



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
JANUARY 24, 2007
AGENDA**

**Robert Steidle, Chairman
Robert Barley, Jr.
Kenneth Breese
Douglas Levey
David MacIntyre
Andrew Malcolm
Beth Mossworth**

**Marc Duclos, Zoning Board Attorney
Christopher Roth, Fire Marshal/Building Inspector**

WORKSHOP: 6:30 P.M.

PUBLIC HEARINGS: 7:00 P.M.

PUBLIC HEARING APPLICATIONS:

- 1. Application 06-186 of Susan and Charles Evans**
- 2. Application 06-197 of Brusters Ice Cream**
- 3. Application 06-204 of Henrietta Lodging Associates, LLC**
- 4. Application 06-205 of Henrietta Lodging Associates, LLC**
- 5. Application 06-206 of Henrietta Lodging Associates, LLC**
- 6. Application 06-207 of Tim Horton's**
- 7. Application 06-208 of Tim Horton's**
- 8. Application 06-210 of Henrietta Lodging Associates, LLC**
- 9. Application 06-212 of Dog Obedience Club of Rochester, NY Inc.**
- 10. Application 06-214 of Brusters Ice Cream**
- 11. Application 07-002 of Paul Pettrone**

MINUTES:

 Minutes of December 21, 2006 (Copy Enclosed)

RESERVED HEARINGS:

 Application 06-188 of Fair and Expo Center (To be heard at 1/24/07 Meeting - Submitted correct site map with sign placement location.)

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 JANUARY, 2007 AT 7:00 P.M.

MEMBERS PRESENT

Robert Steidle, Chairperson
Robert Barley, Jr.
Kenneth Breese
Douglas Levey
David MacIntyre
Andrew Malcolm
Beth Mossworth

MEMBERS ABSENT

Marc Duclos, Attorney
Christopher Roth, Fire Marshal/Building Inspector

On motion of Mr. Malcolm, seconded by Mrs. Mossworth, the minutes of the meeting of December 21, 2006 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on January 17, 2007. It read as follows: "A public hearing will be held on Wednesday, January 24, 2007 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: 06-186, 06-197, 06-204, 06-205, 06-206, 06-207, 06-208, 06-210, 06-212, 06-214 and 07-002."

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 06-186 and 06-197 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, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 06-204, 06-205, 06-206, 06-207, 06-208, 06-210, 06-214 and 07-002 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, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Application 06-212 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, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

Application 06-186 of Susan and Charles Evans requesting a variance for a 43.7 ft. front setback, whereas 60' is required by code to construct a new 12' x 20' garage on property located at 75 Tree Top Lane.

On motion to deny by Mr. MacIntyre, seconded by Mr. Barley, it was RESOLVED THAT Application 06-186 of Susan and Charles Evans be denied, as the applicant can do the work on the east side and will not need a variance to do so.

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

UNANIMOUSLY CARRIED

Application 06-197 of Brusters Ice Cream requesting a variance for an 86.2 ft. front setback, whereas 125 ft. is required by code on property located at 2755 East Henrietta Road.

This application was reserved until the February 28, 2007 meeting.

Application 06-204 of Henrietta Lodging Associates, LLC (Holiday Inn Hotel & Suites) requesting a variance for advertising directional signs for entry and exit on Jefferson Road, whereas directional signs without advertising is allowed by code on property located at 800 Jefferson Road.

On motion to approve by Mr. Barley, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 06-204 of Henrietta Lodging Associates, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 06-205 of Henrietta Lodging Associates, LLC (Holiday Inn Hotel & Suites) requesting a second wall sign (Holiday Inn Hotel & Suites - to be located on east side of building), whereas only one wall sign is allowed by code on property located at 800 Jefferson Road.

On motion to deny by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 06-205 of Henrietta Lodging Associates, LLC for a second wall sign (Holiday Inn Hotel & Suites - to be located on east side of building), be denied, as the pole sign is sufficient and the requested sign is unnecessary.

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

UNANIMOUSLY CARRIED

Application 06-206 of Henrietta Lodging Associates, LLC (Holiday Inn Hotel & Suites) requesting a third wall sign (Garcia's Mexican Restaurant - to be located on west side of building), whereas only one wall sign is allowed by code on property located at 800 Jefferson Road.

On motion to approve by Mr. Barley, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 06-206 of Henrietta Lodging Associates, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 06-207 of Tim Horton's requesting a variance for a seventh wall sign, whereas six are allowed by code on property located at 375 Kenneth Drive.

On motion to deny by Mrs. Mossworth, seconded by Mr. Levey, it was RESOLVED THAT Application 06-207 of Tim Horton's be denied with the following findings of fact:

The variance is unnecessary because the intended purpose of said sign can be fulfilled by the two directional signs containing the Tim Horton's

logo placed at the Kenneth Road entrance.

☒ The variance requested is excessive and out of character of the neighborhood based on the applicant's testimony that the sign size is larger than customarily used.

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

UNANIMOUSLY CARRIED

Application 06-208 of Tim Horton's requesting a variance for two advertising directional signs for drive-thru, whereas directional signs without advertising are allowed by code on property located at 375 Kenneth Drive.

On motion to approve by Mrs. Mossworth, seconded by Mr. Breese, it was RESOLVED THAT Application 06-208 of Tim Horton's be approved.

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

CARRIED

Application 06-210 of Henrietta Lodging Associates, LLC (Holiday Inn Hotel & Suites) requesting a second sign on pole sign (Garcia's Mexican Restaurant), whereas only one sign is allowed by code on property located at 800 Jefferson Road.

On motion to approve by Mr. Barley, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 06-210 of Henrietta Lodging Associates, LLC be approved.

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

UNANIMOUSLY CARRIED

Application 06-212 of Dog Obedience Club of Rochester, NY Inc. requesting a variance for 90 parking spaces, whereas 240 parking spaces are required by code on property located at 999 Lehigh Station Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Malcolm, it was RESOLVED THAT Application 06-212 of Dog Obedience Club of Rochester, NY Inc. be approved.

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

UNANIMOUSLY CARRIED

Application 06-214 of Brusters Ice Cream requesting a variance for a 13 ft. wide landscape mall, whereas a 20 ft. wide landscape mall is required by code on property located at 2755 East Henrietta Road.

 ***This application was reserved until the February 28, 2007 meeting.***

Application 07-002 of Paul Pettrone requesting a variance for a 480 sq.ft. accessory building, whereas 200 sq.ft. is allowed by code on property located at 340 Castle Road.

On motion to approve by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 07-002 of Paul Pettrone be approved.

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

UNANIMOUSLY CARRIED

The following application was reserved from the December 21, 2007 meeting until a correct diagram for location of sign was submitted:

Application 06-188 of Fair and Expo Center requesting a variance to replace old pylon sign with an electronic message pylon sign at new Calkins Road entrance on property located at 2695 East Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. MacIntyre, it was RESOLVED THAT Application 06-188 of Fair and Expo Center be approved with the stipulation that Town Code is adhered to.

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

UNANIMOUSLY CARRIED

On motion of Mr. MacIntyre, seconded by Mrs. Mossworth, it was agreed that the meeting be adjourned at 9:20 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson

RS/tm