

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 26<sup>TH</sup> DAY OF JANUARY, 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 Mrs. White, seconded by Mrs. Mossworth, the minutes of the meeting of December 16, 2010 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on January 13, 2010. It read as follows: "A public hearing will be held on Wednesday, January 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: 2010-124 and 2010-133."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 2010-124 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

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 2010-133 was declared an Unlisted Action under Section 617.7(c)(1)(i) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

**Application 2010-124 of James Buckner** requesting a variance for a 7.5' rear setback, whereas a 10' rear setback is required by code to install a 13' x 28 ½' sunroom on a modified deck on property located at 63 Ward Hill Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2010-124 of James Buckner 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 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 Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2010-133 of CarMax Auto Superstores, Inc. be approved.

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

UNANIMOUSLY CARRIED

**The following applications were tabled from the December 16, 2010 meeting:**

**Application 2010-118 of Old Navy** requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 1 Miracle Mile Drive.

On motion to deny by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2010-118 of Old Navy be denied with the following findings of fact:

- The Applicant is seeking two additional wall signs, whereas the Town Code allows one wall sign. The number of signs requested is triple the number allowed per the code. The request is substantial as a result.
- The Applicant testified that they acquired their Leasehold interest with the current zoning regulations in effect. Therefore, the alleged difficulty is self-created.

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

DENIED

**Application 2010-119 of Old Navy** requesting a variance for a third wall sign, whereas one wall sign is allowed by code on property located at 1 Miracle Mile Drive.

On motion to deny by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2010-119 of Old Navy be denied with the following findings of fact:

- The Applicant is seeking two additional wall signs, whereas the Town Code allows one wall sign. The number of signs requested is triple the number allowed per the code. The request is substantial as a result.
- The Applicant testified that they acquired their Leasehold interest with the current zoning regulations in effect. Therefore, the alleged difficulty is self-created.

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

DENIED

On motion to adjourn by Mr. Breese, seconded by Mr. MacIntyre, it was agreed that the meeting be adjourned at 7:50 P.M.

Respectfully Submitted,

Robert Steidle  
Chairperson