

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 23<sup>RD</sup> DAY OF FEBRUARY, 2011 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. Levey, seconded by Mrs. Mossworth, the minutes of the meeting of January 26, 2011 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 February 10, 2011. It read as follows: "A public hearing will be held on Wednesday, February 23, 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: 2011-002, 2011-003, 2011-004, 2011-005, 2011-006, 2011-007, 2011-008, 2011-009, 2011-010, 2011-011, 2011-012, 2011-013, 2011-014, 2011-2015, 2011-016 and 2011-017."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2011-002, 2011-003, 2011-006, 2011-007 and 2011-009 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

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2011-004, 2011-010, 2011-011, 2011-012, 2011-013, 2011-014, 2011-015, 2011-016 and 2011-017 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, Application 2011-005 was declared an Unlisted Action under Section 617.7(c)(1)(viii) 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, Application 2011-008 was declared an Unlisted Action under Section 617.7(c)(1)(i) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

**Application 2011-002 of Benderson Development Co., Inc.** requesting a variance for a 100' front setback, whereas a 125' front setback is required by code on property located at 1320 Jefferson Road.

On motion to approve by Mr. Levey, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-002 of Benderson Development Co., Inc. be approved.

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

UNANIMOUSLY CARRIED

**Application 2011-003 of Scott and Nancy Sweeting** requesting a variance for an 8' side setback to build an addition, whereas a 10' side setback is required by code on property located at 308 Goodburlet Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2011-003 of Scott and Nancy Sweeting be approved.

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

UNANIMOUSLY CARRIED

**Application 2011-004 of Heritage Christian Services** requesting a variance for a monument sign with readerboard, whereas one sign is allowed by code on property located at 1225 Commons Way.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-004 of Heritage Christian Services be approved.

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

UNANIMOUSLY CARRIED

**Application 2011-005 of Fastrac Markets, LLC** requesting a variance for use of the property as a convenience store and gasoline filling station, whereas gasoline filling stations are prohibited on property located at 291 Jefferson Road.

On motion to approve by Mrs. White, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-005 of Fastrac Markets, LLC be approved.

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

UNANIMOUSLY CARRIED

**Application 2011-006 of Fastrac Markets, LLC** requesting a variance for a 25.3' rear setback to build a convenience store with a gasoline filling station, whereas a 60' rear setback is required by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-007 of Fastrac Markets, LLC** requesting a variance for a landscape mall of 5.8 foot width at points, whereas a 20 foot width is required by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-008 of Fastrac Markets, LLC** requesting a variance for two (2) 20,000 gallon underground storage tanks, whereas the maximum tank size allowed by code is 10,000 gallons and the aggregate storage allowed by code is limited to 24,000 gallons on property located at 291 Jefferson Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-008 of Fastrac Markets, LLC be approved.

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

UNANIMOUSLY CARRIED

**Application 2011-009 of Fastrac Markets, LLC** requesting a variance for a pole sign setback of 10 feet, whereas a 20 foot setback is required by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-010 of Fastrac Markets, LLC** requesting a variance for a second (2) wall (canopy) sign, whereas one (1) wall (canopy) sign is allowed by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-011 of Fastrac Markets, LLC** requesting a variance for a third (3) wall (canopy) sign, whereas one (1) wall (canopy) sign is allowed by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-012 of Fastrac Markets, LLC** requesting a variance for a second pole sign (three sided pillar mounted sign), whereas only one is allowed by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-013 of Fastrac Markets, LLC** requesting a variance for a third pole sign (three sided pillar mounted sign), whereas only one is allowed by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-014 of Fastrac Markets, LLC** requesting a variance for a fourth pole sign (three sided pillar mounted sign), whereas only one is allowed by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-015 of Fastrac Markets, LLC** requesting a variance for a fifth pole sign (three sided pillar mounted sign), whereas only one is allowed by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-016 of Fastrac Markets, LLC** requesting a variance for a sixth pole sign (three sided pillar mounted sign), whereas only one is allowed by code on property located at 291 Jefferson Road.

This application was tabled.

**Application 2011-017 of Fastrac Markets, LLC** requesting a variance for 595 sq.ft. of signage, whereas only 250 sq.ft. of signage is allowed by code on property located at 291 Jefferson Road.

This application was tabled.

On motion to adjourn by Mr. Breese, seconded by Mr. MacIntyre, it was agreed that the meeting be adjourned at 9:20 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson