

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 23RD DAY OF MARCH, 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. Levey, seconded by Mrs. Mossworth, the minutes of the meeting of February 23, 2011 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on March 10, 2011. It read as follows: "A public hearing will be held on Wednesday, March 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: 2011-018, 2011-019, 2011-020, 2011-021, 2011-022, 2011-023, 2011-024, 2011-025, 2011-026, 2011-027, 2011-028, 2011-029, 2011-030, 2011-031, 2011-032, 2011-033, 2011-034, 2011-035 and 2011-036."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2011-018 thru 2011-036 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 2011-037 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 2011-018 of Benderson Development Co., LLC requesting a variance for a second wall sign on east elevation of proposed building, whereas only one wall sign is allowed by code on property located at 1320 Jefferson Road.

On motion to approve by Mr. Levey, seconded by Mr. Steidle, it was RESOLVED THAT Application 2011-018 of Benderson Development Co., LLC be approved.

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

UNANIMOUSLY CARRIED

Application 2011-019 of Benderson Development Co., LLC requesting a variance for a readerboard sign, whereas one pole sign is allowed by code on property located at 1320 Jefferson Road.

This application was withdrawn by the applicant.

Application 2011-020 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a third wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-020 of Ignite Restaurant Group/Joe's Crab Shack be approved.

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

UNANIMOUSLY CARRIED

Application 2011-021 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a fourth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-021 of Ignite Restaurant Group/Joe's Crab Shack be approved.

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

UNANIMOUSLY CARRIED

Application 2011-022 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a fifth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-022 of Ignite Restaurant Group/Joe's Crab Shack be approved.

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

UNANIMOUSLY CARRIED

Application 2011-023 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a sixth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-023 of Ignite Restaurant Group/Joe's Crab Shack be approved.

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

UNANIMOUSLY CARRIED

Application 2011-024 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a seventh wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-024 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-025 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for an eighth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-025 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-026 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a ninth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-026 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-027 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a tenth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-027 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-028 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for an eleventh wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-028 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-029 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a twelfth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-029 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-030 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a thirteenth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-030 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-031 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a fourteenth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-031 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-032 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for a fifteenth wall sign, whereas two wall signs are allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-032 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-033 of Ignite Restaurant Group/Joe's Crab Shack requesting a variance for 500 square feet of signage, whereas 250 square feet of signage is allowed by code on property located at 100 Marketplace Drive.

On motion to deny by Mr. Levey, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-033 of Ignite Restaurant Group/Joe's Crab Shack be denied.

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

UNANIMOUSLY DENIED

Application 2011-034 of Dennis Petrisak, Marketplace Suzuki requesting a variance for a readerboard sign, whereas a simple wall sign is allowed by code on property located at 3755 West Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2011-034 of Dennis Petrisak, Marketplace Suzuki be approved.

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

UNANIMOUSLY CARRIED

Application 2011-035 of Dennis Petrisak, Marketplace Suzuki requesting a variance for a pole sign to have 374 square feet of signage, whereas 240 square feet is allowed by code on property located at 3755 West Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2011-035 of Dennis Petrisak, Marketplace Suzuki be approved with the stipulation that the signage not exceed 360 square feet.

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

UNANIMOUSLY CARRIED

Application 2011-036 of Dennis Petrisak, Marketplace Suzuki requesting a variance for 524 square feet of signage, whereas 450 square feet of signage is allowed by code on property located at 3755 West Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2011-036 of Dennis Petrisak, Marketplace Suzuki be approved with the stipulation that the signage not exceed 510 square feet.

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

UNANIMOUSLY CARRIED

Application 2011-037 of Wayne Bortle requesting a variance for a 52.42' front setback (to replace front steps and landing with 8' x 16' deck), whereas a 60' front setback is required by code on property located at 131 Farnsworth Road North.

On motion to approve by Mrs. White, seconded by Mr. Levey, it was RESOLVED THAT Application 2011-037 of Wayne Bortle be approved.

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

UNANIMOUSLY CARRIED

The following applications were tabled from the February 23, 2011 meeting:

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.

On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-006 of Fastrac Markets, LLC be approved.

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

CARRIED

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.

On motion to approve by Mr. MacIntyre, seconded by Mrs. White, it was RESOLVED THAT Application 2011-007 of Fastrac Markets, LLC be approved.

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

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.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2011-009 of Fastrac Markets, LLC be approved.

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

CARRIED

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.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-010 of Fastrac Markets, LLC be approved.

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

UNANIMOUSLY CARRIED

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.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-011 of Fastrac Markets, LLC be approved.

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

UNANIMOUSLY CARRIED

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.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-012 of Fastrac Markets, LLC be approved.

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

UNANIMOUSLY CARRIED

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.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-013 of Fastrac Markets, LLC be approved.

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

UNANIMOUSLY CARRIED

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.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2011-014 of Fastrac Markets, LLC be approved.

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

UNANIMOUSLY CARRIED

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.

On motion to deny by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2011-015 of Fastrac Markets, LLC be denied.

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

UNANIMOUSLY DENIED

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.

On motion to deny by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2011-016 of Fastrac Markets, LLC be denied.

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

UNANIMOUSLY DENIED

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.

On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2011-017 of Fastrac Markets, LLC be approved with the stipulation that signage does not exceed 489 square feet.

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

NOES: None

ABSTAIN: None

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. MacIntyre, seconded by Mr. Breese, it was agreed that the meeting be adjourned at 9:15 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson