley, Levey, Mossworth, White

ABSTAIN: None

UNANIMOUSLY DENIED

Application 08-034 of Barnes & Noble requesting a variance for 500 sq.ft. of wall signage, whereas 250 sq.ft. is allowed by code on property located at 205 Jefferson Road.

On motion to deny by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 08-034 of Barnes & Noble be denied with the following finding of facts:

1. ***Request is substantial in that it doubles the square footage of the signage.***
2. ***Benefit can be achieved through the Park Point Pylon Sign directly in front of the building. The signage is therefore duplicated.***
3. ***The sign will have an undesirable change in the character of the neighborhood by having the term “@ RIT” included in the sign by potentially causing confusion since the actual building is located in Park Point.***

AYES:None

NOES: Steidle, Breese, Barley, Levey, Mossworth, White

ABSTAIN: None

UNANIMOUSLY DENIED

Application 08-035 of Wiljeff, LLC requesting a variance for an additional 23' 10¼" of overall sign height, including an 11'3" non-structural spire, for a total height of 53' 10¼", whereas only 30' of height is allowed by code on property located at 205 Jefferson Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-035 of Wiljeff, LLC be approved.

AYES:Steidle, Breese, Barley, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

Application 08-038 of Richard J. Dorschel (Dorschel Auto Group) requesting a variance for a 54.25' front setback to remodel building facade, whereas 60.41' front setback is required by code on property located at 3399 West Henrietta Road.

On motion to approve by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 08-038 of Richard J. Dorschel (Dorschel Auto Group) be approved.

AYES:Steidle, Breese, Barley, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

Application 08-040 of Rerob, LLC requesting a variance to allow a third element (“Mobil”) on the main pole sign, whereas two are allowed (one per business) on property located at 3001 Winton Road South.

On motion to approve by Mrs. Mossworth, seconded by Mr. Levey, it was RESOLVED THAT Application 08-040 of Rerob, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 08- 041 of Rerob, LLC requesting a variance to allow a fourth element (gas LED pricing sign) on the pole sign, whereas two are allowed (one per business) on property located at 3001 Winton Road South.

On motion to approve by Mrs. Mossworth, seconded by Mr. Levey, it was RESOLVED THAT Application 08-041 of Rerob, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 08-042 of Rerob, LLC requesting a variance to allow a McDonald's "M" logo ground sign attached to top of accessory "Enter" sign (Winton Road South) on property located at 3001 Winton Road South.

On motion to approve by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 08-042 of Rerob, LLC be approved with the following change:

☐ "requesting a variance to allow a McDonald's "M" logo ground sign attached to top of accessory "Exit" sign (Brighton-Henrietta TL Road) on property located at 3001 Winton Road South".

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

UNANIMOUSLY CARRIED

Application 08-043 of Rerob, LLC requesting a variance to allow a McDonald's "M" logo ground sign attached to top of accessory "Enter" sign (Brighton-Henrietta TL Road) on property located at 3001 Winton Road South.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-043 of Rerob, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 08-044 of Rerob, LLC requesting a variance to allow the accessory "Enter" and "Exit" signs on Winton Road South to have a height of 5.3 ft. whereas 4 ft. is allowed by code on property located at 3001 Winton Road South.

 ***Applicant withdrew this application.***

Application 08-045 of Rerob, LLC requesting a variance to allow the accessory "Enter" and "Exit" signs on Brighton-Henrietta TL Road to have a height of 5.3 ft. whereas 4 ft. is allowed by code on property located at 3001 Winton Road South.

 ***Applicant withdrew this application.***

Application 08-046 of Rerob, LLC requesting a variance to allow a third wall sign ("McDonald's") to be located on the south side of the building, whereas two are allowed by code (one per business) on property located at 3001 Winton Road South.

 ***Applicant withdrew this application.***

Application 08-047 of Rerob, LLC requesting a variance to allow a fourth wall sign ("M" logo sign) to be located on the south side of the building, whereas two are allowed by code (one per business) on property located at 3001 Winton Road South.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-047 of Rerob, LLC be approved.

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

ABSTAIN: None

UNANIMOUSLY CARRIED

Application 08-48 of Rerob, LLC requesting a variance to allow a fifth wall signs (“M” logo sign) to be located on east side of the building, whereas two are allowed by code (one per business) on property located at 3001 Winton Road South.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 08-048 of Rerob, LLC be approved.

AYES: Steidle, Breese, Barley, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

Application 08-049 of Rerob, LLC requesting a variance to allow a sixth wall sign (“Mobil”) to be located on the gas canopy, whereas two are allowed by code (one per business) on property located at 3001 Winton Road South.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 08-049 of Rerob, LLC be approved with the following stipulation:

☞ That the sign facing the east be located on the northern edge of the canopy.

AYES: Steidle, Breese, Barley, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

Application 08-050 of Rerob, LLC requesting a variance to allow a seventh wall sign (“Mobil”) to be located on the gas canopy, whereas two are allowed by code (one per business) on property located at 3001 Winton Road South.

☞ Applicant withdrew this application.

Application 08-051 of Rerob, LLC requesting a variance to the total square footage of signs to be 465 sq.ft., whereas 250 sq.ft. is allowed by code on property located at 3001 Winton Road South.

On motion to approve by Mrs. White, seconded by Mr. Barley, it was

RESOLVED THAT Application 08-051 of Rerob, LLC be approved with the stipulation that the total square footage of signage be no more than 350 square feet.

AYES: Steidle, Breese, Barley, Levey, Mossworth, White

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mrs. Mossworth, it was agreed that the meeting be adjourned at 9:35 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson

RS/tm