



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
THURSDAY - NOVEMBER 19, 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: 6:00 P.M.

PUBLIC HEARINGS: 7:00 P.M.

OTHER:

 Application 08-196 of Real McKeever, LLC - Extension of Approval

PUBLIC HEARING APPLICATIONS:

- 1. Application 09-106 of Arthur and Wendy Keeler**
- 2. Application 09-108 of Jessica Dohner**
- 3. Application 09-109 of Brusters Ice Cream**
- 4. Application 09-110 of Jarvee Associates**
- 5. Application 09-111 of Episcopal Senior Life Communities**
- 6. Application 09-112 of Episcopal Senior Life Communities**
- 7. Application 09-113 of Episcopal Senior Life Communities**
- 8. Application 09-114 of Episcopal Senior Life Communities**
- 9. Application 09-115 of Episcopal Senior Life Communities**
- 10. Application 09-116 of Episcopal Senior Life Communities**
- 11. Application 09-117 of Episcopal Senior Life Communities**
- 12. Application 09-118 of Episcopal Senior Life Communities**

MINUTES:

 Minutes of October 28, 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 19TH DAY OF NOVEMBER, 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. Levey, seconded by Mrs. Mossworth, the minutes of the meeting of October 28, 2009 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on November 12, 2009. It read as follows: "A public hearing will be held on Thursday, November 19, 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: 09-106, 09-108, 09-109, 09-110, 09-111, 09-112, 09-113, 09-114, 09-115, 09-116, 09-117 and 09-118."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 09-106, 09-108, 09-109, 09-111, 09-112, 09-113, 09-115, 09-116 and 09-117 were declared Type II Actions 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 09-110 was declared an Unlisted Action under Section 617.7(c)(1)(i) 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, Applications 09-114 and 09-118 were declared Unlisted Actions under Section 617.6(b)(4)(i) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

The following previously approved application was submitted for approval of a one year extension:

< **Application 08-196 of Real McKeever, LLC** requesting a variance to allow 656 parking spaces, whereas 812 parking spaces are required by code on property located at Jay Scutti Plaza South, 1000 Hylan Drive. ***This application was originally approved on November 20, 2008***

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 08-196 of Real McKeever, LLC be approved for a one year extension.

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

UNANIMOUSLY CARRIED

Application 09-106 of Arthur and Wendy Keeler requesting a variance for a 12' front setback, whereas a 44.3' front setback is required by code for an above ground pool located at 136 Nevins Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 09-106 of Arthur and Wendy Keeler be approved.

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

UNANIMOUSLY CARRIED

Application 09-108 of Jessica Dohner requesting a variance for a 36' front setback, whereas a 40' front setback is required by code to construct a 10' x 6' deck on property located at 65 Academy Drive.

On motion to approve by Mrs. Mossworth, seconded by Mr. Levey, it was RESOLVED THAT Application 09-108 of Jessica Dohner be approved.

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

UNANIMOUSLY CARRIED

Application 09-109 of Brusters Ice Cream requesting a variance for a 76.2' front setback, whereas an 86.2' front setback is required by code to install a permanent roof with removable wall panels on property located at 2755 East Henrietta Road.

On motion to deny by Mr. Levey, seconded by Mrs. White, it was RESOLVED THAT Application 09-109 of Brusters Ice Cream be denied with the following findings of fact:

- < The applicant testified that they are trying to extend their season. However they do not plan to heat the enclosure during the winter therefore the Board is not persuaded that the applicant can achieve the benefit desired.
- < The applicant purchased the property with the current zoning laws in effect therefore the alleged difficulty is self-created.

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

DENIED

Application 09-110 of Jarvee Associates requesting a variance to allow a 12,000+/- gallon above ground gasoline/fuel tank in connection with operation of Rochester Medical Transportation, non-emergency medical transport business, whereas code permits 2,000 gallon each or 4,000 gallon aggregate on property located at 125 Josons Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 09-110 of Jarvee Associates be approved with the stipulation that a vault be installed per New York State and Town Codes.

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

UNANIMOUSLY CARRIED

Application 09-111 of Episcopal Senior Life Communities requesting a rear setback variance from 60 feet to 0 foot for the existing Brentland Woods Assisted Living Facility (Lot R-2A) to permit the construction of an enclosed link hallway to the new Rockwood Center Independent Living Facility located at 3831 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 09-111 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 09-112 of Episcopal Senior Life Communities requesting a parking setback variance from 60 feet to zero foot to permit the existing parking lot for Brentland Woods Assisted Living Facility (Lot R-2A) to be zero feet from the proposed subdivision line, on property located at 3831 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 09-112 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 09-113 of Episcopal Senior Life Communities requesting a driveway setback variance from 60 feet to zero foot to permit the existing driveway for Brentland Woods Assisted Living Facility (Lot R-2A) to be zero feet from the proposed subdivision line, on property located at 3831 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 09-113 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 09-114 of Episcopal Senior Life Communities requesting a variance to permit 98 parking spaces (54 constructed and 44 land banked) on Lot R-2A to serve 58 assisted living units and 12 nursing home units, whereas 175 parking spaces are required by code on property located at 3831 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 09-114 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 09-115 of Episcopal Senior Life Communities requesting a front setback variance from 60 feet to zero foot for the new Rockwood Center Independent Living Facility (Lot R-2B) to permit the construction of an enclosed link hallway to the existing Brentland Woods Assisted Living Facility, on property located at 3831 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 09-115 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 09-116 of Episcopal Senior Life Communities requesting a parking setback variance from 60 feet to zero foot to permit the new parking lot for Rockwood Center Independent Living Facility (Lot R-2B) to be zero feet from the proposed subdivision line, on property located at 3831 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 09-116 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 09-117 of Episcopal Senior Life Communities requesting a driveway setback variance from 60 feet to zero foot to permit the new driveway for Rockwood Center Independent Living Facility (Lot R-2B) to be zero feet from the proposed subdivision line, on property located at 3831 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 09-117 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

Application 09-118 of Episcopal Senior Life Communities requesting a variance to permit 66 parking spaces (59 constructed and 7 land banked) on Lot R-2B to serve 40 independent living units, whereas 100 parking spaces are required by code on property located at 3831 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 09-118 of Episcopal Senior Life Communities be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mrs. MacIntyre, seconded by Mr. Levey, it was agreed that the meeting be adjourned at 8:57 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson