ZONING BOARD
MEETING MINUTES

NOVEMBER 19, 2015
Penfield Zoning Board of Appeals
Minutes

The Zoning Board meeting at 6:30 PM local time Thursday, November 19, 2015, in the Auditorium Conference Room to discuss, in a meeting open to the public, tabled matters and other business that may be before it.

I. CALL TO THE ORDER: 7:00 p.m.

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<th>ZBA MEMBER</th>
<th>PRESENT</th>
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<tr>
<td>Daniel DeLaus, Chairperson</td>
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<td>Joseph Grussenmeyer</td>
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<td>Carole Mulcahy</td>
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<td>Mike Belgiorno</td>
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<td>Andris Silins</td>
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<th>ADDITIONAL STAFF</th>
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<tr>
<td>Peter Weishaar, Legal Counsel</td>
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<td>Harold Morehouse, Building and Zoning Administrator</td>
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<td>Alison Sublett, Secretary to the Board</td>
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Regarding Minutes from Zoning Board Meeting on October 15, 2015.

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II. PUBLIC HEARING:

The Chairperson briefly explained the procedures that the Zoning Board would follow during the public hearing, also guidelines to applicants and those members of the audience wishing to speak at the public hearing.

The Chairperson further went on to inform the audience that the Board may deliberate on the applications following the hearing and/or at a future work session. Those applicants and interested persons who wished to stay for the remaining portion of the meeting to listen to any deliberation on each matter are then welcome to do so.

The Clerk was directed to read the agenda.

NOTE: The following is meant to outline the major topics for discussion during the Zoning Board public hearings. For more detailed information, the reader should ask to listen to the recorded tape of the November 19, 2015 Zoning Board of Appeals public hearing, which is available at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 during regular business hours.

Public Hearing Applications:

1. Barbara Long, 1652 Salt Road, Penfield, NY 14526 request an Area Variance from Article III-3-35-D-8 of the Code to allow a lot housing livestock with less than five (5) acres at 1652 Salt Road. The property is owned by Barbara Long and zoned RA-2. SBL # 111.03-1-4.4. Application #15Z-0050.

Appearances by: Barbara Long, 1652 Salt Road, Penfield, NY 14526

Presenter’s statements:
- Currently own 4.83 acres
- Neighboring properties are horse farms so this complies with character of neighborhood
- Able to comply with setback requirements, open area behind house in center of property is clear of trees and housing for horses would be located in this area
- Buffering of trees and shrubs around sides and rear of lot
- Plan to have one horse for personal use

Special conditions required by the Board: None
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<td>Approve area variance to allow housing of horses for personal use</td>
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2. Joni & Jonathan Dubner, 95 Angean Drive, Webster, NY 14580 requests an Area Variance from Article III-3-35-D of the Code to allow an existing shed with less setback at 95 Angean Drive. The property is owned by Joni & Jonathan Dubner and zoned R-1-20. SBL #095.01-1-35. Application #15Z-0052.

Appearances by: Joni & Jonathan Dubner, 95 Angean Drive, Webster, NY 14580

Presenter’s statements:
- Shed was present when home was purchased
- Shed has been in current location more than twenty years, home has changed ownership three times since the placement of the shed
- Did not realize shed was not permitted until letter of violation was received from Town Code Enforcement
- Shed used to store lawn furniture and snow removal equipment
- Shed is old and weathered, not stable enough to relocate
- Willing to comply with setback requirements if shed is replaced in future
- Buffering of trees exists between shed and neighboring property

Special conditions required by the Board: None

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3. Sherri Kavanagh-Blue Rhino, 655 Ellicott Street, Batavia, NY 14020 requests a Special Permit for Outside Display under Article IV-4-24 of the Code to allow a propane tank exchange cabinet at 1910 Empire Blvd. The property is owned by Marathon Petroleum Corp and zoned GB. SBL #093.02-1-21. Application #15Z—0047.

Appearances by: Elizabeth Schmitt-General Manager Speedway #7621, 1910 Empire Blvd, Webster, NY 14580

Presenter’s statements:
- Propane exchange cabinet to be located behind exterior wall in back left corner with bollards blocking vehicle access
- Will not create an issue for fuel truck access
- Tanks to be sold during regular store hours: 5 a.m. - 11 p.m. Monday to Friday and 6 a.m. - p.m. Saturday to Sunday
- Pick up times for replacement tanks is unknown, service is new to our company

Special conditions required by the Board: None

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</table>
4. Sherri Kavanagh-Blue Rhino, 655 Ellicott Street, Batavia, NY 14020 requests a Special Permit for Outside Display under Article IV-4-24 of the Code to allow a propane tank exchange cabinet at 1841 Empire Blvd. The property is owned by Benderson Development Co Inc. and zoned GB. SBL #093.15-1-64.1. Application #15Z-0048.

Appearances by: Joseph Potalivo-Delta Sonic Carwash Systems, 570 Delaware Avenue, Buffalo, NY 14202

Presenter’s statements:
- To be stored in front of store on right hand side
- Electrical service for former ice machines will be removed prior to installation of exchange cabinet
- Bollards already installed in front of store near vicinity where cabinets would be placed, traffic flow does not create need for additional bollards
- Currently sell propane at fifteen other stores
- Location meets thirty-six inch minimum clearance requirement for fire suppression system
- Propane will be sold at regular store hours: 6 a.m. to 10 p.m. Monday through Saturday, 8 a.m. to 9 p.m. Sunday
- Pick up and replacement of empty tanks occurs approximately every two weeks

Special conditions required by the Board: None

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5. Fred Klehm-Bunting Graphics, Inc. on behalf of Northwest Savings Bank, 475 Plank Road, Webster, NY 14580 requests a Special Permit for Signage under Article VII-7-3 from Article VII-7-12-B of the Code to allow a larger freestanding sign at 475 Plank Road. The property is owned by Northwest Savings Bank and zoned LB. SBL #093.19-2-70.1. Application #15Z-0049.

Application Withdrawn
6. Costich Engineering, PC & Hanlon Architects requests an Area Variance from Article III-3-68-C of the Code and a Special Permit for Signage under Article VII-7-3 from Article VII-7-13-B and Article VII-7-13-C of the Code to allow a medical office with less setback, more building mounted signage and more than one (1) building mounted sign at 2128 & 2132 Penfield Road. The properties are owned by Geneva Killings, Otis Killings and Ralph Sollie and zoned BN-R. SBL #’s 139.08-1-69 and 139.08-1-70. Application #15Z-0051.

Appearances by: Alex Amering, EIT, Costich Engineering, P.C., Inc, 217 Lake Avenue, Rochester, NY 14608
Nate Rossi, Hanlon Architects, 1300 University Avenue, Rochester, NY 14607
Dean Feklaris, UR Medicine, 120 Corporate Woods, Suite 350, Rochester, NY 14623

Presenter’s statements:
Alex
- The plan includes plans for parking and internal access drive, landscaping and storm water management
- During sketch plan review the Planning Board asked us to move the building forward, original plan was compliant
- Similar applications [2124 Penfield Road, 15Z-0005] drove the Planning Board’s request to move the building forward and adjust parking
- The change in building placement necessitated signage on two sides (previous proposal had one building mounted sign)
- Planning Board supportive of proposed variances
- Unable to propose moving building back as parking requirements dictate necessitate proposed lot size and maintain island between parking lot and rear access drive
- Current proposed parking lot approved by the Planning Board and meets requirements for storm water management and buffer to Harris Whalen Road
- The monument sign seems unnecessary with the building forward to the street

Dean
- Entrance was moved to West side of property when building location moved forward
- Logical to have signage on both Route 441 (main thoroughfare) and entrance at Harris Hill Road sides of the building
- Penfield Road is four lanes with fast-moving traffic, distressed customers in need of medical care may have trouble locating building and entrance
- 190 square feet of total building mounted signage proposed
- Road sign not proposed at this time, difficult to determine placement without first placing building
- Yellow Urgent Care with U of R logo is official “lock up”, would not want to give up these signs as they are marketed branding for the business
- All the new U of R urgent care facilities have the “lock up” signage, desire to keep this uniform for all locations
- Signs will be illuminated approximately 30 minutes prior to opening and after close of business, hours likely to be 9 a.m. to 9 p.m.
- Willing to forgo freestanding sign in favor of building mounted signs
Nate

- Like the signage “lock up”, the design of the building is being marketed in other U of R urgent care locations
- The total signage proposed is less than what is allowed considering the amount of building frontage exists on the two sides
- Signage is consistent with the trend of mounting individual letters rather than whole boards with letters and logos mounted to the building

Special conditions required by the Board: Regarding signage there is to be no freestanding sign and building-mounted signage is to be lit no more than 30 minutes after close of business day.

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<td>Negative Declaration under SEQRA, requiring no further environmental review</td>
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<td>Aye</td>
<td>2 logo signs, 1 Urgent Care plain lettering sign</td>
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7. Peter Crounce on behalf of Faith Lutheran Church, 2576 Browncroft Blvd, Rochester, NY 14625 requests a Special Permit for Signage to under Article VII-7-3 from Article VII-7-12-B of the Code to allow a larger freestanding sign at 2576 Browncroft Blvd. The property is owned by Faith Lutheran Church and zoned R-1-20. SBL #123.08-1-2. Application #15Z-0053.

Appearances by: Peter Crounce, 97 Valley Green Drive, Penfield, NY 14526

Presenter’s statements:
- Requesting addition of hanging sign for Faith Childcare under freestanding sign
- Sandwich board sign for childcare services will be removed if hanging sign is approved
- Desire to expand identity of operations at facility and eliminate confusion as to the location of the childcare operation
- Faith Childcare is a separate operation from the church, open to community
- Childcare operating for approximately 20-25 years
- Sign is 2 ¾ square feet, double-sided, will match existing sign and not illuminated at night
- Existing portion of the freestanding sign will not be altered, shrubbery will be removed

Special conditions required by the Board: Remove shrubbery from base of sign

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<td>Aye</td>
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8. Paul Colucci-DiMarco Baytowne Associates, 1950 Brighton Henrietta Town Line Road, Rochester, NY 14623 requests a Conditional Use Permit under Article X-10-4 and Article III-3-77-A of the Code to allow a restaurant with outside dining (Napa Wood Fired Pizza) at 1900 Empire Blvd. The property is owned by Baytowne Associates and zoned GB. SBL #093.02-1-23.11. Application #15Z-0054.

Appearances by:  Bill Durdel-DiMarco Baytowne Associates, 1950 Brighton Henrietta Town Line Road, Rochester, NY 14623
David Enos-Napa Wood Fired Pizza, 573 S. Clinton Avenue, Rochester, NY 14620

Presenter’s statements:
Bill
- Restaurant will be 4700 square feet with table service
- Location will be rear corner of building “E” with a view of the new medical office building
- Currently a sidewalk is in place where outside dining is proposed
- Outside dining will be corralled with fencing and compliant with New York State liquor licensing law

David
- Outside dining will be approximately 100 seats, table service, 20’-25’ x 60’-70’ in dimension
- Customers will only have access to outdoor dining through main restaurant
- No music proposed outside
- Exterior lighting will be mounted to building and directed downward and outward
- Hours of operation will be 11 a.m. to 10 p.m. Sunday through Thursday and 11 a.m. to 11 p.m. Friday through Saturday
- Outdoor dining area will be non-smoking
- Outdoor dining area will be open with no canopy

Special conditions required by the Board: Outdoor dining shall be segregated from general pedestrian traffic. No outdoor speakers or outdoor sound systems are permitted.

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<td>Unlisted action under SEQRA requiring no further environmental review</td>
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<td>Belgiorno</td>
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<td>Grussenmeyer</td>
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<td>Silins</td>
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Meeting adjourned 8:37 p.m.
Joni & Jonathan Dubner, 95 Angean Drive, Webster, NY 14580 request an Area Variance from Article III-3-35-D of the Code to allow an existing shed with less setback at 95 Angean Drive. The property is owned by Joni & Jonathan Dubner and zoned R-1-20. SBL # 095.01-1-35. Application #15Z-0052.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting an Area Variance from Article III-3-35-D of the Code to allow an existing shed with less setback at 95 Angean Drive; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on November 19, 2015 at 7:00 PM to consider the said application and hear all persons in favor of or opposed to the application; and

WHEREAS, the Zoning Board of Appeals, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) has classified this application as a Type II action, requiring no further review under SEQRA. Therefore, the submission of a draft Environmental Impact Statement will not be required.

Motion to classify this application as a Type II action and no further environmental review will be required.

Moved: Daniel DeLaus
Seconded: Andris Silins

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE
AREA VARIANCE TO ALLOW AN EXISTING SHED WITH LESS SETBACK.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for an area variance of 5.1 feet from the required ten (10) foot side setback resulting in a setback of 4.9 feet from the west property line to allow an existing 10 foot by 10 foot shed at 95 Angean Drive, subject to the following conditions:

1. The applicant shall be required to obtain a building permit from the Building and Zoning Office and pay the appropriate fee.

2. The applicant shall be required to obtain a Certificate of Compliance from the Building and Zoning Office.

3. The applicant shall be required to comply with the requirements of the Building and Zoning Administrator.

The Board considered the following five (5) standards in applying the balancing test, which weighs the benefit to the applicant to the detriment to the health, safety and welfare of the neighborhood or community and bases its decision on the following findings as to each of the five (5) standards:

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, by the granting of the area variance.

   The Board determined that no undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by the granting of the requested area variance for the storage building. The applicant has represented to the Board that the existing shed appears to be more than twenty (20) years old and in the current location presumably for that time. Additionally, Board members Grussenmeyer and Silins had spoken to the neighbor who resides adjacent to the existing shed and they had commented that the existing shed was in the subject location for the thirty (30) years that they had resided at that location.

2. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue, other than an area variance.

   The Board determined that the benefit sought by the applicant could not be achieved by some other method other than an area variance. The applicant had represented to the Board that the existing shed provide a location for storage for yard equipment and furniture and to move the existing shed would in all likelihood cause a structural failure.

3. Whether the requested area variance is substantial.
The Board determined that the requested area variance was substantial. The applicant has
represented to the Board that although the area variance request was substantial the neighboring
property owner is buffered by existing vegetation that reduces the visual impact to them.

4. Whether the proposed area variance will have an adverse effect or impact on physical or
environmental conditions in the neighborhood or district.

The Board determined that the proposed area variance would not have an adverse impact on the
environmental conditions in the neighborhood. The applicant has represented to the Board that the
shed has not created an impact to the adjacent property in the time they have owned the subject
property.

5. Whether the alleged difficulty was self-created.

The Board determined that the alleged difficulty was self-created. The applicant has represented
to the Board that they had purchased the property approximately 2.5 years ago and had thought
that the attorney handling the closing had properly requested all documents demonstrating the
compliance of the existing shed.

The Board is directed by statutory requirements to grant the minimum variance necessary. The
approved setback shall not be modified at any time in the future without approval from the Board.

The Board’s decision was based upon the following information:

1. An Area Variance application form stamped received October 19, 2015 by the Building and
   Zoning Office.

2. A letter of intent dated October 19, 2015 stamped received October 19, 2015 by the Building
   and Zoning Office.

3. A Short Environmental Assessment Form dated October 19, 2015 stamped received October
   19, 2015 by the Building and Zoning Office.

4. An instrument survey prepared by Gary Dutton, LS dated March 15, 2011 stamped received
   October 19, 2015 by the Building and Zoning Office.

5. Testimony provided by the applicant and interested parties at the public hearing.
Moved to approve the application for area variance to allow an existing shed with less setback:  
Daniel DeLaus  
Seconded: Andris Silins

Vote of the Board

Daniel DeLaus AYE  
Michael Belgiorno AYE  
Joseph Grussenmeyer AYE  
Carole Mulcahy AYE  
Andris Silins AYE

The motion to approve the foregoing portion of the application was carried.
Barbara Long, 1652 Salt Road, Penfield, NY 14526 requests an Area Variance from Article III-3-35-D-8 of the Code to allow a lot housing livestock with less than five (5) acres at 1652 Salt Road. The property is owned by Barbara Long and zoned RA-2. SBL #111.03-1-4.4. Application #15Z-0050.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting an Area Variance from Article III-3-35-D-8 of the Code to allow a lot housing livestock with less than five (5) acres at 1652 Salt Road; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on November 19, 2015 at 7:00 PM to consider the said application and hear all persons in favor of or opposed to the application; and

WHEREAS, the Zoning Board of Appeals, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) has classified this application as a Type II action, requiring no further review under SEQRA. Therefore, the submission of a draft Environmental Impact Statement will not be required.

Motion to classify this application as a Type II action and no further environmental review will be required.

Moved: Michael Belgiorno
Seconded: Joseph Grussenmeyer

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE
AREA VARIANCE TO ALLOW A LOT HOUSING LIVESTOCK WITH LESS THAN FIVE (5) ACRES.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for an area variance of 0.18 acres from the required five (5) acre minimum lot size to allow a structure housing livestock on a 4.82 acre property at 1652 Salt Road, subject to the following conditions:

1. The applicant shall be required to obtain a building permit from the Building and Zoning Office and pay the appropriate fee.

2. The applicant shall be required to obtain a Certificate of Compliance from the Building and Zoning Office.

3. The applicant shall not be permitted to operate a horse boarding business without receiving approval from this Board.

4. The applicant shall be required to comply with the Residential Code of New York State, the Property Maintenance Code of New York State and Article IV-4-28 of Chapter 29 of the Town Code.

5. The applicant shall be required to comply with the requirements of the Building and Zoning Administrator.

The Board considered the following five (5) standards in applying the balancing test, which weighs the benefit to the applicant to the detriment to the health, safety and welfare of the neighborhood or community and bases its decision on the following findings as to each of the five (5) standards:

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, by the granting of the area variance.

   The Board determined that no undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by the granting of the requested area variance for the building to house the livestock. The applicant has represented to the Board that properties adjacent to the subject property currently house livestock and some operate as horse boarding businesses.

2. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue, other than an area variance.
The Board determined that the benefit sought by the applicant could not be achieved by some other method other than an area variance. The applicant has represented to the Board that she could not acquire the additional 0.18 acres from an adjacent property to bring the subject property in compliance with the code required five (5) acre minimum for a structure that would house livestock.

3. Whether the requested area variance is substantial.

The applicant has represented to the Board that the requested area variance was not substantial. The applicant has represented to the Board that the subject property was a compliant size lot up to the date when land was lost to improvements of Salt Road.

4. Whether the proposed area variance will have an adverse effect or impact on physical or environmental conditions in the neighborhood or district.

The Board determined that the proposed area variance would not have an adverse impact on the environmental conditions in the neighborhood. The applicant represented to the Board that the barn would be placed near the center of the property complying with the one (100) foot setback and would not create any impact to the adjacent properties.

5. Whether the alleged difficulty was self-created.

The Board determined that the alleged difficulty was self-created. The applicant has represented to the Board that issue of the lot size with respect to the provisions of housing livestock was created by her desire to have a horse.

The Board is directed by statutory requirements to grant the minimum variance necessary. The approved setback shall not be modified at any time in the future without approval from the Board.

The Board’s decision was based upon the following information:

1. An Area Variance application form stamped received October 16, 2015 by the Building and Zoning Office.

3. A Short Environmental Assessment Form dated October 15, 2015 stamped received October 16, 2015 by the Building and Zoning Office.


5. Testimony provided by the applicant and interested parties at the public hearing.

Moved to approve the application for area variance to allow a lot housing livestock with less than five (5) acres:

Moved: Michael Belgiorno
Seconded: Andris Silins

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the foregoing portion of the application was carried.
Sherri Kavanagh-Blue Rhino, 655 Ellicott Street, Batavia, NY 14020 requests a Special Permit
for Outside Display under Article IV-4-24 of the Code to allow a propane tank exchange cabinet
at 1841 Empire Blvd. The property is owned by Benderson Development Co Inc. and Zoned GB.
SBL #093.15-1-64.1. Application #15Z-0048.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting
a Special Permit for Outside Storage under Article IV-4-24 to allow a propane tank exchange cabinet at 1841 Empire Blvd; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the
Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on November 19, 2015, at 7:00
PM to consider the said application and hear all persons in favor of or opposed to the application; and

WHEREAS, the Zoning Board of Appeals, acting as lead agency pursuant to the State
Environmental Quality Review Act (SEQRA) has classified this proposal as an unlisted action.
Furthermore, the Zoning Board of Appeals has determined that this proposal will not have a
significant effect on the environment and therefore, the submission of a draft Environmental
Impact Statement will not be required.

Motion to classify this application as an unlisted action and issue a negative declaration, requiring
no further environmental review.

Moved: Joseph Grussenmeyer
Seconded: Andris Silins

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the State Environmental Quality Review Act (SEQRA) determination was
carried.
SPECIAL PERMIT FOR OUTSIDE STORAGE TO ALLOW A PROPANE TANK EXCHANGE CABINET

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for a Special Permit for Outside Storage and Display to allow a propane tank exchange cabinet at 1841 Empire Blvd, subject to the following conditions:

1. The applicant shall obtain a Special Permit from the Town Clerk’s Office and pay the appropriate fee.

2. The applicant shall comply with the requirements of the Building and Zoning Administrator and Fire Marshal.

3. The applicant shall comply with the requirements of the Building Code of New York State, the Fire Code of New York State, the Property Maintenance Code of New York State and Article IV-4-28 of Chapter 29 of the Town Code.

The Board bases its decision on its findings that:

1. Such storage and display is an accessory use to the main business conducted or to be conducted on the premises.

The applicant has represented to the Board that the propane tank exchange cabinet provides a service to customers that would normally patronize the subject property for other fuel and convenience store items.

2. In a LB, FC, B-NR, or GB district, such storage and display is not within one hundred (100) feet of the line of a residential zoning district. In an LI district, such storage or display shall not occur within one hundred fifty (150) feet of the line of any residential zoning district.

The applicant has represented to the Board that the location of the propane tank exchange cabinet would be located along the front of the existing convenience store and greater than 100 feet to any residential zoning district.

3. Such storage and display is not at such distance from any public highway as to interfere with the safe use of such traffic.

The applicant has represented to the Board that the propane tank exchange cabinet would be located along the front of the convenience store and away from any traffic lane and protected by bollards.

4. Such storage and display does not unreasonably interfere with the quiet enjoyment of property by adjacent property owners.
The applicant has represented to the Board that the proposed location of the propane tank exchange cabinet would not impact the adjacent commercial property.

The Board’s decision was based upon the following information:

1. A Special Permit for Outside Storage and Display application form stamped received October 13, 2015 by the Building and Zoning Office.

2. A Short Environmental Assessment Form dated October 13, 2015 stamped received October 13, 2015 by the Building and Zoning Office.


4. A letter of permission from the property owner dated October 5, 2015 stamped received October 13, 2015 by the Building and Zoning Office.

5. A site plan prepared by Costich Engineering dated November 30, 2001 stamped received October 13, 2015 by the Building and Zoning Office.

6. A Monroe County Development Referral Form received by the Building and Zoning Office.

7. Testimony provided by the applicant and interested parties at the public hearing.

8. Photographs of the subject property provided by the applicant.

Motion to approve the application for a Special Permit for Outside Storage and Display

Moved: Joseph Grussenmeyer
Seconded: Carole Mulcahy

Vote of the Board

Daniel DeLaus AYE
Michael Belgirorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the foregoing portion of the application was carried
PENFIELD ZONING BOARD OF APPEALS
November 19, 2015

Paul Colucci-DiMarco Baytowne Associates, 1950 Brighton Henrietta Town Line Road, Rochester, NT 14623 requests a Conditional Use Permit under Article X-10-4 and Article III-3-77-A of the Code to allow a restaurant with outside dining (Napa Wood Fired Pizza) at 1900 Empire Blvd. The property is owned by Baytowne Associates and zoned GB. SBL #093.02-1-23.11. Application #15Z-0054.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting a Conditional Use Permit under Article X-10-4 and Article III-3-77-A of the Code to allow a restaurant with outside dining (Napa Wood Fired Pizza) at 1900 Empire Blvd; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on November 19, 2015, at 7:00 PM to consider the said application and hear all persons in favor of or opposed to the application; and

WHEREAS, the Zoning Board of Appeals, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) has classified this proposal as an unlisted action. Furthermore, the Zoning Board of Appeals has determined that this proposal will not have a significant effect on the environment and therefore, the submission of a draft Environmental Impact Statement will not be required.

Motion to classify this application as an unlisted action and issue a negative declaration, requiring no further environmental review.

Moved: Daniel DeLaus
Seconded: Joseph Grussenmeyer

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the State Environmental Quality Review Act (SEQRA) determination was carried.
CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT WITH OUTSIDE DINING.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for a Conditional Use Permit under Article X-10-4 and Article III-3-77-A of the Code to allow a restaurant with outside dining (Napa Wood Fired Pizza) at 1900 Empire Blvd, subject to the following conditions:

1. The applicant shall obtain a Special Permit from the Town Clerk’s Office and pay the appropriate fee.

2. The applicant shall be required to obtain a building permit from the Building and Zoning Office and pay the appropriate fee.

3. The applicant shall be required to obtain a Certificate of Occupancy from the Building and Zoning Office.

4. The applicant shall comply with the requirements of the Building Code of New York State, the Fire Code of New York State, the Property Maintenance Code of New York State and Chapter 29 Article IV-4-28 of the Town Code.

5. The applicant shall be approved for an outside dining area 25 foot by 70 foot for up to one (100) seating along the north side of the tenant space. The applicant shall be required to segregate the dining area from the general pedestrian traffic paths as presented at the Public Hearing.

6. The applicant shall not be permitted to use speakers or any outdoor sound system.

The Board bases its decision on its findings that:

1. The proposed use is similar to the other uses in the general subject property and with the current uses in the area.

2. As required by Article X-10-4 for issuance of a Conditional Use Permit, there is no detriment to the adjacent properties that will be produced by the approval of this application because:

a. Means of ingress and egress.

The applicant has represented to the Board that the ingress and egress from the subject property would be through existing locations onto Empire Blvd and Creek Street.

b. Adequacy of parking facilities.

The applicant has represented to the Board that the existing site has adequate parking to support the proposed tenant and additional parking spaces would be added as the future building area constructed.
c. Potential impact to both present and future uses.

The applicant has represented to the Board that the proposed use would not impact the uses on the subject property.

d. Compatibility with the general area in which it is to be located.

The applicant has represented to the Board that the proposed use would be compatible with any of the uses on the subject property.

e. Type and amount of signage.

The applicant has represented to the Board that no additional signage would be required.

f. Potential noise level.

The applicant has represented to the Board that noise would not create a nuisance to the adjacent property owners and they currently have no plans to provide music to the outside dining area.

g. Clear sight distance.

The applicant has represented to the Board that the clear sight distances at the exits from the plaza to Empire Blvd and Creek Street are signalized to are limited egress locations and do provide adequate visibility to vehicular traffic.

h. Existing and proposed buffering.

The applicant is not proposing any buffering for the proposed use and the location of the tenant space is towards the center of the existing plaza.

i. Proposed generation of noxious odors.

The applicant represented to the Board that noxious odor would not be created by the cooking of the menu items.

j. Exterior lighting.

The applicant will not be adding any additional lighting to the subject property other than required by code.

k. Proposed hours of operation.

The applicant has proposed hours of 11:00 AM to 10:00 PM Sunday to Thursday and 11:00 AM to 11:00 PM Friday and Saturday.

3. Not detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the town.
The proposed use is consistent with the conditionally permitted uses for the zoning district.

Pursuant to Article X-10-4-B, this Conditional Use Permit shall become void one (1) year after this approval unless the permitted activity has commenced, or otherwise specified.

Pursuant to Article X-10-4-C, this Board may revoke any Conditional Use Permit for non-compliance of conditions set forth in this approval, after first holding a public hearing and giving notice of such hearing as provided in Article XIV-14-11.

The Board’s decision was based upon the following information:

1. A Conditional Use Permit application form stamped received October 23, 2015 by the Building and Zoning Office.

2. A Short Environmental Assessment Form dated October 23, 2015 stamped received October 23, 2015 by the Building and Zoning Office.


5. Testimony provided by the applicant and interested parties at the public hearing.

Motion to approve the application for a Conditional Use Permit to allow a restaurant with outside dining (Napa Wood Fired Pizza).

Moved: Daniel DeLaus
Seconded: Michael Belgiorno

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the application was carried.
PENFIELD ZONING BOARD OF APPEALS
November 19, 2015

Sherri Kavanagh-Blue Rhino, 655 Ellicott Street, Batavia, NY 14020 requests a Special Permit for Outside Display under Article IV-4-24 of the Code to allow a propane tank exchange cabinet at 1910 Empire Blvd. The property is owned by Marathon Petroleum Corp and zoned GB. SBL # 093.02-1-21. Application #15Z-0047.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting a Special Permit for Outside Storage under Article IV-4-24 to allow a propane tank exchange cabinet at 1910 Empire Blvd; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on November 19, 2015, at 7:00 PM to consider the said application and hear all persons in favor of or opposed to the application; and

WHEREAS, the Zoning Board of Appeals, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) has classified this proposal as an unlisted action. Furthermore, the Zoning Board of Appeals has determined that this proposal will not have a significant effect on the environment and therefore, the submission of a draft Environmental Impact Statement will not be required.

Motion to classify this application as an unlisted action and issue a negative declaration, requiring no further environmental review.

Moved: Joseph Grussenmeyer
Seconded: Michael Belgiorno

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the State Environmental Quality Review Act (SEQRA) determination was carried.
SPECIAL PERMIT FOR OUTSIDE STORAGE TO ALLOW A PROPANE TANK EXCHANGE CABINET

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for a Special Permit for Outside Storage and Display to allow a propane tank exchange cabinet at 1910 Empire Blvd, subject to the following conditions:

1. The applicant shall obtain a Special Permit from the Town Clerk’s Office and pay the appropriate fee.

2. The applicant shall comply with the requirements of the Building and Zoning Administrator and Fire Marshal.

3. The applicant shall comply with the requirements of the Building Code of New York State, the Fire Code of New York State, the Property Maintenance Code of New York State and Article IV-4-28 of Chapter 29 of the Town Code.

The Board bases its decision on its findings that:

1. Such storage and display is an accessory use to the main business conducted or to be conducted on the premises.

The applicant has represented to the Board that the propane tank exchange cabinet provides a service to customers that would normally patronize the subject property for other fuel and convenience store items.

2. In a LB, FC, B-NR, or GB district, such storage and display is not within one hundred (100) feet of the line of a residential zoning district. In an LI district, such storage or display shall not occur within one hundred fifty (150) feet of the line of any residential zoning district.

The applicant has represented to the Board that the location of the propane tank exchange cabinet would be located towards the rear of the existing convenience store near the existing storage shed and greater than 100 feet to any residential zoning district.

3. Such storage and display is not at such distance from any public highway as to interfere with the safe use of such traffic.

The applicant has represented to the Board that the storage trailer would be located near the rear of the property and would not create a problems to the public highway or the internal road on the subject property.

4. Such storage and display does not unreasonably interfere with the quiet enjoyment of property by adjacent property owners.
The applicant has represented to the Board that the proposed location of the propane tank exchange cabinet would not impact the adjacent commercial property.

The Board’s decision was based upon the following information:

1. A Special Permit for Outside Storage and Display application form stamped received October 13, 2015 by the Building and Zoning Office.

2. A Short Environmental Assessment Form dated October 13, 2015 stamped received October 13, 2015 by the Building and Zoning Office.


4. A letter of permission from the property owner dated April 10, 2015 stamped received October 13, 2015 by the Building and Zoning Office.


6. A Monroe County Development Referral Form received by the Building and Zoning Office.

7. Testimony provided by the applicant and interested parties at the public hearing.

8. Photographs of the subject property provided by the applicant.

Motion to approve the application for a Special Permit for Outside Storage and Display

Moved: Joseph Grussenmeyer
Seconded: Michael Belgiorno

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the foregoing portion of the application was carried
PENFIELD ZONING BOARD OF APPEALS
November 19, 2015

Costich Engineering, PC & Hanlon Architects requests an Area Variance from Article III-3-68-C of the Code and a Special Permit for Signage under Article VII-7-3 from Article VII-7-13-B and Article VII-7-13-C of the Code to allow a medical office with less setback, larger building mounted signage and more than one (1) building mounted sign at 2128 & 2132 Penfield Road. The properties are owned by Geneva Killings, Otis Killings and Ralph Sollie and zoned BN-R. SBL #'s 139.08-1-69 and 139.08-1-70. Application #15Z-0051.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting an Area Variance from Article III-3-68-C of the Code and a Special Permit for Signage under Article VII-7-3 from Article VII-7-13-B and Article VII-7-13-C of the Code to allow a medical office with less setback, larger building mounted signage and more than one (1) building mounted sign at 2128 & 2132 Penfield Road; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on November 19, 2015 at 7:00 PM to consider the said application and hear all persons in favor of or opposed to the application; and

WHEREAS, the Zoning Board of Appeals, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) has classified this proposal as an unlisted action. Furthermore, the Zoning Board of Appeals has determined that this proposal will not have a significant effect on the environment and therefore, the submission of a draft Environmental Impact Statement will not be required.

Motion to classify this application as an unlisted action and issue a negative declaration, requiring no further environmental review.

Moved: Andris Silins
Seconded: Joseph Grussenmeyer

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE
AREA VARIANCE TO ALLOW A MEDICAL OFFICE WITH LESS SETBACK.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for an area variance of forty nine (49) feet from the required eighty (80) foot front setback requirement resulting in a setback of thirty one (31) feet to the right of way of Penfield Road to allow the construction of a 62 foot by 68 foot medical office at 2128 and 2132 Penfield Road, subject to the following conditions:

1. The applicant shall be required to obtain a building permit from the Building and Zoning Office and pay the appropriate fee.

2. The applicant shall be required to obtain a Certificate of Occupancy from the Building and Zoning Office.

3. The applicant shall be required to comply with the requirements of the Building and Zoning Administrator.

4. The applicant shall be required to comply with the requirements of the Building Code of New York State, the Property Maintenance Code of New York State and Chapter 29 Article IV-4-28 of the Town Code.

5. The applicant shall be required to receive approval from the Town of Penfield Planning Board and comply with all conditions of approval.

The Board considered the following five (5) standards in applying the balancing test, which weighs the benefit to the applicant to the detriment to the health, safety and welfare of the neighborhood or community and bases its decision on the following findings as to each of the five (5) standards:

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, by the granting of the area variance.

The Board determined that the applicant has proposed a redevelopment of two (2) residential properties for the purpose of an urgent care medical office which is consistent with the zoning of the subject property. These two (2) residential properties are the last of eight (8) properties re-zoned by the Town of Penfield Town Board on April 17, 1991, and the setbacks of the other properties are similar.

2. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue, other than an area variance.
The Board determined that the benefit sought by the applicant could not be achieved by some other method other than an area variance. The applicant has represented to the Board that a compliant plan was presented to the Planning Board for review but the Planning Board requested this alternate plan to be prepared citing the other recent projects that have been approved in the area with reduced setback from the right of way of Penfield Road. This alternate plan does allow for a better site flow to and from the required rear access road.

3. Whether the requested area variance is substantial.

The Board determined that the requested area variance was substantial. Although the proposed medical building would be located thirty one (31) feet from the right of way the building would be approximately seventy (70) feet from the edge of the road.

4. Whether the proposed area variance will have an adverse effect or impact on physical or environmental conditions in the neighborhood or district.

The Board determined that the proposed area variance would not have an adverse impact on the environmental conditions in the neighborhood. The applicant has represented to the Board that the storm water would be managed by a system approved by the Town Engineer.

5. Whether the alleged difficulty was self-created.

The Board determined that the alleged difficulty was not self-created. The applicant has represented to the Board that this current plan under review by this Board was prepared after a number of Planning Board meetings and discussions with town staff.

The Board is directed by statutory requirements to grant the minimum variance necessary. The approved setback shall not be modified at any time in the future without approval from the Board.

The Board’s decision was based upon the following information:

1. An Area Variance application form stamped received October 19, 2015 by the Building and Zoning Office.

3. A Short Environmental Assessment Form dated October 19, 2015 stamped received October 19, 2015 by the Building and Zoning Office.


5. A memo from the Planning Board dated November 13, 2015

6. Testimony provided by the applicant and interested parties at the public hearing.

Moved to approve the application for area variance to a medical office with less setback:

Moved: Andris Silins
Seconded: Michael Belgiorno

Vote of the Board

Daniel DeLaus        AYE
Michael Belgiorno     AYE
Joseph Grussenmeyer  AYE
Carole Mulcahy       AYE
Andris Silins         AYE

The motion to approve the foregoing portion of the application was carried.
SPECIAL PERMIT FOR SIGNAGE TO GREATER BUILDING MOUNTED SIGNAGE AND MORE THAN ONE (1) BUILDING MOUNTED SIGN

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board hereby APPROVES the application for a Special Permit for Signage to allow one hundred fifty eight (158) square feet of building mounted signage consisting of two (2) 76.36 inch by 118 inch signs depicting “UR Medicine Urgent Care” and one (1) 24 inch by 195 inch sign depicting “Urgent Care” at 2128-2132 Penfield Road, subject to the following conditions:

1. The applicant shall be required to obtain a sign permit from the Building and Zoning office and pay the appropriate fee.

2. The applicant shall be required to comply with the requirements of the Building Code of New York State, the Property Maintenance Code of New York State and Article IV-4 of Chapter 29 of the Town Code.

3. The applicant shall be required to comply with the requirements of the Building and Zoning Administrator.

4. The applicant has agreed with the Board request to relinquish the current rights to a freestanding sign. The applicant shall not be permitted a freestanding sign, as enumerated under Article’s VII-7-12-A through E, for this use without receiving approval from this Board.

To the extent Applicant sought signage beyond what is approved, said application is otherwise DENIED.

The Board considered the following five (5) standards in applying the balancing test, which weighs the benefit to the applicant to the detriment to the health, safety and welfare of the neighborhood or community and bases its decision on the following findings as to each of the five (5) standards:

1. The proposed sign is in harmony with the standards for permitted signs and within the spirit of Article VII-7.

The Board determined that the proposed signage is in harmony with the standards for permitted signs. The applicant has represented to the Board that because the proposed building has frontage on two (2) streets (Penfield Road and Harris Whalen Park Road) the building would be allowed three hundred (300) square feet of building mounted signage.

2. The proposed sign shall be compatible and not detrimental to neighborhood properties.
The Board determined that the proposed signs are compatible and are not detrimental to neighborhood properties. The applicant has represented to the Board that these two (2) parcels are the last of approximately eight (8) residences that have converted from residential use to commercial use.

3. The proposed sign does not; by reason of its location create a hazard of any nature to the public in general or to any owner or occupant of neighborhood properties.

The Board determined that the location of the proposed signs would not create a hazard to the public in general or to any owner or occupant of neighboring properties. The applicant has represented to the Board that the additional signage would be beneficial to the public by allowing better visibility of the use at a location on Penfield Road with five (5) lanes of traffic.

4. The proposed sign does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties.

The Board determined that the location of the proposed signs does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties. The applicant has represented to the Board that the general area around the subject property is commercial and would not interfere with the enjoyment of the neighborhood properties.

5. The proposed sign is necessary to enhance the business identification, because of the location of the business’ proximity to the front property line, the exterior appearance of the structure containing the business and the nature of the business.

The Board determined that the signage was necessary to identify the subject business. This medical office will provide services that will allow patients to receive treatment outside of traditional office hours and without an appointment. Such patients are likely to be unfamiliar with the location, thus necessitating the additional signage.

The Board’s decision was based upon the following information:

1. A Special Permit for Signage application form stamped received October 19, 2015 by the Building and Zoning Office.

3. A Short Environmental Assessment Form dated October 19, 2015 stamped received October 19, 2015 by the Building and Zoning Office.


5. Sign drawings prepared by ID Signsystems dated September 29, 2015 stamped received October 16, 2015 by the Building and Zoning Office

6. A memo from the Planning Board dated November 13, 2015

7. Testimony provided by the applicant and interested parties at the public hearing.

Moved to approve the application for a Special Permit for Signage to allow greater building mounted signage and more than one (1) building mounted sign.
Moved: Andris Silins
Seconded: Carole Mulcahy

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the foregoing portion of the application was carried
PENFIELD ZONING BOARD OF APPEALS  
November 19, 2015  

Peter Crounce on behalf of Faith Lutheran Church, 2576 Browncroft Blvd, Rochester, NY 14625 requests a Special Permit for Signage to under Article VII-7-3 from Article VII-7-12-B of the Code to allow a larger freestanding sign at 2576 Browncroft Blvd. The property is owned by Faith Lutheran Church and zoned R-1-20. SBL # 123.08-1-2. Application #15Z-0053.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting Special Permit for Signage to under Article VII-7-3 from Article VII-7-12-B of the Code to allow a larger freestanding sign at 2576 Browncroft Blvd; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on November 19, 2015 at 7:00 PM to consider the said application and hear all persons in favor of or opposed to the application; and

WHEREAS, the Zoning Board of Appeals, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) has classified this proposal as an unlisted action. Furthermore, the Zoning Board of Appeals has determined that this proposal will not have a significant effect on the environment and therefore, the submission of a draft Environmental Impact Statement will not be required.

Motion to classify this application as an unlisted action and issue a negative declaration, requiring no further environmental review.

Moved: Michael Belgiorno  
Seconded: Carole Mulcahy

Vote of the Board

Daniel DeLaus  AYE  
Michael Belgiorno  AYE  
Joseph Grussenmeyer  AYE  
Carole Mulcahy  AYE  
Andris Silins  AYE
SPECIAL PERMIT FOR SIGNAGE TO ALLOW A LARGER FREESTANDING SIGN

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board hereby APPROVES the application for a Special Permit for Signage to allow a double faced 23.75 square foot freestanding sign which consists of an existing double faced twenty one (21) square foot (Faith Lutheran Church) and a double faced 2.75 square foot (Faith Child Care) signs at 2576 Browncroft Blvd, subject to the following conditions:

1. The applicant shall be required to obtain a sign permit from the Building and Zoning office and pay the appropriate fee.

2. The applicant shall be required to comply with the requirements of the Building Code of New York State, the Property Maintenance Code of New York State and Article IV-4 of Chapter 29 of the Town Code.

3. The applicant shall be required to comply with the requirements of the Building and Zoning Administrator.

The Board considered the following five (5) standards in applying the balancing test, which weighs the benefit to the applicant to the detriment to the health, safety and welfare of the neighborhood or community and bases its decision on the following findings as to each of the five (5) standards:

1. The proposed sign is in harmony with the standards for permitted signs and within the spirit of Article VII-7.

The Board determined that the proposed signage is in harmony with the standards for permitted signs. The applicant has represented to the Board that the separately operated Faith Child Care is in need of identification for the business and this additional signage is a small increase to the currently approved freestanding sign.

2. The proposed sign shall be compatible and not detrimental to neighborhood properties.

The Board determined that the proposed signs are compatible and are not detrimental to neighborhood properties. The applicant has represented to the Board that the additional signage would not be detrimental to the neighboring properties.

3. The proposed sign does not; by reason of its location create a hazard of any nature to the public in general or to any owner or occupant of neighborhood properties.
The applicant has represented to the Board that the proposed signage would replace the portable temporary sign the Faith Child Care uses to identify the subject property.

4. The proposed sign does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties.

The Board determined that the location of the proposed signs does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties. The applicant has represented to the Board that the use of the temporary portable sign that would not be used once the freestanding sign is place in service would interfere with the lawful enjoyment of the public highway to a greater degree than the proposed freestanding sign.

5. The proposed sign is necessary to enhance the business identification, because of the location of the business’ proximity to the front property line, the exterior appearance of the structure containing the business and the nature of the business.

The Board determined that the signage was necessary to identify the subject business. The applicant has represented to the Board that signage is needed to identify the child care business at the subject property as the service is available to anyone within or outside of the congregation.

The Board’s decision was based upon the following information:

1. A Special Permit for Signage application form stamped received October 23, 2015 by the Building and Zoning Office.


3. A Short Environmental Assessment Form dated October 23, 2015 stamped received October 23, 2015 by the Building and Zoning Office.


5. Sign drawings prepared by Clinton Signs Inc dated August 17, 2015 stamped received October 23, 2015 by the Building and Zoning Office.

6. Testimony provided by the applicant and interested parties at the public hearing.
Moved to approve the application for a Special Permit for Signage to allow a larger freestanding sign.

Moved: Michael Belgiorno
Seconded: Andris Silins

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the foregoing portion of the application was carried