Penfield Zoning Board of Appeals
Minutes

The Zoning Board meeting was held at 6:30 PM local time Thursday, April 20, 2017 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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<tr>
<td>Daniel DeLaus, Chairperson</td>
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<td>Joseph Grussenmeyer</td>
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<td>Marie Cinti</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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<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 March _16_, 2017

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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 Zoning Board Administrator 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 April 20, 2017 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.

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Special Recognition was made for Harold Morehouse as he is retiring from the Town of Penfield.
Mr. Morehouse has been on the Zoning Board since the year 2000 and with the town 30 + years, with the town.
He was thanked and congratulated and will be remembered for his extensive knowledge, patience, dignity, class, helpfulness, how he never rushed anyone, his humor and for being a gentlemen and a friend. And no one will forget his huge mugs!

CONGRATULATIONS HAROLD!
Kerry Zion-Kenneth Crandall Family Living Trust, 2199 N Washington Street, Rochester, NY 14625 an Area Variance from Chapter 250 Article V-5.1-F-1 of the Code to allow an existing shed with less setback at 2199 N. Washington Street. The property is owned by Kenneth Crandall Family Living Trust and zoned R-1-20. SBL #139.09-1-56. Application # 17Z-0022.

**Appearances by:** Kerry Zion - Kenneth Crandall Family Living Trust, 2199 N Washington Street, Rochester, NY 14625

**Presenter’s statements:**

**Kerry Zion:**
It was discovered during a site inspection and obtaining a survey map, for selling the house that the pool shed on the northeast corner is eight feet (8’) from the north property line.
The shed is on skids and is movable but it would be hardship to do so as the pool pump is built into the ground through the floor of the shed it and is right up against the back wall. To move it, would require having to dig it up.
Brought in letter of support of variance from one of the neighbors on the property line.
Submitted a photo of the pump in the shed.

**Boards Comments:**

**Board Member Silins:**
How long has the shed been there?
You would have to tear up the ground, move the pump and electric in order to move the shed?
On your neighbors’ side, are there trees and buffer?

**Chairman DeLaus** stated the calculation of the amount of the shed is approximately twelve square feet.

**Presenter’s answers:**

**Kerry Zion:**
The shed has been there 28 years, and there is buffer from the neighbors to hide it.

Special conditions required by the Board:

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Continued Application # 17Z-0022

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<td>Approve</td>
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<td>Aye</td>
<td>Shed, pump everything is at wall already</td>
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2. Dennis Andrews, 313 Valley Green Drive, Penfield, NY 14526 requests an Area Variance from Chapter 250 Article V-5.1-D-4 and Chapter 250 Article V-5.1-F-12 of the Code to allow two (2) storage building and a larger storage building with less setback at 313 Valley Green Drive. The property is owned by Dolores and Dennis Andrews and zoned R-1-20. SBL #124.20-2-5. Application #17Z-0012.

Appears by: Dennis Andrews, 313 Valley Green Dr. Penfield, NY 14526
Sabrina Renner, 15 Summer Glen Drive, Penfield, NY 14526
Steve Chamberlain, 321 Valley Green Dr, Penfield, NY 14526
Phyllis Sullivan, 21 Summer Glen Drive, Penfield, NY 14526

Presenter’s statements:
Dennis Andrews:
Would like a variance to allow a 20’ x 30’ storage building with 10’ set-back for small automobile collection rather than keeping the cars in driveway, lawn or street.
It is too costly and inconvenient to keep in storage.
He will erect building in the rear where it will be about 225’ and barely visible from the street and 10’ from the north lot line.
He cannot extend existing garage as he is too close to the lot line.
The neighbor to the north has a barn, evergreen trees and dog run, the south neighbor property has a shed and hedge row and a grove of trees. To the east has trees and a utility pole.
He would match the color of the building to his house.
He wants to put three cars in it.

Boards Comments/Questions:
Board Member Belgio:ino:
He currently has a three car garage and wants to add another three car garage.
How tall would you like it to be?
Will there be lighting? What color will it be? Will you have paving to the storage building?
Which way will doors on structure be facing?
Did you want it to be 15’ or 16’ feet high so you could put a lift in it?
Does any other property have anything similar?
Will a 20’ by 30’ structure fit three cars?
Do you intend to sell cars?

Board Member Silins:
Can you extend current garage?
Have you talked to the neighbors?
Is there any place else you could put this?
Is there any room in existing garage?

Presenter’s answers:
Dennis Andrews:
He would like it be fifteen or sixteen feet so he could have a lift in it.
There will be no exterior lighting – only inside power.
There will be no paved driveway to the building, he is planning to just drive through the grass from the back of the existing garage.
Continued - Application #17Z-0012

The doors will face the house. He wants it to have three doors so he doesn’t have to move cars around to get them out.
It is twenty by thirty (20x30) and could be turned ninety degrees.
Looking at house from the street, the door would face the right.
Mr. Andrews stated that at Route 250 and Whalen Rd back in October- a permit was granted for larger than allowed structure.
He cannot extend the garage, it would block off one side of his porch and go over the patio.
He has received negative feedback from the neighbors, because they think it will bring down property values.
He doesn’t think there is any place other than closer to the house to avoid variances but decided on the location so that it would be more out of sight.
No more room in the garage for his cars. There is no intention to sell cars.

**Boards Comments/Questions:**

**Chairman DeLaus:**
Do you have a shed? Can the shed be moved?
Can you move the building so you don’t need all the variances? It sounds like he could do it but in doing so it would make it more visible to the neighbors.
What would be the smallest variance you could work with?
What is the cost difference for height or from two to three car?
How many times do you move the cars around?

**Board Member Grussenmeyer:**
Asked why he needed such a large building.

**Board Member Belgiorno:**
Do you know of any other properties in the area that have anything similar to this in size?

**Board Member Silins:**
Mentioned the project at Whalen and Route 250 did not have setback issues.

**Presenter’s answers:**

**Dennis Andrews:**
The shed is next to the pool and as a cabana, it is closer to the house & the cost was $7,000.00.
Moving it would be tough.
In moving the building it would be harder to see from Valley Green.
If I had to go smaller, I would like a two car garage with height for a lift.
There is a slight cost difference for height or two to three car structure.
He thought we approved a large storage building on Whalen and Route 250 in October

**Zoning Board Administrator questions/comment:**

**Harold Morehouse:**
Noted: the plan shows an eleven foot setback off the north, but if the building were reduced in size – would we be keeping the same set back? As it will increase one and decrease the other and it could still line up with back corner.
Twenty two feet square building would increase a variance in one area and decrease in another area. There was more discussion of the size, and set-backs if size changed.

**Audience comments/questions:**
*Sabrina Renner*, 15 Summer Glen Dr. Penfield, NY 14526  
*Steve Chamberlain*, 321 Valley Green Dr, Penfield, NY 14526  
*Phyllis Sullivan*, 21 Summer Glen Drive, Penfield, NY 14526

The neighbors’ concerns were about noise from loud car engines or car carriers/trailers, selling of and working on cars, not enough buffer to hide view of his property from theirs, the fact that he already has three garage spaces, and a cabana, property value going down and concern over what and if the building would be used for after resale of property. There was concern expressed for the building being a potential fire hazard and how the fire department would access it. The neighbors added that they appreciate how well Mr. Anderson has kept his yard up. There was discussion of two different sizes requested 20’ x 40’ and 20’ x 30’.

**Rebuttal from applicant:**  
*Dennis Anderson*:  
Conveyed he would not be doing any work on the cars, and he would be willing to put evergreens in the back yard. There will be no use of car carriers, and maybe moves the cars a half dozen times a year. They are muscle cars. He would fire proof the building.

Special conditions required by the Board:

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<td>DeLaus</td>
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<td>Nay</td>
<td>Acknowledged that the applicant would shrink the request</td>
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<td>Belgiorno</td>
<td>DENY</td>
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<td>Aye</td>
<td>Still has 78% from east &amp; 50% variance from the west– still a big variance and is only personal to him- will effect property value- changes character of neighborhood</td>
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<td>Aye</td>
<td>For the size of the lot &amp; compared to other buildings approved that were on larger lots, too much on one space</td>
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3. Dawn and David Torpey, 28 Brass Castle, Webster, NY 14580 requests an Area Variance from Chapter 250 Article V-5.1-F-1 and Chapter 250 Article V-5.1-F-13 of the Code to allow an in ground pool and appurtenances with less setback at 28 Brass Castle. The property is owned by Dawn and David Torpey and zoned R-1-20. SBL #094.01-5-21. Application #17Z-0015.

**Appears by:** David Torpey, 28 Brass Castle, Webster, NY 14580

**Presenter’s statements:**

**David Torpey:**
Requesting Area Variance for in-ground pool. The layout of the lot is on a curve like a baseball diamond and the house sets back so the back yard is small.
Neighbor purchased land from another neighbor establishing a fence on his line, in the process, now Mr. Torpeys’ fence is five to six inches onto his property making it the neighbors’ fence. Wants to move and modify fence so it is on his own property and modify it for safety issues. Asking for a five (5) foot variance from the east.

**Board statements / questions:**

**Board Member Grussenmeyer:**
Asking for a five (5) foot variance from the east and five (5) feet from the south.
Is the shape of the pool made for the shape/contour of his land? It looks like the neighbors pools. Fencing – have to have yard totally enclosed because of the pool and will have expense in moving it and enclosing the pool.
What is the length, depth of the pool and will it have a deep end?
Will there be lighting?
Will there be any physical or environmental impact? Any drainage issues?

**Board Member Belgiorno:**
Does your proposal include the skirting around the pool? Five foot plus three foot skirting? From the three foot would be five foot?

**Presenter’s answers:**

**David Torpey:**
North East Pool recommended it and designed it to fit the space, 34’ x 23’. There is a deep end and a shallow end with transitioning.
There would be landscape lighting on the ground if they decide they want it.
There is no negative impact.
Waters’ edge will be eight feet (8’) from the property line, making three feet of concrete and then five feet from the skirt to the property line.
Continued Application #17Z-0015

Special conditions required by the Board:

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<td>Grussenmeyer</td>
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<td>All agree will bring lot into compliance</td>
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4. Laurie and Peter Pincus, 44 Devonshire Drive, Penfield, NY 14526 requests an Area Variance from Chapter 250 Article V-5.1-F-1 of the Code to allow an addition with less setback at 44 Devonshire Drive. The property is owned by Laurie and Peter Pincus and zoned R-1-15. SBL #139.06-2-21. Application #17Z-0016.

Appearances by:
Peter Pincus - 44 Devonshire Drive, Penfield, NY 14526
John Duex - 48 Devonshire Drive, Penfield, NY 14526

Presenter’s statements:
Peter Pincus:
Requesting a five feet variance to move to one car garage forward - has single car garage. Needs to accommodate growing family. Accounting for space for lawn mowers, bikes, toys, and snow blowers. They have been just putting things in the back yard. He wants to move the garage forward to be able to use space behind it. Looked into other ways i.e. extending garage side by side but that would be too much to sideways.

John Duex:
Mr. Dix is the neighbor to the south and is in support of the application.

Board statements / questions:
Board Member Silins:
Are they any other alternatives? Sounds like they had looked at other plans and this one has the least amount of impact to the neighborhood and requires the least amount of variance. Any changes to the homes nearby? Any lighting?

Presenter’s statements:
Peter Pincus:
No to all the questions except Mr. Pincus will be putting some lighting up on both sides.

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Continued Application #17Z-0016

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<td>Aye</td>
<td>This is least intrusive, variance is .5;, it is in character with neighborhood, and he did try to fit it sideways</td>
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5. Salvatore Fantauzzo-Fantauzzo Family Brands Inc., 1900 Empire Blvd, Webster, NY 14580 requests a Conditional Use Permit under Chapter 250 Article XII-13.3 and Chapter 250 Article V-5.6-C-1-c and Area Variances from Chapter 250 Article V-5.6-D-2, Chapter 250 Article V-5.6-D-3 and Chapter 250 Article VII-7.2-A of the Code to allow an apartment/offices and a lot with greater lot coverage, buildings with less setback and less buffer to a residentially zoned property at 1661 Empire Blvd. The property is owned by Fantauzzo Family Brands Inc. and zoned LB. SBL #093.19-1-23. Application #17Z-0002.

**Appearances by:**
- **Greg McMahon** – McMann Larue Associates, Engineers & Surveyors
- **Kelly Vogt** – 4 Rossman Dr, Webster, NY 14580
- **Barbara Dishambull** – 9 Rossman Drive Webster, NY 14580

**Presenter’s statements:**
**Greg McMahon:**
Area was residential structure and is now on a commercial strip.
Wants to renovate the house into corporate offices up and downstairs and possible one or two apartments upstairs.
Want to build a two story structure. The lower part would be a garage – the top portion would be his home.
Plans are being prepared and there are a number of variances and they are working with our Engineering Department.
They have rear, front and side variances coverage and buffer, along with drainage issues. It drops off to residential neighbors. They know there is a storm-water mitigation concerns and they are working to resolving this.
With the variances there are benefits and they believe the building makes screening from Empire Blvd blocking noise and lights for the neighborhood.

**Board statements / questions:**
**Chairman DeLaus:**
Is the current plan to demolish the building in the back?
Describe the condition of the building?
Chairman DeLaus asked Harold Morehouse (Zoning Administrator) if there were pre-existing variances on the property.

**Harold Morehouse:**
Stated the buildings are probably from the 1930’s-1940’s.
Chairman DeLaus reiterated they have a building close to lot line, they would demolish and rebuild another in the same area.
Asked if Mr. McMahon has seen the February 23rd letter to his client. It references PRC memos. The plans that currently exist – are they the same plans submitted to Planning Board and are you working on the concerns.
Based on PB memo from February, PB is generally in favor however, still think there is more work to be done.

**Board Member Grussenmeyer:**
Can you tell us that none of the variances addressed will change?
Continued Application #17Z-0002

Chairman DeLaus:
Follow up on Board Member Grussenmeyers’ question – will the degree of your request change as you modify your plans to conform? Can you modify to reduce the variance request?

Presenter’s answers:
Greg McMahon:
Yes, they plan to demolish the existing garage and put new building in the same location as far as the front and side corner.
The new building would also be larger – Eighty (80) foot front set back, thirty (30) foot rear and twenty (20) foot side setbacks.
Current building is one foot from property line – the new building would be three feet from the line. (Too include room for maintenance).

Salvatore Fantauzzo:
Answered Chairman DeLaus question regarding condition of the garage: The garage is tilted and ready to come down.

Greg McMahon:
This is pre WWII construction.
Any type of redevelopment will require variances.
He has read the February letters and will address comments at PRC meeting.
The plans are the same as submitted to Planning Board and they are working on the concerns.
To answer Board Member Grussenmeyer - No – will be asking for a foot for front, rear and side and buffer setback.
They took the plan that was submitted and did a field survey – there may be some changes with a foot (side and rear).
Salvatore Fantauzzo has a car collection and would like those in the garages which can hold eight (8) cars, two deep.

Board statements / questions:
Board Member Grussenmeyer:
We would be taking a risk if we grant ten foot (10’) and Planning says something different.

Harold Morehouse:
In answering Board Member Grussenmeyer: If the building footprint doesn’t change – may see negative effect.

Chairman DeLaus:
Can you modify to reduce the variance request?

Board Member Grussenmeyer:
How do you get from one side of building to the other without going on Empire Boulevard?
Continued Application #17Z-0002

Presenter’s answers:
Greg McMahon:
Front set back as it pertains to Empire Boulevard actually falls at the rear of the existing house. There will be some changes, a side entry, front entrance work, while that work is to an existing house it will fit in with the front setback of Empire Boulevard. This addresses the Empire Boulevard setback.

The side setback from the shared property line with 1651 Empire Boulevard – they are proposing the new structure in the rear to be three feet (3’) from the property line, approximately the same as the existing structure but far less than the twenty foot set back per code. There is an entry to the rear garage on the north side of the building- doesn’t believe there will be any need of a sidewalk.
On the north side of building- there is an eighty foot setback off of Rossman Drive which brings you into the existing garage, since we are on a corner lot they will need variance to that setback or nothing could be built there.

For the rear setback they are proposing, eleven foot, six inches (11’6”) from year property line, the rear setback is thirty feet (30’). It will stop the penetration of noise and light and will address drainage issues to the west.
As far as changing the variance request that would be center on the garage in the back rather than the front building. Mr. Fantauzzo would like to move and live on the site and take advantage of being near ‘work’ and having his office and home space.
To answer Board Member Grussenmeyers’ question – Coming from Empire Boulevard you would go around to the back of the building, there was some license taken in the rendering. On the Rossman Drive side there is a gutter-the only entrance off of Empire Boulevard is off of Rossman Drive.
Not all specifics could be addressed i.e. lot coverage as the engineer just drew up the renderings today.

Audience statements / questions:
Kelly Vogt:
Lives on the corner – any one coming or going to Hair Zoo, drivers assume anyone else is also going to Hair Zoo and people peel out and do K turns – in front of the residents.
From her house, can see lights of Empire and there is more noise because trees were taken down.
All the house are smaller and have smaller garages and his is already large.

Barbara Dishambull:
Concern for drainage- doesn’t have much land between driveway and the hill.
House would be above bushes – and Mr. Fantauzzo wants to put a deck on top of this house and it will have a view of her yard. Drainage will take away from property value and be an issue.
Continued Application # 17Z-0002

Special conditions required by the Board:

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Robert Fitzgerald-Fitzgerald Engineering, 277 Alexander Street, Rochester, NY 14607 on behalf of Bay Road Properties, LLC requests Area Variances from Chapter 250 Article V-5.6-D-2 and Chapter 250 Article VII-7.2-A to allow the construction of a parking lot on a property with more lot coverage and less buffer at 1205 Bay Road. The property is owned by Bay Road Properties, LLC and zoned LB. SBL #093.11-1-41. Application #17Z-0017.

Appearances by: Ray Trotta – Holland Trotta, Inc.

Presenter’s statements:

Ray Trotta:
Met with PRC (Project Review Committee) with the desire is to increase parking, they only have seven to eight spots at this time.
Striping of slots is not to current town standards.
Original intent was for parking in rear and access to Kidd Castle, but Kidd Castle is a private drive and the adjacent neighbors were not in favor of making the curb cut.
So the firm came up with a non-variance plan which used the existing area, but the problem is the cost of having a portion of the building taken down and they would lose two spots in front and only gain about six spots which is not gaining much.
They went back to PRC with a combination of this plan to include a one way circulation around the building and have rear parking area in the back with a one way exit out the side.
Front parking will be striped to code keeping a handicap spot and will have twenty total parking spaces. Both sides are twelve foot wide.
Including the Town’s code for a street scape plan – some trees along Kidd Castle Way will be added.
There is additional rear area parking areas on adjacent properties.
They will have a dumpster on the side of building.
Wants outdoor seating, adding a deck with a ramp.
Today from Zoning Board they are looking for two area variances:
First variance: They want 72 % coverage, 28% landscaped area.
Second variance: Looking for a buffer decrease to 39.9 feet.
Most cost effective solution to meet all the criteria that was needed.
PRC said they liked the idea of access from Kidd Castle so they are putting an easement in 24’ in for the future.

Board statements / questions:

Board Member Grussenmeyer:
Asked who said no to the curb cut.

Chairman DeLaus:
Stated there is a real need for parking here.

Presenter answers:

Ray Trotta:
The current ownership group of the Living Care Facility is the group that said no to the curb cut.
Continued Application #17Z-0017

Special conditions required by the Board: Condition of easement.

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<td>Grussenmeyer</td>
<td>Approve Both</td>
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<td>Aye</td>
<td>Agreeable to what he has applied to do, there are two variances - the lot coverage and less buffer.</td>
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<td>Silins</td>
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<td>X</td>
<td>Aye</td>
<td>Has future easement &amp; has excessive lot coverage due to easement given for future possibilities.</td>
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7. Benjamin Peters-Eyesite, 2142 Penfield Road, Penfield, NY 14526 requests a Special Permit for Signage under Chapter 250 Article X-10.3 and Chapter 250 Article X-10.12-D to allow a freestanding sign with less setback at 2142 Penfield Road. The property is owned by 441 Realty Group LLC and zoned BN-R. SBL #139.08-1-73. Application #17Z-0019.

Appearances by: Benjamin Peters - Eyesite, 2142 Penfield Road, Penfield, NY 14526

**Presenter’s statements:**

**Benjamin Peters:**
Wants variance for sign placement on Route 441.
Thinks they don’t have good visibility for customers as there will be trees in front.

**Board statements / questions:**

**Board Member Silins:**
What is the need as the building was shifted closer to Route 441.
The sign that is there now is a six foot tall sign.
Will the sign be illuminated at night?
Stated the building sign was already closer than any other sign along Penfield Road.
If sign was places where you want it, will it block any other signs or properties?
Have you had anyone do a site review regarding size of letters, etc.?

**Board Member Grussenmeyer:**
What is so unique that you need the additional sign as it already has EYESITE on the building?

**Zoning Board Administrator Harold Morehouse:**
Says there are other buildings in the area that were given signs (Blake Miller Property).
They were trying to accommodate the sign at Blake Miller because of the unique driveway feature.

**Presenter answers:**

**Benjamin Peters:**
The Town required an access road behind them so the building placement was shifted more toward Route 441.
Says you can see the sign from across the street, but other business areas corner lots and already have better visibility.
Wants a sign closer to road because of building and lot placement. The sign would be four feet by four feet. They need the sign for more visibility for their clients and soon the trees in front will be larger and cover their building mounted sign.
Sign placement would not block any other business. Property next door is for sale and road behind is being extended to eliminate a curb cut and thinks the neighbor business will be asking for a variance.
Mr. Peters says the other companies near him are on corner lots and have more visibility.
They were in front of ZBA in 2014 and had three signs proposed, one directional sign in the back, one front sign and nothing has changed since then.
Continued Application #17Z-0019

Special conditions required by the Board:

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<td>Grussenmeyer</td>
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<td>Negative Declaration, Unlisted Action</td>
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<td>Silins</td>
<td>DENY</td>
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<td>Aye</td>
<td>Not enough justification. There is 35’ from front of building to sign – lot is clear right now, no trees obstructing and the building is closer to the road.</td>
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Tabled Items

1. Alan Hanford-Penfield Sport & Fitness, 667 Panorama Trail West, Rochester, NY 14625 requests a Special Permit for Signage under Chapter 250 Article X-10.3 from Chapter 250 Article X-10.12-B of the Code to allow a larger freestanding sign at 667 Panorama Trail West. The property is owned by Hanford Health LLC and zoned BN-R. SBL #123.20-2-39.11. Application #17Z-0005.

Appearances by:

Presenter’s statements:

Board statements / questions:
Board Member

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MEMBER MOTION BY SECOND VOTE COMMENTS/ OTHER

DeLaus   Aye
Belgiorno Deny  Aye Without prejudice Based upon deliberate failure to provide the board additional information requested
Grussenmeyer Aye
Cinti   Absent
Silins   X
2. Spencer Read-Mitchell Design Build, 7607 Commons Blvd, Victor, NY 14564 on behalf of Penfield Self Storage requests Variances from Chapter 250 Article V-5.6(D)(2), Chapter 250 Article V-5.6(D)(3), Chapter 250 Article V-5.7(D)(2), Chapter 250 Article V-5.7(D)(3), Chapter 250 Article VII-7.2(A) and Chapter 250 Article VII-7.2(B) of the Code to allow the construction of an apartments and self-storage buildings with less setback, more lot coverage and less buffer at 1677 Penfield Road and 10 Plaza Circle. The properties are owned by Lynn Perry Properties, LLC and zoned LB and GB. SBL #'s 138.08-1-31 and 138.08-1-42.4. Application #17Z-0014.

Appearances by:
Spencer Read - Mitchell Design Build, 7607 Commons Blvd, Victor, NY 14564

Presenter’s statements:

Spencer Read:
Front setback is 80’ – Asking for front set back off Penfield Road of 64’8”- (dashed line on diagram is required setback) pushed as far back as they could.
Requesting Northwest side of lot a side setback for the corner of eight foot (8’) – 20’ is required. Pushed building toward commercial side as possible --setback grows as coming forward but gets building further from residential.
Requesting residential buffer variance.
Lot coverage – green space variances “holistic” green space in two different zoning lots – push as much green space to Penfield Road.
Mentioned to Planning Board there is a strip off this property that will introduce more formalized curb cut.

Board statements / questions:

Board Member Grussenmeyer:
What is required for lot coverage, & residential buffer?

Presenter’s answers:

Lot coverage – combined
1. Front lot currently has 74.4 % covered –yielding 25.6 % green space.
   Proposing 70% lot coverage and 30% green space so front lot will look better – required is 65%.
2. Rear lot currently has 66% lot coverage with 34% green space.
   Proposing 77.6% lot coverage and 22.4% green space-moving edge of the property in to get a swale put in.
   Combined 76.6% lot coverage and 23.4% green space.
3. Residential buffer on the front lot: existing currently is approximately 21’3”, and proposed is 30’7”. Required buffer is 50’.
4. Rear lot is GB and LB zoning and the residential buffer existing is 76’7”.
   Fifty foot (50’) is required in one area and 100’ set back is required in the other area.
   Requesting 36’5” not compliant today and the buffer gets worse which they acknowledge.

Kevin Farrell spoke to owner of the apartment complex – no problem with the plans.
Added evergreen buffer, there are sheds, dumpster and parking over there.
The sketch plans submitted to Planning Board were received favorably.
They culminated on one long building – for changing the plans to accommodate storm water drainage and the building had grade change which is hard to navigate, you do not want a building going cross grade.
Deliberation discussion:

**Presenter statements:**

**Spencer Read:**
Building height and elevation of building were discussed last meeting so they changed the plan to lower the building two feet (2’) – did an analysis of height requirements to get bare minimum to build and still get spaces needed 28’ on one end and 30’6” on the other. Did measurement of existing nearby buildings. Dressed up sides of building with ‘simulated’ windows – they are not real glass, but look it. On the inside of the building the third floor is actually into the ‘sill’ of the window (as looks from outside on the building). Size, dimension, shape still working with the same dimensions and they will use spandrel glass (non-see through black) – looks like glass on the outside but from the inside there is no glass at all, it’s a wall. Three story into a two story just from the façade.

**Board statements / questions:**

**Board Member Belgiorno:**
Problem he has is that it was two story building with apartments, now three story and all storage and also slab on a non-conforming lot - why a three story slab? Why didn’t you figure out ahead of time the cost effectiveness?
Has issue with the size and shape of building, the building is high and it’s a block. He does not like the color either, it is a dark grey block in the rendering.

**Board Member Silins:**
He ran numbers himself and came up with 40% after figuring all the variances was the average and with scaling it down to 24’-25’ building to meet some setbacks but still need variances so impact is not as great. They can scale down the structure but there has to be some give and take for size and lot setback requirements. Building next door is a couple feet near same size.

**Chairman DeLaus:**
They have made a big effort to try to fit a project on a lot that is not very practical. He looks at surround buildings and sees that this is not unusual use. Can you change the roof line, this is a low slope roof to make it not as high?

**Board Member Grussenmeyer:**
Can you change pitch or roof to get snow, rain off and go to drainage?

**Presenter answers:**

**Spencer Read:**
To answer Mr. Belgiorno; when originally submitted, they had not gotten costs figured out. The return on the investment on apartments was so much higher as compared to storage units so the storage idea would be more cost effective. Economics for project weren’t making sense. They had applied for a conditional use permit to allow for residential but hadn’t made a design yet and wanted approval for conditions first and then the idea would be fully formed and they ended up deciding the storage units would be better.

**Kevin Farrell:**
The neighbor said he was happy not to have apartments as a storage facility is low impact.
Continued Application #17Z-0014

**Spencer Read:**
They have been working with the town architect and he thought it was a good plan.
No matter what goes in the property, you have to have set backs.
In going through financials – you would need an elevator at an approximate cost of $100,000 and
made more financial sense to have a three story versus a two story building.
Office did look at roof lines, any roof they looked at added building height. A triangle shaped line
adds mass, a flat roof is not as imposing. They rendering shows the pitch to the side for storm
water drain off.
The siding is a lighter gray color than rendering due to copier/printer colors. They are willing to
change the color to make it look more acceptable to the Board.
The window sizes are 6’ x 12’. Windows are in front so you can see storage units inside. It is
common for self-storage units to show that the inside is actual storage units.
Working with Planning Board regarding lighting, but will finalize lighting by timer for night
lighting. Site lighting would be on dimmer controls.
Self-Storage is advertised as open 24/7 but only one or two cars per hour would be at the site.

Special conditions required by the Board: Two parcels have to become one, if not this will not be
approved. Per Chairman DeLaus: Resolution to note: the unique nature of the lot it is unbuildable
in many ways.

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<td>Silins</td>
<td>Approve all variances</td>
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<td>Aye</td>
<td>Based on increased green space to the front &amp; more appropriate green space. Same height within a foot of apartments that are next door. Lights will have dimmers, motion detectors and can turn on when needed. The two parcels must become one. Access to the rear has to be opened up.</td>
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There being no further business the Board adjourned this meeting at 10:15 pm.
These minutes were adopted on June 15, 2017