TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

ZONING BOARD OF APPEALS AGENDA
Thursday, September 19, 2019 6:30 PM
Daniel DeLaus, Chairman presiding
Paula Metzler, Town Board Liaison

I. Call to Order
II. Approval of Minutes: July 18, 2019 and August 15, 2019
III. Application Review
IV. Public Hearings, start at 7:00 PM, with Public Participation
   a. Application # 19Z-0036
      1549 Empire Boulevard, Webster, NY 14580
      Thomas Gangemi/The Children's Dyslexia Center
   b. Application # 19Z-0037
      85 Sovran Drive, Webster NY 14580
      Walter F. Baker/D.S.B. Engineers & Architects, P.C.
   c. Application # 19Z-0038
      85 Meadowlark Drive, Penfield, NY 14526
      Christopher and Mary Stutz
   d. Application #19Z-0039
      1601 Penfield Road, Rochester, NY 14625
      Paul and Laura Fardellone
   e. Application 19Z-0040
      5 Shadow Pines Drive, Penfield, NY 14526
      Todd Jones Custom Construction
   f. Application 19Z-0041
      1229 Bay Road, Webster, NY 14580
      T.Y. Lin International
   g. Application 19Z-0042
      125 Panorama Creek Drive, Rochester, NY 14625
      BME Associates
   h. Application 19Z-0043
      7 Ross Brook Drive, Rochester, NY 14625
      Susan and Joseph Hodes
   i. Application 19Z-0044
      163 Fellows Road, Fairport, NY 14450
      Michael G. Sponable, P.E./Green Land Surveying, PLLC
Tabled Matter:
   a. Application #19Z-0032
      2730 Atlantic Avenue, Penfield, NY 14526
      Dan Stewart/Heritage Christian Services
V. Hearing Deliberations

VI. Tabled Applications

VII. Executive Session

VIII. Next Meeting: October 17, 2019

IX. Adjournment

This meeting will be video recorded and broadcast LIVE via the town’s website www.penfield.org and the Town's Government Access Cable Channel 1303.

Questions regarding video coverage contact Penfield TV at (585) 340-8661.
PENFIELD ZONING BOARD OF APPEALS
NOTICE OF DECISIONS

PLEASE TAKE NOTICE that a Public Hearing was held at the Penfield Town Hall Thursday, September 19, 2019 at 7:00 PM local time by the Penfield Zoning Board of Appeals to consider the following applications. The Board’s decisions are as follows:

Public Hearing Applications:

1. Thomas Gangemi/The Children’s Dyslexia Center of Rochester, 501 South Clinton Avenue, Rochester, NY, 14620 requests a Special Use Permit under Section 250-14.3 and Section 250-5.6-B (2) of the Code to allow a tutoring center for school-aged children with dyslexia and an Area Variance under section 250-14.3 of the Code to allow less parking than required under Section 250-7.7-D of the Code at 1549 Empire Boulevard. The property is currently or formerly owned by Carl A. Zizzo and is zoned LB. SBL #093.19-1-4. Application #19Z-0036.

   SPECIAL USE PERMIT - APPROVED WITH CONDITIONS
   AREA VARIANCE FOR LESS PARKING – WITHDRAWN BY APPLICANT

2. Walter F. Baker/D.S.B. Engineers & Architects, P.C. on behalf of Edward Geska/US Ceilings Corp., 1085 Gravel Road. Webster, NY, 14580 requests Area Variances under Section 250-14.3 of the Code to allow an office/warehouse building with less front, side and rear setback than required under Section 250-5.7-D (3) of the Code at 85 Sovran Drive. The property is currently or formerly owned by Retlaw Rekced, Inc. and is zoned GB. SBL #093.15-1-2.116. Application #19Z-0037.

   APPROVED WITH CONDITIONS

3. Christopher & Mary Stutz, 85 Meadowlark Drive, Penfield, NY, 14526 request an Area Variance under Section 250-14.3 of the Code to allow a deck with less front setback than required under Section 250-5.4-C (3) (a) of the Code at 85 Meadowlark Drive. The property is owned by Christopher & Mary Stutz and is zoned PD. SBL #125.03-3-55. Application #19Z-0038.

   APPROVED WITH CONDITIONS

4. Paul & Laura Fardellone, 176 Beverly Drive, Rochester, NY, 14625 request a Conditional Use Permit under Section 250-13.2 and Section 250-5.7-C (1) (a) of the Code to allow the operation of a restaurant (Forno Di Laura) at 1601 Penfield Road. The property is owned by Penfield TK Owner, LLC and is zoned GB. SBL #138.08-1-2./PLZA. Application #19Z-0039.

   APPROVED WITH CONDITIONS
5. Todd Jones Custom Construction, 23 Old Country Lane, Fairport, NY, 14450 on behalf of Rosann Lill requests an Area Variance under Section 250-14.3 of the Code to allow a three-season room addition with less setback than required under Section 250-5.3-D (3) of the Code at 5 Shadow Pines Drive. The property is owned by Rosann Lill and is zoned TH. SBL #124.03-1-14.007. Application 19Z-0040.

APPROVED WITH CONDITIONS

6. T.Y. Lin International, 255 East Avenue, Rochester, NY, 14604 on behalf of Pierre Heroux/Simply Crepes requests Area Variances under Section 250-14.3 of the Code to allow less parking spaces than required under Section 250-7.7-D of the Code, less buffer from a residential zoning district than required under Section 250-7.2-A of the Code and greater lot coverage than permitted under Section 250-5.6-D (2) of the Code at 1229 Bay Road. The property is currently or formerly owned by Cianciana Property Management, LLC and is zoned LB. SBL #093.11-1-39. Application #19Z-0041.

APPROVED WITH CONDITIONS

7. BME Associates, 10 Lift Bridge Lane East, Fairport, NY, 14450 on behalf of 777 Panorama Properties, LLC requests Area Variances under Section 250-14.3 of the Code to allow a building with less buffer than required under Section 250-7.2-C of the code and less parking than required under Section 250-7.7-D of the Code at 125 Panorama Creek Drive. The property is currently or formerly owned by 777 Panorama Properties, LLC and is zoned LI. SBL #138.12-1-1.1. Application #19Z-0042.

PUBLIC HEARING CONTINUED TO OCTOBER 17, 2019 MEETING

8. Susan & Joseph Hodes, 7 Ross Brook Drive, Rochester, NY, 14625 request an Area Variance under Section 250-14.3 of the Code to allow a shed with less front setback than required under Section 250-5.1-F (1) of the Code at 7 Ross Brook Drive. The property is owned by Susan & Joseph Hodes and is zoned R-1-20. SBL #123.12-1-1. Application #19Z-0043.

APPROVED WITH CONDITIONS

9. Michael G. Sponable, P.E./Green Land Surveying, PLLC, 403 East Miller Street, Newark, NY, 14513 on behalf of William Dana requests Area Variances under Section 250-14.3 of the Code to allow a larger storage building than permitted under Section 250-5.1-F (12) (a) of the Code, a storage building with less setback than permitted under Section 250-5.1-F (12) (b) of the Code and an Expansion to a Preexisting Nonconforming structure under Section 250-7.13 of the Code to allow the construction of an attached garage to an existing nonconforming residence at 163 Fellows Road. The property is currently or formerly owned by George Lehr and is zoned RR-1. SBL #140.02-1-59.1. Application #19Z-0044.

APPROVED WITH CONDITIONS
Tabled Matters:

1. Dan Stewart/Heritage Christian Services, 275 Kenneth Drive, Suite 100, Rochester, NY, 14623 requests Area Variances under Section 250-14.3 of the Code to allow a child-care facility on a parcel less than 5 acres in area as required by Section 250-13.10-A (2) of the Code, building area larger than 8,000 square feet as required by Section 250-13.10-A (3) of the Code, less buffer than required by Section 250-13.10-A (6) of the Code, a garage with less rear setback than required by Section 250-5.1-F (1) of the Code and an accessory structure with less rear setback than required by Section 250-5.1-F (12) (b) of the Code at 2730 Atlantic Avenue. The property is owned by Heritage Christian Services, Inc. and is zoned R-1-20. SBL #124.01-1-2. Application #19Z-0032.

DENIED

Amy Steklof
Town Clerk, RMC/CMC