



**TOWN OF HENRIETTA  
ZONING BOARD OF APPEALS  
JULY 22, 2009**

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**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:**

**Application 09-065 of James Faas  
Application 09-073 of American Red Cross  
Application 09-074 of Chipotle Mexican Grill  
Application 09-075 of Andrew and Lisa Chase  
Application 09-076 of Chipotle Mexican Grill**

**MINUTES:**

**< Minutes of June 24, 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 22<sup>ND</sup> DAY OF JULY, 2009 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Kenneth Breese

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

On motion of Mr. Levey, seconded by Mrs. Mossworth, the minutes of the meeting of June 24, 2009 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on July 16, 2009. It read as follows: "A public hearing will be held on Wednesday, July 22, 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: 09-065, 09-073, 09-074, 09-075 and 09-076."

On motion of Mrs. Mossworth, seconded by Mr. Levey, Application 09-065 was declared a Type II Action under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. MacIntyre, seconded by Mr. Barley, Applications 09-073, 09-074 and 09-076 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. MacIntyre, seconded by Mr. Barley, Application 09-075 was declared a Type II Action under Section 617.5(c)(9) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

**Application 09-065 of James Faas** requesting a variance for a 1' rear setback, whereas 4' is required by code to place a shed on property located at 87 Prairie Trail.

***On motion to approve by Mrs. White, seconded by Mr. Levey, it was RESOLVED THAT Application 09-065 of James Faas be approved.***

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

UNANIMOUSLY CARRIED

**Application 09-073 of American Red Cross** requesting a variance to add a message center to existing sign located at the intersection of John Street and Bailey Road (on ARC property - 825 John Street).

***On motion to approve by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 09-073 of American Red Cross be approved.***

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

UNANIMOUSLY CARRIED

**Application 09-074 of Chipotle Mexican Grill** requesting a variance for a second wall sign (west elevation), whereas only one wall sign is allowed by code on property located at 640 Jefferson Road.

***On motion to approve by Mrs. White, seconded by Mr. Barley, it was RESOLVED THAT Application 09-074 of Chipotle Mexican Grill be approved.***

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

UNANIMOUSLY CARRIED

**Application 09-075 of Andrew and Lisa Chase** requesting a variance for a 240 sq.ft. shed, whereas a 150 sq.ft. shed is allowed by code on property located at Lot #188.04-1-28 next to 864 Martin Road.

***On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-075 of Andrew and Lisa Chase be approved.***

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

UNANIMOUSLY CARRIED

**Application 09-076 of Chipotle Mexican Grill** requesting a variance for a third wall sign, (north elevation), whereas only one wall sign is allowed by code on property located at 640 Jefferson Road.

***On motion to deny by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-076 of Chipotle Mexican Grill be denied with the following finding of facts:***

- < ***The applicant testified that there is neither a public entrance nor a drive-thru on the northern elevation of the property.***
- < ***The Board makes a finding that the sign is not necessary, especially in light of the granting of Application 09-074.***
- < ***The hardship is self-created as the applicant entered into its leasehold agreement after the current zoning regulations were in effect.***
- < ***The application is substantial in that the code allows for one sign and this in effect would be a third.***

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

UNANIMOUSLY DENIED

On motion to adjourn by Mr. Levey, seconded by Mr. Barley, it was agreed that the meeting be adjourned at 7:45 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson