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

ZONING BOARD
MEETING MINUTES

SEPTEMBER 15, 2016
Penfield Zoning Board of Appeals
Minutes

The Zoning Board meeting was held at 6:30 PM local time Thursday, September 15, 2016 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:

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<th>ZBA MEMBER</th>
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<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>Kristine Shaw, Secretary to the Board</td>
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Regarding Minutes from Zoning Board Meeting on August 18, 2016 –Will vote at October meeting

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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 September 15, 2016 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.

1. Barbara Konish-Corbett & George Corbett, 1 Renwick Run, Penfield, NY 14526 requests an Area Variance from Chapter 250 Article V-5.1-F-12 of the Code to allow the construction of a storage building with less setback at 1 Renwick Run. The property is owned by Barbara Konish-Corbett and George Corbett and zoned RA-2. SBL #110.01-1-59. Application #16Z-0037.

Appearances by:
Barbara Konish-Corbett & George Corbett, 1 Renwick Run, Penfield, NY 14526

Presenter’s statements:

- They need a variance for a storage building that is short on one corner for the 50 foot minimum set back.
- They had Harold Morehouse come out and measure, and showed that the left corner would be about 10 feet short from the neighbors residing on Penfield Center Road.
- They will store, camper, project cars & motorcycles, small fishing boat, and tractors inside.
- The single story barn will closely match the house colors and there will be no outside lighting. They may have inside lighting but plans aren’t made yet.
- It is 260 feet from the street and Arborvitae bushes hide it from the neighbor and the street.
- They like the location chosen as it has buffering to hide it and they have a turn-around part of the driveway that is already in place and want to put the barn at the edge of it which places the barn into the need for a variance.
- Neighbors, John, from next door and Jennifer Shoots from Penfield Center came to the meeting in support of the application.
- The Corbett’s haven’t decided which size yet. Depending on the cost, the largest size they make is 30 feet x 48 feet. The maximum height would be 18 feet. They will have only one large door for the camper and other doors would be car size.
- They have a shed in the back yard for keeping rakes and garden tools. They are agreeable to a condition put on their application to either incorporate it to the new building or take it down.

Boards comments/questions:

Board Member Grussenmeyer:
- Inquired as to use for the barn and if there would be electricity or lighting on it, what color it would be and why they want to place it in this location as they have a large piece of property

Board Member Belgiorno:
- Noted that they cannot have two accessory structures as they have another shed on the property
- Asked if they could incorporate the shed with the new structure or they would have to have another variance

Harold Morehouse:
- Suggested that they would be able to incorporate it to the big building and not have to get a separate variance and would be a condition of approval to resolve the vote this evening.

Chairman DeLaus:
- Suggested they either do another variance for the second shed or incorporate it to the new barn or they would need to remove it.

Board Member Mulcahy:
- Asked about dimensions and height.

Special conditions required by the Board: Need to incorporate the shed with the barn or remove the shed.

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<td>Grussenmeyer</td>
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<td>Grussenmeyer</td>
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2. James Herko, 24 Country Lane, Penfield, NY 14526 requests an Area Variance from Chapter 250 Article V-5.1-F-1 of the Code to allow an existing above ground pool and wood deck with less setback at 24 Country Lane. The property is owned by James Herko and zoned R-1-15. SBL # 124.18-1-12. Application #16Z-0038

Appearances by:
James and Deanna Herko, 24 Country Lane, Penfield, NY 14526

Presenter’s statements:

- Requesting a pool and deck variance.
- Obtained permits and a Certificate of Compliance for the pool six years ago (2010). The deck is from 2014 and also received approval from the town at the time.
- They have submitted with their application, all permits and pre approvals, Certificate of Compliances, and photos of the installation process for the pool and deck.
- They submitted a petition of support from the neighbors and some were in attendance.
- The deck is five inches from correct setbacks and pool is two and half feet.
- At the time of application, North eastern pool came to spray paint where the pool would go and town inspectors came out for a pre-inspection and approved the location.
- Deanna Herko says they have natural buffering and will be adding additional plantings.

Board comments/questions:
Board Member Belgiorno:
- Asked how long the structures have been in place.
- Mentioned the variance requested is half a foot.
- Asked if there was any objection of the location from Town officials.
- For the record indicated that Mr. and Mrs. Herko submitted a 17 signature petition.

Special conditions required by the Board:

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<td>Grussenmeyer</td>
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<td>Aye</td>
<td>Pool and deck have buffering and have been there six and two years respectively. It is a reasonable request and not much variance.</td>
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3. Philip Mackowiak, 1820 Clark Road, Rochester, NY 14625 requests an Area Variance from Chapter 250 Article V-5.1-F-12 of the Code to allow the construction of a storage building with less setback at 1820 Clark Road. The property is owned by Denise & Philip Mackowiak and zoned R-1-20. SBL # 123.08-2-97. Application #16Z-0039.

Appearances by:
Philip Mackowiak, 1820 Clark Road, Rochester, NY 14625

Presenter’s statements:

- Requesting shed variance with less than 10 foot setback. He has a small back yard and wants to keep as much open space as he can.
- He wants to put the shed in the 30 foot fenced in area in the back so as not to use up open space in the back yard. If he has to comply with proper setbacks it will be in the middle of the back yard.
- Mr. Mackowiak, feels his location is consistent with other sheds in the neighborhood in that they also have sheds on their property lines.
- He included a petition from his neighbors in support of his application and a map showing where they live.
- It will be a maximum of 192 square feet, about 8 foot x 10 foot to hold his rakes, mower, snow-blower, wheel barrel, camping equipment and other items that are currently in the second bay of his two car garage.
- There are other preexisting additions/buildings on the property that he uses as workshop space for working on cars where parts are placed all over and not good for storage.
- It will be ‘stick built’ with vinyl siding, less than 12 feet tall, no electricity, and he intends to build it himself and put it in the Northeast corner.
- He wants the shed in back area where he can see the structure.
- He does not want to put it in the other fenced yard area as it will take up useable space and he won’t be able to see it.
- He is requesting a variance as to his perception of where and how to use the shed, if the request is denied he will look into other options.
- In the back yard there are big fifteen foot pine trees for buffering with neighbor John McGraw’s shed being behind those trees. Mr. Mackowiaks’ shed would still be twenty feet away from that shed.
- He feels there are no safety or maintenance issues as he wants to be inside his fence and still have five feet between the shed and the fence.
- He doesn’t want to go by a ten foot variance so he can put a horseshoe pit and patio in and the five foot variance would help, it may not be a hardship but it is how he’d like to use his yard.
- He also has a garage in Pennsylvania and there is a flat trailer on his lot that will be going back down to that location.

Board statements / questions:
Board Member Mulcahy:
- Mentioned that she didn’t think the other neighbors sheds are on a lot line but that they have a tree line, and they are the dividing line between the yards down the street.
She asked what the dimensions are and if there will be any electric, and who the builder is and if he was putting it in the Northeast corner.

- Indicated that his lot looks like it has two yards and there are a lot of additional buildings that could be storage areas.
- She asked why he couldn’t put it over in the other fenced area (second yard) or behind the house on the right side where he wouldn’t need a variance.
- She mentions, by law the board has to give minimum variance and in this case it is difficult to grant his request when she sees he has other areas that would be in compliance with plenty of space.
- She will enter into the file the neighbor support petition.
- In giving variances the board has to make sure neighbors are happy too. When we grant a variance for one person it takes away from the neighbors as the neighbor has the right to have ten feet between their property line and whatever is on the next door property. Although one neighbor might not mind this, when the property is eventually sold the new people (next door) may not like the shed so close and a variance goes with the land. This is why we try to adhere to the code.

Harold Morehouse:
- The lot size is 90 x 175.

Chairman DeLaus:
- What kind of buffering / foliage is in the area?
- Mentions we have variance for maintenance reasons for the shed and for issues of safety.

Board Member Belgiorno:
- States that the code sets a standard and if there is a reason why you cannot comply or there is a benefit you can obtain by not complying – so we need a reason to balance code with why a variance is needed.
- Why couldn’t he do a ten foot rather than five foot set back?

Board Member Grussenmeyer:
- There is a picture of the neighbor shed, how about he put his shed in line with the neighbors as it would look more symmetrical rather than seeing sheds staggered down the line.

Special conditions required by the Board:

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<td>Belgiorno</td>
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<td>Deny</td>
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<td>Grussenmeyer</td>
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<td>Mulcahy</td>
<td>Denied</td>
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<td>Deny</td>
<td>Feels the resident has plenty of other storage areas and if he wanted to place this shed in a different area he would not need a variance. She believes this was self-created.</td>
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4. Ken Malcho-Malcho’s - 2140 Nine Mile Point Rd Holding LLC, 2140 Fairport Nine Mile Point Road, Fairport, NY 14450 requests a Conditional Use Permit under Chapter 250 Article XIII-13.4 and Chapter 250 Article V-5.7-C-1 of the Code to allow the ownership transfer of an existing Vehicle Wash at 2140 Fairport Nine Mile Point Road. The property is owned by Buckmans Management Co LLC and zoned GB. SBL #140.01-2-5.1. Application #16Z-0040.

Appearances by:
Ken Malcho

Presenter’s statements:
• He is looking for a continuance of a special use permit for a car wash and is looking for permission to continue using the property as a car wash business and continue with the same signage.
• It will be the same building, same spot, same use and only adding an Access vending machine on the south side of the building on the curb and will not impede any traffic or emergency vehicles.
• He thinks any signs had previous approval and only intends to change the name from Buckmans to Malcho’s on any existing sign. There is a current sign box above the exit door. That is twenty four inches by ten feet that says Buckmans and he will change the name, then at the entrance there is a menu board that is building mounted and he assumed there was a permit for it. He would not add additional wall mounted signs other than what is there already but agreed that he would either adhere to the current resolution or come in for another variance for approval.
• Has no plans to add a convenience store.

Board statements / questions:
Board Member Mulcahy:
• Inquired about traffic issues and other signs that are at the business and asked if he would waive the wall mounted sign as the prior owner waived the wall mounted sign in order to have a 24 foot free standing sign.
• The sign can never be more than 10 feet high as per previous owner agreement and have a light on until 11:00 pm.
• Inquired as to if Mr. Malcho agrees to waive the wall mounted signs in order to keep the bigger free standing sign.
• Inquired about Mr. Malcho’s other convenience stores and if he has plans to include one here.

Special conditions required by the Board: The business must follow previous resolutions.
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<td>Mulcahy</td>
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<td>This is just a change of ownership with minor exterior upgrades.</td>
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5. Paul Colucci-DiMarco Group, 1959 Brighton Henrietta Town Line Road, Rochester, NY 14623 on behalf of WhichCraft Brews requests a Conditional Use Permit under Chapter 250 Article XIII-13.4 and Article V-5.7-C-1 of the Code to allow Tavern/Restaurant at 1900 Empire Blvd. The property is owned by Baytowne Associates and zoned GB. SBL #093.02-1-23.11. Application #16Z-0042.

Appearances by:
Paul Colucci – DiMarco Group
John Miscotto, and Scott Baxter – Operators and owners of WhichCraft Brewery

Presenter’s statements:
- The Craft brewery/restaurant is a small brewery operation where diners order at a window, then go sit at a table. The diners have the option of eating at the bar as well. It is not a full service restaurant.
- The inside will look like an old style food truck, you go up and place your order and receive a pager.
- They will have beer on tap and craft wine that may be also be sold retail. They can sell ‘spirits’ but not serve them.
- Restaurant will be in the ‘street of shops’ area in the South West corner.
- Applying for Conditional Use permit for restaurant and outdoor seating. It will be 5,000 square feet. On the south end of the building there will be thirty seat Bistro style table outdoors area with plenty of room for maintaining walking area for other shoppers of the plaza. There is no need for umbrellas on the tables as there is a canopy over the walkway which is about fifteen feet wide.
- There will not be any wait staff outdoors. Outdoor seating will be seasonal at which time they will bring the tables and chairs inside.
- The outdoor seating area will be fenced and gated consistent with the liquor license with a 42” tall fence and will comply with all codes. There will be a panic bar for exiting, and no hardware for coming in.

Board statements / questions:
Board Member Grussenmeyer:
- Delineate the area to the right side for outdoor dining? Is the gate/fence for exiting only not as an entrance? They can have a 42 inch fence and comply with all codes. If umbrellas were to be used, they cannot have any logos.

Board Member Belgiorno:
- Asked if patrons could eat meals at the bar.

Board Member Mulcahy:
- Inquired as to the types of tables that will be used.
- Complimented the name of the restaurant.

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<td>Aye</td>
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<td>Grussenmeyer</td>
<td>Approved</td>
<td></td>
<td>Aye</td>
<td>Hopes it flourishes and doesn’t see any problem with outdoor seating.</td>
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<td>Mulcahy</td>
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<td></td>
<td>Aye</td>
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Kip Finley, PE-Indus Companies, 1080 Pittsford-Victor Road, Pittsford, NY 14534 requests a Special Permit for Signage under Chapter 250 Article X-10.3 of the Code from Chapter 250 Article X-10.12-B of the Code to allow a larger freestanding sign at 950 Panorama Trail South. The property is owned by Indus Panorama Trail Inc. and zoned LI. SBL #139.09-1-60.1. Application #16Z-0043.

Appearances by:
Kip Finley – Indus Hospitality Group

Presenter’s statements:

- Looking for a variance for a larger sign
- The hotel is on an angle, from one direction coming from East Rochester, you can see it really well, coming from Route 441 up the hill you cannot.
- Penfield code allows twenty feet for a pylon sign – four feet by five feet and that is very hard to see in the rain or in the dark.
- Mr. Finley Submitted photos.
- Wants to double the Pylon sign and give up about 170 square feet of building signage. They would also like to include the Indus name on the sign.
- Right now they only have 320 feet before you get to the driveway and you can’t read the sign.
- The sign will be illuminated, but just needs it to be bigger.
- The Hampton sign is blue with white lettering and requesting fifty five (55) square feet vs twenty. The Indus part is a red letter I and text is black at 15 square feet – They are trying to build name recognition by putting Indus on the sign.
- The pent house of the hotel will be Indus corporate offices.
- Showed the board by use of his hands with the white board how big the sign was. It will be bigger than four foot x six foot and prefers the board visualize it now, rather than taking extra time. He showed that he is only going a foot bigger than he could hold. He says it will take a few months for the order of the sign to come in and prefers not to delay if possible.
- Mr. Finley has years of experiences been on Planning Boards and Zoning boards and worked as a traffic engineer so he knows what is good for visibility. There are manuals and guidelines to work with but the published guidelines of the Uniform Traffic Control devices he would use would require a way bigger sign.
- Zoning seems commercial rather than business

Board statements / questions:
Board Member Belgiorno:
- Why are they putting Indus on the hotel sign
- Asked for an explanation of the Building mounted
- Asked if a ‘mock up’/temporary sign could be put up for the board to get a visual.
Chairman DeLaus:
- What methodology did you use to determine the size?
- Would have liked to see the information/manuals that determine sizes.
- Asked Harold Morehouse about other free standing signs in the area
Harold Morehouse:
- Other signs in the area have received variances; i.e. Timothy Patrick’s and car dealerships.
- The plaza that has Cricket on the Hearth and Paychex both have signage but it is very high off the road

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<td>DeLaus</td>
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<td>Belgiorno</td>
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<td>Aye</td>
<td>Unlisted Action Negative Declaration</td>
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<td>Other signs in the area are larger</td>
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<td>Belgiorno</td>
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<td>Aye</td>
<td>Initial thought accurate to scale/ not oversized for location and it is needed</td>
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<tr>
<td>Grussenmeyer</td>
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7. Patricia, Abby and Jordan Millner, 1662 Qualtrough Road, Rochester, NY 14625 requests an Interpretation and Appeal of the Code Enforcement Officer’s Determination of an expansion of an existing patio and proposed walkways at 1656 Qualtrough Road. The property is owned by Diane & James Hopper and zoned R-1-20. SBL # 108.16-1-64. Application #16Z-0036.

**ADJOURNED for October**

There being no further business the Board adjourned this meeting at 8:45 pm.

These minutes were adopted on October 20, 2016.
TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD ZONING BOARD OF APPEALS
September 15, 2016

Barbara Konish-Corbett & George Corbett, 1 Renwick Run, Penfield, NY 14526 requests an Area Variance from Chapter 250 Article V-5.1-F-12 of the Code to allow the construction of a storage building with less setback at 1 Renwick Run. The property is owned by Barbara Konish-Corbett and George Corbett and zoned RA-2. SBL #110.01-1-59. Application #16Z-0037.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting an Area Variance from Chapter 250 Article V-5.1-F-12 of the Code to allow the construction of a storage building with less setback at 1 Renwick Run; 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 September 15, 2016 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 Type II action, requiring no further environmental review.

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

Moved: Joseph Grussenmeyer
Seconded: Michael Belgiorno

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins ABSENT
ALLOW THE CONSTRUCTION OF A STORAGE BUILDING WITH LESS SETBACK.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for an area variance of ten (10) feet from the required setback of fifty (50) feet resulting in a setback of forty (40) feet from the south property line to allow the construction of a one thousand five hundred fifty (1550) sq. ft. storage building at 1 Renwick Run, 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 Residential Code of New York State.

4. The applicant shall be required to comply with requirements of the Property Maintenance Code of New York State and Chapter 250 Article VII-7.11 of the Code of the Town of Penfield.

5. The applicant shall be required to remove or bring into compliance the existing shed located at the rear of the subject property.

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 would be produced in the character of the neighborhood by the granting of the requested area variance. The applicant has represented to the Board that other properties in the area do have storage building similar to the structure that is represented in the application.

Additionally, the applicant has represented to the Board that the need for the storage building is to house equipment, vehicles and personal items that would be normally stored outside.

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 be achieved by some other method other than an area variance but this location proposed by the applicant was chosen due to its proximity to an existing driveway turn around that would be utilized at the overhead door into the structure, existing mature vegetation on the south and east side of the property that would buffer the structure to the adjacent properties.

3. Whether the requested area variance is substantial.

The Board determined that the requested area variance was not substantial. The applicant has represented to the Board that the existing mature vegetation provide a greater buffer to the adjacent properties than that of the extra ten (10) feet. The property owner most impacted by the storage building was in attendance and agreed with the comments.

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 construction of the proposed storage building would not alter the existing drainage patterns in the area of the south property line.

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 the structure would be used to house equipment and personal items that are currently stored outside.

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 application form stamped received August 4, 2016 by the Building and Zoning Office.
2. A letter of intent stamped received August 4, 2016 by the Building and Zoning Office.
3. A Short Environmental Assessment Form dated August 2, 2016 stamped received August 4, 2016 by the Building and Zoning Office.

4. An instrument survey dated September 15, 2015 prepared by David Staub, LS stamped received August 4, 2016 by the Building and Zoning office.

5. A photograph of the subject property.

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

Moved to approve the application for to allow a storage building with less setback:

Joseph Grussenmeyer
Seconded: Carole Mulcahy

Vote of the Board

Daniel DeLaus AYE
Michael Belgjorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins ABSENT

The motion to approve the foregoing portion of the application was carried
James Herko, 24 Country Lane, Penfield, NY 14526 requests an Area Variance from Chapter 250 Article V-5.1-F-1 of the Code to allow an existing above ground pool and wood deck with less setback at 24 Country Lane. The property is owned by James Herko and zoned R-1-15. SBL # 124.18-1-12. Application #16B-0038.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting an Area Variance from Chapter 250 Article V-5.1-F-1 of the Code to allow an existing above ground pool and wood deck with less setback at 24 Country Lane; 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 September 15, 2016 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 a Type II action, requiring no further environmental review.

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 ABSENT
ALLOW AN EXISTING ABOVE GROUND POOL WITH LESS SETBACK.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for an area variance of 2.5 feet from the required ten (10) foot setback resulting in a setback of 7.5 feet from the west property line at 24 Country Lane.

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 would be produced in the character of the neighborhood by the granting of the requested area variance. The existing above ground pool is similar to other pools located in the area.

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 the existing above ground pool was placed on the property in 2010 and considerable financial hardship would be created to relocate the pool in compliance with the required setback.

3. Whether the requested area variance is substantial.

The Board determined that the requested area variance was not substantial. The applicant has represented that the variance request is minimal and the property line adjacent to the subject above ground pool is vegetated by mature shrubs that provide a considerable buffer for the adjacent property owner.

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 area around the existing above ground pool drains to the road and rear property line.

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 all efforts were undertaken to comply with the required setback at the time of installation.

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 application form stamped received August 9, 2016 by the Building and Zoning Office.
2. A letter of intent stamped received September 14, 2016 by the Building and Zoning Office.
3. A Short Environmental Assessment Form dated August 9, 2016 stamped received August 9, 2016 by the Building and Zoning Office.
5. A photograph of the subject property.
6. Building permit for the above ground pool dated June 8, 2010 stamped received August 9, 2016 by the Building and Zoning Office.
7. Testimony provided by the applicant and interested parties at the public hearing.

Moved to approve the application for to allow a storage building with less setback:

   **Michael Belgiorno**

Seconded: **Carole Mulcahy**

Vote of the Board

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<td>Andris Silins</td>
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The motion to approve the foregoing portion of the application was carried.
ALLOW AN EXISTING WOOD DECK WITH LESS SETBACK.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for an area variance of .5 feet from the required ten (10) foot setback resulting in a setback of 9.5 feet from the west property line at 24 Country Lane.

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 would be produced in the character of the neighborhood by the granting of the requested area variance. The existing wood deck is similar to other wood decks located in the area.

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 the existing wood deck was place on the property in 2014 and considerable financial hardship work be created to relocate the wood deck in compliance with the required setback.

3. Whether the requested area variance is substantial.

The Board determined that the requested area variance was not substantial. The applicant has represented that the variance request is minimal and the property line adjacent to the subject wood deck is vegetated by mature shrubs that provide a considerable buffer for the adjacent property owner.

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 area around the existing wood deck drains to the road and rear property line.

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 all efforts were undertaken to comply with the required setback at the time of installation.

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 application form stamped received August 9, 2016 by the Building and Zoning Office.
2. A letter of intent stamped received September 14, 2016 by the Building and Zoning Office.
3. A Short Environmental Assessment Form dated August 9, 2016 stamped received August 9, 2016 by the Building and Zoning Office.
5. A photograph of the subject property.
6. Building permit for the above ground pool dated June 8, 2010 stamped received August 9, 2016 by the Building and Zoning Office.
7. Testimony provided by the applicant and interested parties at the public hearing.

Moved to approve the application for to allow a storage building with less setback:

Michael Belgiorno
Seconded: Carole Mulcahy

Vote of the Board

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

The motion to approve the foregoing portion of the application was carried
Philip Mackowiak, 1820 Clark Road, Rochester, NY 14625 requests an Area Variance from Chapter 250 Article V-5.1-F-12 of the Code to allow the construction of a storage building with less setback at 1820 Clark Road. The property is owned by Denise & Philip Mackowiak and zoned R-1-20. SBL # 123.08-2-97. Application #16B-0039.

**WHEREAS**, an application has been received by the Penfield Zoning Board of Appeals requesting an Area Variance from Chapter 250 Article V-5.1-F-12 of the Code to allow the construction of a storage building with less setback at 1820 Clark 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 September 15, 2016 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 a Type II action, requiring no further environmental review.

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

Moved: Carole Mulcahy
Seconded: Michael Belgiorno

Vote of the Board

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<tr>
<td>Andris Silins</td>
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ALLOW THE CONSTRUCTION OF A STORAGE BUILDING WITH LESS SETBACK.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board hereby DENIES the application for an Area Variance to allow the construction of a storage building with less setback at 1820 Clark Road.

Motion to deny the application for an Area Variance to allow a storage building with less setback

Moved: Carole Mulcahy
Seconded: Michael Belgiorno

Vote of the Board

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

The motion to deny the application did not obtain the necessary three (3) affirmative votes as required by New York Town Law § 267-a (13). Therefore the motion failed.
KEN MALCHO-MALCHO’S 2140 NINE MILE POINT RD HOLDING LLC, 2140 FAIRPORT NINE MILE POINT ROAD, FAIRPORT, NY 14450 REQUESTS A CONDITIONAL USE PERMIT UNDER CHAPTER 250 ARTICLE XIII-13.4 AND CHAPTER 250 ARTICLE V-5.7-C-1 OF THE CODE TO ALLOW THE OWNERSHIP TRANSFER OF AN EXISTING VEHICLE WASH AT 2140 FAIRPORT NINE MILE POINT ROAD. THE PROPERTY IS OWNED BY BUCKMANS MANAGEMENT CO LLC AND ZONED GB. SBL # 140.01-2-5.1. APPLICATION #16Z-0040.

WHEREAS, AN APPLICATION HAS BEEN RECEIVED BY THE PENFIELD ZONING BOARD OF APPEALS REQUESTING A CONDITIONAL USE PERMIT UNDER CHAPTER 250 ARTICLE XIII-13.4 AND CHAPTER 250 ARTICLE V-5.7-C-1 OF THE CODE TO ALLOW THE OWNERSHIP TRANSFER OF AN EXISTING VEHICLE WASH AT 2140 FAIRPORT NINE MILE POINT 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 SEPTEMBER 15, 2016, 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 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: CAROLE MULCAHY
SECONDED: JOSEPH GRUSSENMEYER

VOTE OF THE BOARD

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<td>ANDRIS SILINS</td>
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The motion to approve the State Environmental Quality Review Act (SEQRA) determination was carried.
CONDITIONAL USE PERMIT TO ALLOW THE OWNERSHIP TRANSFER OF AN EXISTING VEHICLE WASH

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for a Conditional Use Permit to allow the ownership transfer of an existing Vehicle Wash at 2140 Fairport Nine Mile Point Road, 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 an Operation Permit from the Fire Marshal’s Office and pay the appropriate fee.

3. The applicant shall be required to properly maintain the dumpster proposed for the use.

4. The applicant shall comply with the requirements of the Fire Code of New York State, the Property Maintenance Code of New York State and Chapter 250 Article VII-7.11 the Town Code.

5. The applicant shall be required to comply with the requirements of the Planning Board resolution dated April 13, 1995 and the Zoning Board of Appeals resolution dated April 20, 1995.

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 XIII–13.4 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 the existing locations onto Fairport Nine Mile Point Road and the internal access road servicing the south east quadrant of Routes 441 and 250.

   b. Adequacy of parking facilities.

   The applicant has represented to the Board that the site has adequate parking to support the proposed use.

   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 adjacent properties. This use is simply a transfer of ownership and would continue to operate in a similar manner as the previous operated had conducted.

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 in the neighborhood. This proposed vehicle wash would be replacing a vehicle wash that had operated at this location for more than 25 years.

e. Type and amount of signage.

The applicant will continue using the existing double faced freestanding sign that had received approval from this Board on April 20, 1995 to allow a larger double faced freestanding sign.

f. Potential noise level.

The applicant has represented to the Board noise would not create a nuisance to the adjacent property owners area.

g. Clear sight distance.

The applicant has represented to the Board that the clear sight distances at the exit from the property to Fairport Nine Mile Point Road provides adequate visibility to vehicular traffic.

h. Existing and proposed buffering.

The applicant is not proposing any additional buffering for the proposed use.

i. Proposed generation of noxious odors.

The applicant represented to the Board that noxious odors would not be created by the operation of the vehicle wash.

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 7:00 AM to 11:00 PM daily.

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 XIII–13.4(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 XIII–13.4(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 Chapter 250 Article XIII-13.4-C.

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

1. A Conditional Use Permit application form stamped received August 16, 2016 by the Building and Zoning Office.
2. A Short Environmental Assessment Form dated August 16, 2016 stamped received August 16, 2016 by the Building and Zoning Office.
3. A letter of permission from the property owner dated August 16, 2016 stamped received August 16, 2016 by the Building and Zoning Office.
4. A letter of intent dated August 16, 2016 stamped received August 16, 2016 by the Building and Zoning Office.
5. A Monroe County Development Referral Form stamped received September 8, 2016 by the Building and Zoning Office.
6. Testimony provided by the applicant and interested parties at the public hearing.

Motion to approve the application for a Conditional Use Permit to ownership transfer of an existing Vehicle Wash.

Moved: Carole Mulcahy  
Seconded: Michael Belgiorno

Vote of the Board

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

The motion to approve the application was carried.
Paul Colucci-DiMarco Group, 1959 Brighton Henrietta Town Line Road, Rochester, NY 14623 on behalf of WhichCraft Brews requests a Conditional Use Permit under Chapter 250 Article XIII-13.4 and Article V-5.7-C-1 of the Code to allow Tavern/Restaurant at 1900 Empire Blvd. The property is owned by Baytowne Associates and zoned GB. SBL #093.02-1-23.11. Application #16Z-0042.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting a Conditional Use Permit under Chapter 250 Article XIII-13.4 and Article V-5.7-C-1 of the Code to allow Tavern/Restaurant 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 September 15, 2016, 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 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 ABSENT

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

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for a Conditional Use Permit to allow a Tavern/Restaurant (WhichCraft Brews) with outside dining 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 an Operation Permit from the Fire Marshal’s Office and pay the appropriate fee.

4. The applicant shall be required to properly maintain the dumpster proposed for the use.

5. 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 250 Article VII-7.11 the Town Code.

6. The applicant shall be granted permission to provide outside dining along the south side of the proposed tenancy under the existing covered walk. The area for outside dining shall be enclosed by a fence complying the requirements of the New York State Liquor Authority. The applicant shall be required to allow an adequate pedestrian walkway under the covered walk.

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 XIII–13.4 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 locations from the subject property onto Creek Street and Empire Blvd would not be altered from the approved configurations.

   b. Adequacy of parking facilities.

   The applicant has represented to the Board that the site has adequate parking to support the proposed use.
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 or adjacent properties. This proposed use would be similar to other uses in the area.

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 in the neighborhood. The plaza that the proposed use would be located is designed to accommodate a wide variety of business uses and the proposed use would complement the existing and future uses in the area.

e. Type and amount of signage.

The applicant has represented to the Board that the signage allowance in the Code should accommodate the business signage needs.

f. Potential noise level.

The applicant has represented to the Board noise would not create a nuisance to the adjacent property owners or tenants in the area.

g. Clear sight distance.

The applicant has represented to the Board that the clear sight distances at the exit from the property to Creek Street and Empire Blvd provides adequate visibility to vehicular traffic.

h. Existing and proposed buffering.

The applicant is not proposing any additional buffering for the proposed use.

i. Proposed generation of noxious odors.

The applicant represented to the Board that noxious odors would not be created by the operation of the restaurant/tavern.

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 11:00 PM daily.

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 XIII–13.4(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 XIII–13.4(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 Chapter 250 Article XIII-13.4-C.

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

1. A Conditional Use Permit application form stamped received August 18, 2016 by the Building and Zoning Office.

2. A Short Environmental Assessment Form dated August 18, 2016 stamped received August 18, 2016 by the Building and Zoning Office.

3. A letter of permission from the property owner dated August 18, 2016 stamped received August 18, 2016 by the Building and Zoning Office

4. A letter of intent dated August 18, 2016 stamped received August 18, 2016 by the Building and Zoning Office.

5. A Monroe County Development Referral Form stamped received September 8, 2016 by the Building and Zoning Office.

6. 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/tavern with outside dining.

Moved: 

Seconded: 

Joseph Grussenmeyer 
Michael Belgiorno

Vote of the Board

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

The motion to approve the application was carried.
PENFIELD ZONING BOARD OF APPEALS
September 15, 2016

Kip Finley, PE-Indus Companies, 1080 Pittsford-Victor Road, Pittsford, NY 14534 requests a Special Permit for Signage under Chapter 250 Article X-10.3 of the Code from Chapter 250 Article X-10.12-B of the Code to allow a larger freestanding sign at 950 Panorama Trail South. The property is owned by Indus Panorama Trail Inc. and zoned LI. SBL #139.09-1-60.1. Application #16Z-0043.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting a Special Permit for Signage under Chapter 250 Article X-10.3 of the Code from Chapter 250 Article X-10.12-B of the Code to allow a larger freestanding sign at 950 Panorama Trail South; 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 September 15, 2016, 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 Belgioirno
Seconded: Joseph Grussenmeyer

Vote of the Board

Daniel DeLaus AYE
Michael Belgioirno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins ABSENT

The motion to approve the State Environmental Quality Review Act (SEQRA) determination was carried.
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 one (1) freestanding sign consisting of one (1) 5 foot by 8 foot double faced panel representing “Hampton Inn by Hilton” and one (1) 2.5 foot by 6 foot double faced panel representing “Indus Hospitality Group” at 950 Panorama Trail S, 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 Chapter 250 Article VII-7.11 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 X.

The Board determined that the proposed signage is in harmony with the standards for permitted signs. The applicant has represented to the Board that although the freestanding signage maximum would be exceeded by this request the total square footage for the building mounted and freestanding signage would be under the allowed total.

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

The Board determined that the proposed sign are compatible and are not detrimental to neighborhood properties. The applicant has represented to the Board that other properties in the area have received approval for larger freestanding signs.

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 sign would not create a hazard to the public in general or to any owner or occupant of neighboring properties. The proposed signage would be attached to the existing facade and comply with all building code requirements.
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 proposed freestanding sign is setback from the road in accordance with the setback requirement and would not interfere with the public highway.

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 property. The applicant has represented to the Board that the building located at the subject property is not oriented to the road to allow clear visibility to the building mounted signage and this larger proposed freestanding sign will provide additional visibility to the property.

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

1. A Special Permit for Signage application form stamped received August 12, 2016, by the Building and Zoning Office.


3. A site plan prepared by Fitzgerald Engineering, LS dated May 2013 stamped received August 22, 2016 by the Building and Zoning Office.

4. A Short Environmental Assessment Form dated August 12, 2016, 2016 stamped received August 22, 2016, by the Building and Zoning Office.

5. Sign drawing stamped received August 22, 2016 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 larger freestanding sign

Moved: Joseph Grussenmeyer
Seconded: Carole Mulcahy

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
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<td>Joseph Grussenmeyer</td>
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<td>Andris Silins</td>
<td>ABSENT</td>
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The motion to approve the foregoing portion of the application was carried.