

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 MAY, 2012 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairperson
Kenneth Breese, Co-Chairperson
Robert Barley, Jr.
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. Levey, the minutes of the meeting of April 25, 2012 were approved.

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

UNANIMOUSLY CARRIED

The following notice was published in the *Henrietta Post* on May 10, 2012. It read as follows: "A public hearing will be held on Wednesday, May 23, 2012 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: 2012-027, 2012-028, 2012-029, 2012-030, 2012-031, 2012-032, 2012-033, 2012-034, 2012-035, 2012-036, 2012-037 and 2012-038."

On motion of Mr. MacIntyre, seconded by Mr. Barley, Applications 2012-027, 2012-029, 2012-030 and 2012-033 were declared Type II Actions 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. MacIntyre, seconded by Mr. Barley, Applications 2012-028, 2012-031, 2012-035, 2012-036, 2012-037 and 2012-038 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. MacIntyre, seconded by Mr. Barley, Application 2012-032 was declared a Type II Action under Section 617.5(c)(9) 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. MacIntyre, seconded by Mr. Barley, Application 2012-034 was declared an Unlisted Action under Section 617.6(b)(4)(i) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 2012-027 of Robert L. Snedeker requesting a variance for a 24' front setback to install a 4' high chain link fence, whereas a 40' front setback is required by code on property located at 33 Red Lion Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-027 of Robert L. Snedeker be approved.

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

UNANIMOUSLY CARRIED

Application 2012-028 of 3255 Brighton-Henrietta Town Line Road LLC requesting a variance for a reader board sign, whereas a simple sign advertising name of plaza is allowed by code on property located at 3255 Brighton-Henrietta Town Line Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 2012-028 of 3255 Brighton-Henrietta Town Line Road LLC be approved.

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

UNANIMOUSLY CARRIED

Application 2012-029 of Tim Horton's requesting a 55' front setback, whereas a 125' front setback is required by code on property located at 2190 East Henrietta Road.

On motion to approve by Mr. Barley, seconded by Mr. Steidle, it was RESOLVED THAT Application 2012-029 of Tim Horton's be approved.

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

UNANIMOUSLY CARRIED

Application 2012-030 of Jefferson Hotel Associates LLC (Home2Hotel) requesting a variance for a 7' landscape mall along a portion of the Jefferson Road frontage, whereas 20' is required by code on property located at 999 Jefferson Road.

On motion to approve by Mrs. White, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-030 of Jefferson Hotel Associates LLC (Home2Hotel) be approved.

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

UNANIMOUSLY CARRIED

Application 2012-031 of Benderson Development Co./LA Fitness requesting a variance for 776 square feet of signage on property located at 100 Marketplace Drive, whereas 446 square feet of signage was previously approved at the March 29, 2012 Zoning Board of Appeals Meeting.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-031 of Benderson Development Co./LA Fitness be approved.

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

UNANIMOUSLY CARRIED

Application 2012-032 of Gerald and Victoria Lloyd requesting a variance to convert the garage into living space, whereas a garage is required by code on property located at 110 Galway Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-032 of Gerald and Victoria Lloyd be approved with the stipulation that the renovated space return back to a single car garage.

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

UNANIMOUSLY CARRIED

Application 2012-033 of Texas Roadhouse Holdings LLC requesting a variance for a 113.14 foot front setback, whereas a 125 foot front setback is required by code on property located at 3150 West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-033 of Texas Roadhouse Holdings LLC be approved.

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

UNANIMOUSLY CARRIED

Application 2012-034 of Texas Roadhouse Holdings LLC requesting a variance to allow 746 parking spaces, whereas 917 parking spaces are required by code on property located at 3150 West Henrietta Road.

On motion to approve by Mrs. White, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-034 of Texas Roadhouse Holdings LLC be approved.

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

UNANIMOUSLY CARRIED

Application 2012-035 of Texas Roadhouse Holdings LLC requesting a variance for a second wall sign, whereas one wall sign is allowed by code on property located at 3150 West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-035 of Texas Roadhouse Holdings LLC be approved.

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

CARRIED

Application 2012-036 of Texas Roadhouse Holdings LLC requesting a variance for a third wall sign, whereas one wall sign is allowed by code on property located at 3150 West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-036 of Texas Roadhouse Holdings LLC be approved.

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

CARRIED

Application 2012-037 of Texas Roadhouse Holdings LLC requesting a variance for a logo on directional signs, whereas none are allowed by code on property located at 3150 West Henrietta Road.

On motion to approve by Mrs. White, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-037 of Texas Roadhouse Holdings LLC be approved with the stipulation that an arrow directional be added to the entrance sign.

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

CARRIED

Application 2012-038 of Texas Roadhouse Holdings LLC requesting a variance for logo on parking signs, whereas none are allowed by code on property located at 3150 West Henrietta Road.

On motion to approve by Mrs. White, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-038 of Texas Roadhouse Holdings LLC be approved.

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

CARRIED

The following applications were tabled from the April 25, 2012 Zoning Board of Appeals meeting:

Application 2012-017 of Benderson Development Co./LA Fitness requesting a variance for a third wall sign, whereas only one wall sign is allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-017 of Benderson Development Co./LA Fitness be approved with the stipulation to revisit the Henrietta Zoning Board of Appeals if there are any sign changes and no verbage allowed.

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

CARRIED

Application 2012-018 of Benderson Development Co./LA Fitness requesting a variance for a fourth wall sign, whereas only one is allowed by code on property located at 100 Marketplace Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-018 of Benderson Development Co./LA Fitness be approved with the stipulation to revisit the Henrietta Zoning Board of Appeals if there are any sign changes and no verbage allowed.

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

CARRIED

On motion to adjourn by Mr. MacIntyre, seconded by Mr. Barley, it was agreed that the meeting be adjourned at 8:05 P.M.

Respectfully Submitted,

Kenneth Breese
Co-Chairperson