

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 26TH DAY OF SEPTEMBER, 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. Breese, seconded by Mr. Levey, the minutes of the meeting of August 22, 2012 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on September 13, 2012. It read as follows: "A public hearing will be held on Wednesday, September 26, 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: 2012-072, 2-12-073, 2012-074, 2012-075, 2012-076, 2012-077, 2012-078, 2012-079, 2012-080, 2012-081 and 2012-082."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 2012-072, 2012-073, 2012-075, 2012-077, 2012-078, 2012-079, 2012-080, 2012-081 and 2012-082 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, Application 2012-074 was declared a Type II Action under Section 617.5(c)(7) 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 2012-076 was declared an Unlisted Action under Section 617.7(c)(1)(iv) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 2012-072 of Frank Horst requesting a variance for a 48' front setback, whereas a 60' front setback is required by code on property located at 55 Macon Drive.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-072 of Frank Horst be approved.

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

UNANIMOUSLY CARRIED

Application 2012-073 of Benderson Development/Nilesh Patel requesting a variance for a pole sign 2'2" from property line, whereas 20 feet is required by code on property located at 3085 West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-073 of Benderson Development/Nilesh Patel be approved.

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

UNANIMOUSLY CARRIED

Application 2012-074 of Benderson Development/Nilesh Patel requesting a variance for a pole sign on a commercial property not owned by applicant, but with permission from property owner, whereas two wall signs already exist on building located at 3085 West Henrietta Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-074 of Benderson Development/Nilesh Patel be approved with the following stipulation: The applicant must provide the town a copy of the easement filed in the Monroe County Clerk's office.

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

CARRIED

Application 2012-075 of Carla and Philip LoBiondo Sr. requesting a variance for a 6' side setback to install an in ground pool, whereas 8' is required by code on property located at 3223 East River Road.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 2012-075 of Carla and Philip LoBiondo Sr. be approved.

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

UNANIMOUSLY CARRIED

Application 2012-076 of RJ Dorschel Corp. requesting a variance to reduce the finished floor elevation for an 80' x 130' building addition with finished floor to be 524.5', whereas 526.0' is required by code on property located at 50 Telco Road, and located within the 100 year floodplain.

On motion to approve by Mr. Levey, seconded by Mr. Breese, it was RESOLVED THAT Application 2012-076 of RJ Dorschel Corp. be approved with the following stipulation: RJ Dorschel Corporation, it's successors and/or assigns agrees to indemnify and hold harmless the Town of Henrietta from any liability arising or alleged to arise from the grant of the requested variance.

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

UNANIMOUSLY CARRIED

Application 2012-077 of Michele Hubbard requesting a variance for a 45' front setback to build a garage, whereas 60' is required by code on property located at 76 Telephone Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 2012-077 of Michele Hubbard be approved.

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

UNANIMOUSLY CARRIED

Application 2012-078 of William and Erin Panter requesting a variance for a 5 foot side setback to build a garage, whereas 11.6 feet is required by code on property located at 95 Palamino Drive.

On motion to approve by Mrs. Mossworth, seconded by Mrs. White, it was RESOLVED THAT Application 2012-078 of William and Erin Panter be approved.

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

UNANIMOUSLY CARRIED

Application 2012-079 of Aaron Truax requesting a variance for a 43'2" front setback to build a porch, whereas 47'2" is required by code on property located at 52 Marberth Drive.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-079 of Aaron Truax be approved.

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

UNANIMOUSLY CARRIED

Application 2012-080 of Morgan Acquisitions, LLC requesting a variance to allow the setback to be 31 feet between the parking garages and the west property line, whereas 60 feet is required by code on property located at 2299 Brighton-Henrietta Town Line Road.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-080 of Morgan Acquisitions, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 2012-081 of Morgan Acquisitions, LLC requesting a variance to allow the setback to be 30.8 feet between the parking garages and the south property line, whereas 60 feet is required by code on property located at 2299 Brighton-Henrietta Town Line Road.

On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-081 of Morgan Acquisitions, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 2012-082 of Morgan Acquisitions, LLC requesting a variance for a minimum proposed setback of 1 foot between driveway and parking spaces and the proposed property lines of "Lot 2", whereas 60 feet is required by code on property located at 2299 Brighton-Henrietta Town Line Road.

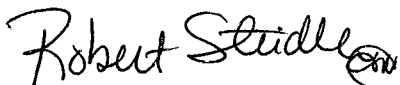
On motion to approve by Mr. Breese, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 2012-082 of Morgan Acquisitions, LLC be approved.

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

CARRIED

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

Respectfully Submitted,



Robert Steidle
Zoning Board Chairman