



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

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 2010-006 of Erie Station Properties, LLC**
- 2. Application 2010-014 of Nail Loft**
- 3. Application 2010-015 of China Garden**
- 4. Application 2010-017 of Erie Station Properties, LLC**
- 5. Application 2010-018 of Erie Station Properties, LLC**
- 6. Application 2010-019 of GameStop (Benderson Development Co., LLC)**
- 7. Application 2010-021 of Getinge Group**

MINUTES:

< Minutes of February 24, 2010

TABLED APPLICATIONS:

- < Application 2010-002 of Benderson Development Co.**
- < Application 2010-003 of Benderson Development Co.**
- < Application 2010-004 of Benderson Development Co.**
- < Application 2010-005 of Benderson Development Co.**

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 MARCH, 2010 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Robert Barley, Jr.

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

On motion of Mr. MacIntyre, seconded by Mr. Breese, the minutes of the meeting of February 24, 2010 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on March 12, 2010. It read as follows: "A public hearing will be held on Wednesday, March 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: 2010-006, 2010-014, 2010-015, 2010-017, 2010-018, 2010-019 and 2010-021."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2010-014, 2010-015, 2010-019 and 2010-021 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2010-006, 2010-017 and 2010-018 were declared Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

The following Applications: 2010-002, 2010-003, 2010-004 and 2010-005 were tabled from the last meeting of February 24, 2010.

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 approved with the following stipulations:

- < The signage be limited to 3' in height.
- < Any existing pole signage be removed upon installation of signage.

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

CARRIED

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 reopen by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-003 of Benderson Development Co. be approved.

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

CARRIED

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 reopen by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-004 of Benderson Development Co. be approved with the following stipulations:

- < The signage be limited to 3' in height.
- < Any existing pole signage be removed upon installation of signage.

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

CARRIED

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 Mr. Breese, it was RESOLVED THAT Application 2010-005 of Benderson Development Co. be denied due to 3' height requirement stipulated in application 2010-004, this application is unnecessary.

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

UNANIMOUSLY DENIED

Application 2010-006 of Erie Station Properties, LLC requesting a variance for the following rear setbacks of Lot AR-7B4 in Phase III: 48.2' for Lot 329, 47.5' for Lot 330, 47.2' for Lot 331, and 46.6' for Lot 332, whereas a setback of 60' is required by code for Lots 329, 330, 331 and 332 on Traditions Place located in the Legacy Subdivision at Erie Station.

On motion to approve by Mrs. White, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-006 of Erie Station Properties, LLC be approved.

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

CARRIED

Application 2010-014 of Nail Loft requesting a variance for a second wall sign of 10.2 sq.ft., whereas one wall sign is allowed by code on property located at 5370 West Henrietta Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-014 of Nail Loft be approved.

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

CARRIED

Application 2010-015 of China Garden requesting a variance for a second wall sign of 14.03 sq.ft., whereas one wall sign is allowed by code on property located at 5370 West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-015 of China Garden be approved.

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

UNANIMOUSLY APPROVED

Application 2010-017 of Erie Station Properties, LLC requesting a variance for a front setback of 26.9', whereas 27' was previously approved by the Zoning Board of Appeals on April 26, 2006 for property located at Lot 332 on Traditions Place in the Legacy Subdivision at Erie Station.

On motion to approve by Mrs. White, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-017 of Erie Station Properties, LLC be approved.

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

CARRIED

Application 2010-018 of Erie Station Properties, LLC requesting a variance for a front setback of 25.1' for Lot 325 and 25' for Lot 327, whereas 26' was previously approved by the Zoning Board of Appeals on April 26, 2006 for Lots 325 and 327 on Traditions Place in the Legacy Subdivision at Erie Station.

On motion to approve by Mrs. White, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-018 of Erie Station Properties, LLC be approved.

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

CARRIED

Application 2010-019 of GameStop (Benderson Development Co., LLC) requesting a variance for a second wall sign to be located on the west side of building, whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-019 of GameStop (Benderson Development Co., LLC) be approved with the following stipulations:

- < The signage be limited to 3' in height.
- < Any existing pole signage be removed upon installation of signage.

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

CARRIED

Application 2010-021 of Getinge Group requesting a variance for a second wall sign to be located on the south elevation of building, whereas one wall sign is allowed by code on property located at 1777 East Henrietta Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2010-021 of Getinge Group be approved with the stipulation that the Getinge sign extends no higher than top of roof line. As stated in testimony, the time/temperature sign can be moved to left or right of signage to accommodate decision of the Board.

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

UNANIMOUSLY APPROVED

On motion to adjourn by Mr. MacIntyre, seconded by Mr. Breese, it was agreed that the meeting be adjourned at 8:52 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson