

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 17<sup>TH</sup> DAY OF NOVEMBER, 2011 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 Mr. MacIntyre, seconded by Mr. Barley, the minutes of the meeting of October 26, 2011 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on November 3, 2011. It read as follows: "A public hearing will be held on Thursday, November 17, 2011 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: 2011-094, 2011-095 and 2011-096."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2011-094 and 2011-095 were declared 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

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 2011-096 was declared a Type II Action 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

**Application 2011-094 of Jimmy John's** requesting a variance for a second wall sign, whereas only one wall sign is allowed by code on property located at 1635 East Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-094 of Jimmy John's be approved.

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

UNANIMOUSLY CARRIED

**Application 2011-095 of Jimmy John's** was tabled.

**Application 2011-096 of Bill and Terry Hamilton** requesting a variance for a 52' front setback (to install a handicap ramp), whereas a 60' front setback is required by code on property located at 94 Faircrest Road.

On motion to approve by Mr. Barley, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-096 of Bill and Terry Hamilton be approved.

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

UNANIMOUSLY CARRIED

Application 2010-133 of CarMax Auto Superstores, Inc. requesting a six month extension to previously approved application (previously approved on January 26, 2011):

- **Application 2010-133 of CarMax Auto Superstores, Inc.** requesting a variance to increase the maximum underground storage tank capacity from 10,000 gallons to 12,000 gallons, whereas an underground storage tank of 10,000 gallons is allowed by code on property located at 3600 and 3700 West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT the six month extension of Application 2010-133 of CarMax Auto Superstores, Inc. be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. MacIntyre, seconded by Mr. Barley, it was agreed that the meeting be adjourned at 7:17 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson