



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
MARCH 25, 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 09-013 of Judy Petrucci**
- 2. Application 08-016 of Daniel L. Knapp**

MINUTES:

< Minutes of February 25, 2009

TABLED APPLICATIONS:

< Application 09-006 of Henrietta Lodging Associates (Holiday Inn)

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 25TH DAY OF MARCH, 2009 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

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

On motion of Mr. Breese, seconded by Mr. MacIntyre, the minutes of the meeting of February 25, 2009 were approved.

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on March 19, 2009. It read as follows: "A public hearing will be held on Wednesday, March 25, 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: 09-013 and 09-016."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 09-013 was declared a Type II Action under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 09-016 was declared a Type II Action under Section 617.5(c)(9) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 09-013 of Judy Petrucci requesting a variance for a 34' front setback, whereas a 40' front setback is required by code, to build a front deck on property located at 29 Crystal Valley Overlook.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-013 of Judy Petrucci be approved.

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

UNANIMOUSLY CARRIED

Application 09-016 of Daniel L. Knapp requesting a variance for 42 sq.ft. for a pre-existing 192 sq.ft. shed, whereas a 150 sq.ft. shed is allowed by code on property located at 102 Parkmeadow Drive.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-016 of Daniel L. Knapp be approved.

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

UNANIMOUSLY CARRIED

The following application was tabled at the February 25, 2009 meeting.

Application 09-006 of Henrietta Lodging Associates (Holiday Inn) requesting a variance for a second new pylon sign at the corner of Jefferson and Clay Roads, whereas only one is allowed by code on property located at 800 Jefferson Road.

On motion to deny by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-006 of Henrietta Lodging Associates (Holiday Inn) be denied with the following findings of fact:

- < ***The Town Code allows one pole sign per parcel and the applicant is requesting a second pole sign. The requested variance is twice what is permitted, or an increase of 100%. Therefore, the request is substantial.***

- < ***The Applicant testified that Holiday Inn requires a restaurant in its hotels. Testimony reveals that the prior restaurant on site shared its pole sign with the hotel. Additionally, the new restaurant requested that Holiday Inn share it's pole sign. Holiday Inn denied that request based on its own National Policy which was recently enacted, therefore the hardship was self-created.***

- < ***The Applicant testified that company advertising currently includes the restaurants in some of its advertisements. The applicant was unable to comment on the extent to which future advertising will include the new business. Therefore, the applicant was unable to offer testimony regarding the availability of other means feasible for the applicant to obtain the desired benefit.***

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

DENIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, it was agreed that the meeting be adjourned at 8:05 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson

RS/tm