

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 24TH DAY OF OCTOBER, 2012 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairman
Kenneth Breese
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. Barley, the minutes of the meeting of September 26, 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 October 11, 2012. It read as follows: "A public hearing will be held on Wednesday, October 24, 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: 2012-083, 2012-084, 2012-085, 2012-086, 2012-087, 2012-088, 2012-089, 2012-090, 2012-091 and 2012-092."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2012-083, 2012-089 and 2012-091 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. Breese, seconded by Mr. MacIntyre, Applications 2012-084, 2012-085, 2012-086, 2012-087 and 2012-088 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 2012-090 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. Breese, seconded by Mr. MacIntyre, Application 2012-092 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 2012-083 of Hasu J. Patel requesting a variance for a 2' side setback for an existing shed, whereas a 4' side setback is required by code on property located at 41 Colonnade Drive.

On motion to approve by Mr. Barley, seconded by Mrs. White, it was RESOLVED THAT Application 2012-083 of Hasu J. Patel be approved.

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

UNANIMOUSLY CARRIED

Application 2012-084 of Toshiba requesting a second sign on ground sign, whereas only one is allowed by code on property located at 180 Kenneth Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-084 of Toshiba be approved.

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

UNANIMOUSLY CARRIED

Application 2012-085 of Tung Ngo requesting a variance for a 30 foot wide driveway, whereas 20 feet is allowed by code on property located at 96 Westcombe Park.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-085 of Tung Ngo be approved.

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

UNANIMOUSLY CARRIED

Application 2012-086 of James and Heather Uhl requesting a variance for a 26.5 foot wide driveway, whereas 20 feet is allowed by code on property located at 24 Bracknell Circle.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-086 of James and Heather Uhl be approved.

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

UNANIMOUSLY CARRIED

Application 2012-087 of Michael Paladino requesting a variance for a 30 foot wide driveway, whereas 20 feet is allowed by code on property located at 91 Westcombe Park.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-087 of Michael Paladino be approved.

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

UNANIMOUSLY CARRIED

Application 2012-088 of Bryan Markowitz requesting a variance for a 160 square foot shed, whereas a 150 square foot shed is allowed by code on property located at 275 Vollmer Parkway.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-088 of Bryan Markowitz be approved.

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

UNANIMOUSLY CARRIED

Application 2012-089 of Bryan Markowitz requesting a variance for a 40' front setback, whereas a 45' front setback is required by code to place a shed on property located at 275 Vollmer Parkway.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-089 of Bryan Markowitz be approved.

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

UNANIMOUSLY CARRIED

Application 2012-090 of Pinnacle Homes requesting a variance for 506 square feet on second floor of a one and one-half story home, whereas 776.66 square feet is required by code on property located at 98 Long Branch Drive.

This application was withdrawn by the applicant.

Application 2012-091 of Tops Markets, LLC requesting a variance for 72.7 foot front setback, whereas 80 feet is required by code for a fuel kiosk on property located at 1225 Jefferson Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-091 of Tops Markets, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 2012-092 of Tops Markets, LLC requesting a variance for two proposed 15,000 gallon fuel tanks, whereas two 10,000 gallon fuel tanks are allowed by code on property located at 1225 Jefferson Road.

On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-092 of Tops Markets, LLC be approved.

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

UNANIMOUSLY CARRIED

On motion to adjourn by Mr. Breese, seconded by Mr. MacIntyre, it was agreed that the meeting be adjourned at 7:56 P.M.

Respectfully Submitted,

Robert Steidle
Zoning Board Chairman