



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
OCTOBER 28, 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 09-096 of David and Soupany Parr**
- 2. Application 09-097 of Mr. and Mrs. R. DiBenedetto**
- 3. Application 09-098 of Carol Rhoads**
- 4. Application 09-099 of M&T Bank**
- 5. Application 09-101 of Benderson Development Co., LLC**

MINUTES:

< Minutes of September 23, 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 28TH DAY OF OCTOBER, 2009 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Beth White

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

On motion of Mrs. Mossworth, seconded by Mr. Barley, the minutes of the meeting of September 23, 2009 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on October 22, 2009. It read as follows: "A public hearing will be held on Wednesday, October 28, 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: 09-096, 09-097, 09-098, 09-099 and 09-101."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 09-096 and 09-101 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
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 09-097 and 09-098 were declared Type II Actions under Section 617.5(c)(9) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 09-099 was declared a Type II Action under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 09-096 of David and Soupany Parr requesting a variance for setback of fence at 4.7' and 7.2' at one point of pool, whereas 10' is required by code on property located at 2 Warbler Lane.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-096 of David and Soupany Parr be approved.

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

UNANIMOUSLY CARRIED

Application 09-097 of Mr. and Mrs. R. DiBenedetto requesting a variance for a second shed, bringing a total of 340 sq.ft. of accessory structures, whereas a total of 135 sq.ft. of accessory structures is allowed by code on property located at 550 Wildbriar Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 09-097 of Mr. and Mrs. R. DiBenedetto be approved with the stipulation that the old shed be removed within ninety days.

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

CARRIED

Application 09-098 of Carol Rhoads requesting a variance for a 144 sq.ft. shed, whereas a 96 sq.ft. shed is allowed by code on property located at 75 Round Hill Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Levey, it was RESOLVED THAT Application 09-098 of Carol Rhoads be approved.

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

UNANIMOUSLY CARRIED

Application 09-099 of M&T Bank 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 approve by Mr. Steidle, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 09-099 of M&T Bank be approved.

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

CARRIED

Application 09-101 of Benderson Development Co., LLC requesting a variance to reduce rear yard setback from previously approved 44' to 23' on property located at 1320 Jefferson Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Levey, it was RESOLVED THAT Application 09-101 of Benderson Development Co., LLC be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. MacIntyre, seconded by Mrs. Mossworth, it was agreed that the meeting be adjourned at 7:55 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson