



**TOWN OF HENRIETTA  
ZONING BOARD OF APPEALS  
FEBRUARY 24, 2010**

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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:**

- 1.     Application 2010-001 of Benderson Development Co.**
- 2.     Application 2010-002 of Benderson Development Co.**
- 3.     Application 2010-003 of Benderson Development Co.**
- 4.     Application 2010-004 of Benderson Development Co.**
- 5.     Application 2010-005 of Benderson Development Co.**

**MINUTES:**

**<     Minutes of January 27, 2010**

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 24TH DAY OF FEBRUARY, 2010 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, Zoning Board Attorney

On motion of Mrs. White, seconded by Mr. MacIntyre, the minutes of the meeting of January 27, 2010 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 February 12, 2010. It read as follows: "A public hearing will be held on Wednesday, February 24, 2010 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: 2010-001, 2010-002, 2010-003, 2010-004 and 2010-005."

On motion of Mr. Breese, seconded by Mr. Levey, Applications 2010-001, 2010-002, 2010-003, 2010-004 and 2010-005 were declared a Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

**Application 2010-001 of Benderson Development Co.** requesting a variance to allow a second wall sign for “Game Stop” to be located on the back side of the building, whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

On motion to deny by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2010-001 of Benderson Development Co. be denied with the following findings of fact:

- ☐ The applicant testified that the benefit sought was visibility from Jefferson Road for east bound travelers and in this instance they’re requesting a north facing sign in anticipation for a future development. At this time no such development exists and the requested sign is not visible from Jefferson Road. Therefore, the sign is unnecessary.
- ☐ In addition the requested variance is substantial in that the requested signage doubles the amount per code.
- ☐ Furthermore, the alleged difficulty is self-created.

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

UNANIMOUSLY DENIED

**Application 2010-002 of Benderson Development Co.** requesting a variance to allow a second wall sign for “Great Clips” to be located on the west side of the building, whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

On motion to reopen by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-002 of Benderson Development Co. be re-opened then tabled until the March 24, 2010 Henrietta Zoning Board of Appeals Meeting for the applicant to provide more information to the Henrietta Zoning Board of Appeals.

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

UNANIMOUSLY RE-OPENED THEN TABLED

**Application 2010-003 of Benderson Development Co.** requesting a variance for an additional 30 sq.ft. of signage for a total of 90 sq.ft. of signage for “Great Clips”, whereas 60 sq.ft. is allowed by code on property located at 720 Jefferson Road.

On motion to re-open by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-003 of Benderson Development Co. be re-opened then tabled until the March 24, 2010 Henrietta Zoning Board of Appeals Meeting for the applicant to provide more information to the Henrietta Zoning Board of Appeals.

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

UNANIMOUSLY RE-OPENED THEN TABLED

**Application 2010-004 of Benderson Development Co.** requesting a variance to allow a second wall sign for “AT&T” to be located on the west side of building, whereas one sign is allowed by code on property located at 720 Jefferson Road.

On motion to re-open by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-004 of Benderson Development Co. be re-opened then tabled until the March 24, 2010 Henrietta Zoning Board of Appeals Meeting for the applicant to provide more information to the Henrietta Zoning Board of Appeals.

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

UNANIMOUSLY RE-OPENED THEN TABLED

**Application 2010-005 of Benderson Development Co.** requesting a variance for an additional 40 sq.ft. of signage for a total of 204 sq.ft. of signage for “AT&T”, whereas 164 sq.ft. is allowed by code on property located at 720 Jefferson Road.

On motion to re-open by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-005 of Benderson Development Co. be re-opened then tabled until the March 24, 2010 Henrietta Zoning Board of Appeals Meeting for the applicant to provide more information to the Henrietta Zoning Board of Appeals.

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

UNANIMOUSLY RE-OPENED THEN TABLED

On motion to adjourn by Mrs. Mossworth, seconded by Mrs. White, it was agreed that the meeting be adjourned at 8:04 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson