



**TOWN OF HENRIETTA
ZONING BOARD OF APPEALS
JULY 25, 2007
AGENDA**

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

**Marc Duclos, Zoning Board Attorney
Jeff Wilkinson, Fire Marshal/Building Inspector**

WORKSHOP: 6:30 P.M.

PUBLIC HEARINGS: 7:00 P.M.

PUBLIC HEARING APPLICATIONS:

- 1. Application 07-090 of Rerob, LLC**
- 2. Application 07-091 of Rerob, LLC**
- 3. Application 07-092 of Robert Klie**
- 4. Application 07-093 of Dietmar Olschewski**
- 5. Application 07-094 of Dietmar Olschewski**
- 6. Application 07-095 of Charles Giannavola**
- 7. Application 07-096 of Charles Giannavola**
- 8. Application 07-097 of Dress Barn**
- 9. Application 07-098 of Dress Barn**
- 10. Application 07-102 of Lisa Bierre**

MINUTES:

 **Minutes of June 27, 2007 (Copy Enclosed)**

RESERVED HEARING:

 **07-052 of Petsmart (Application withdrawn by the applicant on 7/11/07)**

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 25TH DAY OF JULY, 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

Jeff Wilkinson, Fire Marshal/Building Inspector

Marc Duclos, Attorney

On motion of Mr. MacIntyre, seconded by Mrs. Mossworth, the minutes of the meeting of June 27, 2007 were approved.

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

CARRIED

The following notice was published in the *Henrietta Post* on July 18, 2007. It read as follows: "A public hearing will be held on Wednesday, July 25, 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: 07-090, 07-091, 07-092, 07-093, 07-094, 07-095, 07-096, 07-097, 07-098 and 07-102."

On motion of Mr. Breese, seconded by Mr. Barley, Application 07-090 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, Malcolm, Mossworth
NOES: None
ABSTAIN: None

UNANIMOUSLY CARRIED

On motion of Mr. Breese, seconded by Mr. MacIntyre, Applications 07-091, 07-092, 07-096 and 07-102 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, Application 07-093 was declared a Type II Action under Section 617.5©)(9) 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 07-094, 07-095, 07-097 and 07-098 were declared Type II Actions under Section 617.5©)(10) of the State Environmental Quality Review Act (SEQRA).

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

UNANIMOUSLY CARRIED

Application 07-052 of Petsmart requesting a variance for 254.1 sq.ft. of signage, whereas only 250 sq.ft. is allowed by code on property located at 790 Jefferson Road.

 ***This application was reserved at the June 27, 2007 meeting for determination of correct square footage.***

The above applicant withdrew the application on 7/11/07. Due to their miscalculations, the variance for the square footage of signage was no longer needed.

Application 07-090 of Rerob, LLC requesting a variance for replacement of existing underground gas tanks with one new 20,000 gallon tank and one new 12,000 gallon tank, with a total of 32,000 gallons. A maximum tank size of 10,000 gallons with a maximum total of 24,000 gallons is allowed by code, on property located at 3100 Winton Road South.

On motion to adjourn by Mr. Malcolm, seconded by Mr. Levey, it was RESOLVED THAT Application 07-090 of Rerob, LLC be adjourned until the August 22, 2007 Zoning Board meeting due to an address error and be readvertised for said date with corrected address of 3001 Winton Road South.

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

UNANIMOUSLY CARRIED

Application 07-091 of Rerob, LLC requesting a variance for a 48.17 ft. rear setback, whereas 60 ft. is required by code to redevelop existing site on property located at 3100 Winton Road South.

On motion to adjourn by Mr. Malcolm, seconded by Mr. Levey, it was RESOLVED THAT Application 07-091 of Rerob, LLC be adjourned until the August 22, 2007 Zoning Board meeting due to an address error and be readvertised for said date with corrected address of 3001 Winton Road South.

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

UNANIMOUSLY CARRIED

Application 07-092 of Robert Klie requesting a variance for a 4.5 ft. rear setback, whereas 10 ft. is required by code to construct an 8' x 35'4" deck on property located at 31 Charissa Run.

On motion to approve by Mr. Breese, seconded by Mr. Levey, it was RESOLVED THAT Application 07-092 of Robert Klie be approved.

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

UNANIMOUSLY CARRIED

Application 07-093 of Dietmar Olschewski requesting a variance for a 16' x 20' shed (320 sq.ft.), whereas a 150 sq.ft. shed is allowed by code on property located at 16 Bedfordshire Drive.

On motion to approve by Mr. Malcolm, seconded by Mr. Steidle, it was RESOLVED THAT Application 07-093 of Dietmar Olschewski be approved.

AYES: Steidle, Barley, Breese, Levey, MacIntyre, Malcolm, Mossworth
NOES: None
Minutes of the Zoning Board

ABSTAIN: None

UNANIMOUSLY CARRIED

Application 07-094 of Dietmar Olschewski requesting a variance for an 8' privacy fence, whereas 6' is allowed by code on property located at 16 Bedfordshire Drive.

On motion to deny by Mr. MacIntyre, seconded by Mr. Levey, it was RESOLVED THAT Application 07-094 of Dietmar Olschewski be denied based on the following findings of fact:

- ☒ Alleged difficulty is self-created because applicant purchased the property with the current zoning in place.***
- ☒ The testimony reveals that there are no other eight foot fences in the neighborhood and the variance, if granted, would create an undesirable change in the neighborhood.***
- ☒ The variance is substantial in that the requested additional footage would constitute an additional 25% of the height allowed by code.***

The applicant's agent testified that regardless of the additional height the neighboring residents could still see the deck and pool from the second story of each respective neighboring residence.

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

UNANIMOUSLY CARRIED

Application 07-095 of Charles Giannavola requesting a variance for a 28.9' buffer, whereas a 50' buffer is required by code to make improvement to existing parking area on property located at 2991 East Henrietta Road.

On motion to approve by Mr. Barley, seconded by Mr. Breese, it was RESOLVED THAT Application 07-095 of Charles Giannavola be approved with the stipulation that the Applicant receives Town Board and Planning Board approvals.

AYES: Steidle, Barley, Breese, Levey, Malcolm, Mossworth
NOES: MacIntyre
Minutes of the Zoning Board

ABSTAIN: None

CARRIED

Application 07-096 of Charles Giannavola requesting a variance for a 28.7' front setback, whereas 33.4' front setback is required by code to remodel existing structure on property located at 2991 East Henrietta Road.

On motion to approve by Mr. Breese, seconded by Mr. Barley, it was RESOLVED THAT Application 07-096 of Charles Giannavola be approved with the stipulation that the Applicant receives Town Board and Planning Board approvals.

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

CARRIED

Application 07-097 of Dress Barn requesting a variance for a second wall sign ("woman"), whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

On motion to approve by Mr. Malcolm, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 07-097 of Dress Barn be approved.

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

UNANIMOUSLY CARRIED

Application 07-098 of Dress Barn requesting a variance for a third wall sign ("misses"), whereas one wall sign is allowed by code on property located at 720 Jefferson Road.

On motion to approve by Mr. Malcolm, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 07-098 of Dress Barn be approved.

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

UNANIMOUSLY CARRIED

Application 07-102 of Lisa Bierre requesting a variance for a 50.55' front setback,
Minutes of the Zoning Board

whereas 60' is required by code to build a 10' x 26' front deck on property located at 146 Sussex Road.

On motion to approve by Mr. Malcolm, seconded by Mrs. Mossworth, it was RESOLVED THAT Application 07-102 of Lisa Bierre be approved.

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

UNANIMOUSLY CARRIED

On motion of Mr. Barley, seconded by Mrs. Mossworth, it was agreed that the meeting be adjourned at 8:24 P.M.

Respectfully Submitted,

Robert Steidle
Chairperson

RS/tm