



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
MAY 26, 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 2010-042 of Donna Makey Doud**
- 2. Application 2010-043 of Richard Dorschel, Owner, ETA Chapter 2, LLC**
- 3. Application 2010-044 of Buckingham Properties**
- 4. Application 2010-045 of Buckingham Properties**
- 5. Application 2010-046 of Mike and Joan Cusimano**
- 6. Application 2010-047 of Mike and Joan Cusimano**
- 7. Application 2010-048 of Eastwood Management - Clayton Arms Apartments**

MINUTES:

< Minutes of March 24, 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 26TH DAY OF MAY, 2010 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Douglas Levey

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

The meeting of April 28, 2010 was cancelled due to the lack of agenda items.

On motion of Mrs. White, seconded by Mrs. Mossworth, the minutes of the meeting of March 24, 2010 were approved.

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on May 14, 2010. It read as follows: "A public hearing will be held on Wednesday, May 26, 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: 2010-042, 2010-043, 2010-044, 2010-045, 2010-046, 2010-047 and 2010-048."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2010-042 and 2010-043 were declared Type II Actions under Section 617.5(c)(12) of the State Environmental Quality Review Act (SEQRA).

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2010-044, 2010-045 and 2010-048 were declared Type II Actions under Section 617.5(c)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2010-046 and 2010-047 were declared a Type II Actions under Section 617.5(c)(9) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 2010-042 of Donna Makey Doud requesting a variance for a 32' front setback for an existing 10' x 10' front deck, whereas 40' is required by code on property located at 19 Deer Run.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2010-042 of Donna Makey Doud be approved.

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

UNANIMOUSLY CARRIED

Application 2010-043 of Richard Dorschel, Owner, ETA Chapter 2, LLC requesting a variance for a 4' front setback for a pole sign, whereas a 20' setback is required by code on property located at 3485 West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2010-043 of Richard Dorschel, Owner, ETA Chapter 2, LLC be approved with the stipulation that the applicant apply to the Town Board to abandon the easement.

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

UNANIMOUSLY APPROVED

Application 2010-044 of Buckingham Properties requesting a variance to add 4 panels to existing monument sign to make a reader board sign, on property located at Eagle's Landing Business Park (East Side of Entrance), 1565 Jefferson Road.

On motion to approve by Mr. Breese seconded by Mr. Barley, it was RESOLVED THAT Application 2010-044 of Buckingham Properties be approved with the stipulation that there be blue lettering and background as shown on submitted drawing.

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

UNANIMOUSLY APPROVED

Application 2010-045 of Buckingham Properties requesting a variance to add 4 panels to existing monument sign to make a reader board sign, on property located at Eagle's Landing Business Park (West Side of Entrance), 1565 Jefferson Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2010-045 of Buckingham Properties be approved with the stipulation that there be blue lettering and background as shown on submitted drawing.

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

UNANIMOUSLY APPROVED

Application 2010-046 of Mike and Joan Cusimano requesting a variance for a 28' x 70' garage, whereas a 35' x 30' is allowed by code on property located at 15 Newstone Road.

AND

Application 2010-047 of Mike and Joan Cusimano requesting a variance for a five car garage, whereas a three car garage is allowed by code on property located at 15 Newstone Road.

On motion to deny by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Applications 2010-046 and 2010-047 of Mike and Joan Cusimano be denied with the following findings of fact:

- The applicant is able to store his vehicles off-site and therefore there are other means feasible to the applicant.
- There will be an undesirable change in the neighborhood character based on the testimony of the neighbors who showed in opposition to the application.
- The requested variance results in an 87% increase over that which is allowed by code and is therefore substantial.
- The request will result in additional water run-off into the adjacent property, creating adverse physical effects.

- The applicant purchased the property with the current zoning regulations in place, therefore the alleged difficulty is self-created.

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

UNANIMOUSLY DENIED

Application 2010-048 of Eastwood Management - Clayton Arms Apartments requesting a variance for a second ground sign (to be located at south entrance), whereas only one ground sign is allowed by code on property located at entrance of 420 - 486 Clay Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was **RESOLVED THAT** Application 2010-048 of Eastwood Management be approved with the stipulation that Entrance #1 sign has apartment numbers on it.

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

UNANIMOUSLY APPROVED

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

Respectfully Submitted,

Robert Steidle
Chairperson