



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
AUGUST 26, 2009**

AGENDA

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

**Terry Ekwel, Fire Marshal/Building Inspector
Marc Duclos, Zoning Board Attorney**

WORKSHOP: 6:30 P.M.

PUBLIC HEARINGS: 7:00 P.M.

PUBLIC HEARING APPLICATIONS:

- 1. Application 09-081 of Michael Papa/Total Cycle**
- 2. Application 09-082 of Robert Shaver**
- 3. Application 09-083 of DiBella's**
- 4. Application 09-084 of Noury Maine**
- 5. Application 09-085 of Robert Klie**
- 6. Application 09-086 of Mark IV Construction**

MINUTES:

< Minutes of July 22, 2009

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 AUGUST, 2009 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairperson
Robert Barley, Jr.
Kenneth Breese
David MacIntyre
Beth White

MEMBERS ABSENT

Douglas Levey
Beth Mossworth

Terry Ekwel, Fire Marshal/Building Inspector
Marc Duclos, Attorney

On motion of Mrs. White, seconded by Mr. Barley, the minutes of the meeting of July 22, 2009 were approved.

AYES: Steidle, Barley, MacIntyre, White
NOES: None
ABSTAIN: Breese

CARRIED

The following notice was published in the *Henrietta Post* on August 19, 2009. It read as follows: "A public hearing will be held on Wednesday, August 26, 2009 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: 09-081, 09-082, 09-083, 09-084, 09-085 and 09-086."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 09-081 and 09-083 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

AYES: Steidle, Barley, Breese, MacIntyre, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 09-082 was declared a Type II Action under Section 617.5(c)(9) of the State Environmental Quality Review Act (SEQRA).

AYES: Steidle, Barley, Breese, MacIntyre, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 09-084, 09-085 and 09-086 were declared a Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

AYES: Steidle, Barley, Breese, MacIntyre, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 09-081 of Michael Papa/Total Cycle requesting a variance for a second pole sign, whereas one pole sign is allowed by code on property located at 2151 East Henrietta Road.

On motion to deny by Mr. Barley, seconded by Mrs. White, it was RESOLVED THAT Application 09-081 of Michael Papa/Total Cycle be denied with the following finding of facts:

< The Applicant purchased the property with the current zoning laws in effect, therefore the hardship is self-created.

< The Applicant testified that the current pole sign can accommodate signage for the new business and it was better than nothing. Therefore the requested variance is unnecessary.

< The variance requested is substantial in that if granted there would be double the amount of pole signs allowed by code.

AYES: Steidle, Barley, Breese, White
NOES: None
ABSTAIN: MacIntyre

CARRIED

Application 09-082 of Robert Shaver requesting a variance for a 140 sq.ft. shed, whereas a 106 sq.ft. shed is allowed by code on property located at 78 Mickens Bend.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-082 of Robert Shaver be approved.

AYES: Steidle, Barley, Breese, MacIntyre, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 09-083 of DiBella's requesting a variance for a second wall sign, whereas only one wall sign is allowed by code on property located at 620 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-083 of DiBella's be approved.

AYES: Steidle, Barley, Breese, MacIntyre, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 09-084 of Noury Maine requesting a variance for an 8' rear setback, whereas a 10' rear setback is required by code to construct a sunroom over an existing deck on property located at 6 Churchview Lane.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-084 of Noury Maine be approved with the stipulation that it be changed to a 9' rear setback.

AYES: Steidle, Barley, Breese, MacIntyre, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 09-085 of Robert Klie requesting a variance for a 2.5' rear setback, whereas a 10' rear setback is required by code to construct a 10' x 40' deck (with a portion to be enclosed later as a sunroom) on property located at 31 Charissa Run.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-085 of Robert Klie be approved with the stipulation that the rear setback be 4 ½ feet.

AYES: Steidle, Barley, Breese, MacIntyre, White
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 09-086 of Mark IV Construction Co. for property located at 1260 Lehigh Station Road, Lehigh Park Apartments. Requesting a variance to construct 5 additional 11' x 19' huts for trash totes (for a total of ten) in different locations from previously approved site plan. Placement of the totes would be as follows: 16.5' setback adjacent to Lumber Yard whereas 30' is required, 16.5' setback adjacent to office park whereas 30' is required, 45' setback adjacent to vacant forested zoned R-1-20 whereas 56' is required, 40' setback with added screen planting adjacent to vacant wooded land zoned R-1-20 whereas 56' is required, and a 32' setback whereas 60' is required, with added screen planting and the hut being 165' from the residence at 1266 Lehigh Station Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 09-086 of Mark IV Construction be approved with the following stipulations:

< ***The tote structures do not encroach on the Town sanitary sewer easement.***

< ***The following portion of the application was withdrawn by the applicant: Request for a 32' setback whereas 60' is required, with added screen planting and the hut being 165' from the residence at 1266 Lehigh Station Road.***

AYES: Steidle, Barley, Breese, White
NOES: MacIntyre
ABSTAIN: None

CARRIED

On motion to adjourn by Mr. MacIntyre, seconded by Mr. Breese, it was agreed that the meeting be adjourned at 8:44 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson