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

ZONING BOARD
MEETING MINUTES
NOVEMBER 16, 2017
Penfield Zoning Board of Appeals
NOVEMBER MEETING

The Zoning Board meeting was held at 6:30 PM local time Thursday November 16, 2017 in the Auditorium 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>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>Jim Costello, Building and Zoning Administrator</td>
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<td>Endre Suveges, Building / Code Compliance Inspector</td>
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<td>Kristine Shaw, Secretary to the Board</td>
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Regarding Minutes from Zoning Board Meeting on September 19, 2017

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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 November 16, 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.
1. Christian Krapf, 1598 Highland Avenue, Rochester, New York 14618 requests an Area Variance from Chapter 250-5.1-F(1) of the Code to allow a storage building with less front setback than permitted at 1600 Dublin Road. The property is owned by Oak and Apple LLC and zoned RA-2. SBL # 125.01-1-10.4. Application #17Z-0064.

Appearances by:
Lincoln Swedrock, BME Associates, 10 Lift Bridge Ln. E. Fairport, NY 14450
Charlie Kenton – KetMar 5133 West Lake Rd, Canandaigua, NY 14424
Amy Rinere - 58 Edenfield Road, Penfield, NY 14526
Kevin Gallagher -1973 Dublin Road, Penfield, NY 14526
Jeff Cady - 1728 Dublin Road, Penfield, NY 14526

Board Comments/Questions:
**Jim Costello** –
Wanted the audience to know about a development that occurred during site planning and review process. He spoke of a grove of trees which the applicant was willing to keep along the right of way of Dublin Road, but the Town of Penfield, Department of Public Works took the trees down not knowing they were supposed to stay. This has nothing to do with applicant or application.

Presenter Statements:
**Lincoln Swedrock** -
He is here on behalf of the applicant to request an Area variance from fifty (50) to forty-four (44) feet for a Utility Structure along Dublin Road that is required and houses utility equipment, a meter, a back flow prevention device, RPDA for the fire system and hydrant that is up near the Cidery building.
It is and has to be a heated structure, although not proposed as a hot box on the plans which would not require a variance. The owner wants to make a nicer looking wood structure to blend in with the rest of the property and that is why they need a variance.
It will be a wood structure frame, heated and insulated because there is water equipment inside. The Health Department and the Water Authority want it close to Dublin Road, requiring access for reading the meters, and for maintenance purposes.
Mr. Swedrock handed out a photo sample. It is a wooden enclosure versus a hot box. A hot box is a big metal box structure that shines and glares, and is not very attractive.
They need a variance of forty-four (44) feet from the Right of Way instead of the plan showing thirty six (36) feet, it is really further back.

Board Comments/Questions:
**Board Member Belgiorno** -
Is it drawn to scale? It looks like you may be making it larger than it has to be.

**Board Member Cinti** –
To clarify, it is required by Water Authority to protect the water system which keeps the water from being contaminated?
Is there any issue with access, can you get in the building the same way as the metal structure?
Will you have other structures?
Has any town staff or people in the town contacted you about it?

**Jim Costello** –
Will the building be used for any other purpose than a backflow prevention system?
Are you going to upgrade it, i.e. change the color or stain?
There was more discussion regarding other hot boxes around the town.
Continued Application #17Z-0064

Presenter Statements/Answers:
Lincoln Swedrock –
Yes, it is required, and we are protecting the public water system.
There are engineering reasons for the location.
It has doors to access the inside.
They have done other applications to make the structure more aesthetically pleasing.
The only other structure is a barn that is already there.
He has not heard about any comments from the public.
It will not be used for anything other than the water protection system.
Charlie Kenton – KetMar - 5133 West Lake Rd, Canandaigua, NY 14424
The equipment is eight hundred (800) pounds with an eight (8) inch main and inside the structure there are some distance requirements to be able to move around it.

Neighbor Statements/Comments:
Amy Rinere -
Ms. Rinere is opposed to the application as her back yard is Oak and Apple, and her entire view is the Oak and Apple property.
They haven’t even completed the project and they are already here with variances. Ms. Rinere feels that they the first variance opens the door for more variances. Oak & Apple is fully aware of all the allowances and restrictions for the operation.
She knows they have to have this but thinks they should be a good neighbor and move it.

Board Comments/Questions:
Board Member Belgiamo –
Would you feel more comfortable with just a hot box there; the big silver looking structure?
Stated that if someone asks for another variance at any time, just because we granted one previously does not mean we would grant any others, each application is looked at separately.
Jim Costello -
To clarify for Ms. Rinere, Mr. Costello repeated the plans always showed the hot box going in that location and they did not need a variance. They decided not to put the hot box in that was the ugly metal shiny one. They decided to use the wooden structure, therefore the town told them it would require a variance and a building permit would now be required.

Neighbor Statements/Comments:
Amy Rinere –
She would be happier with the metal shiny hot box because it would not be as tall.

Neighbor Statements/Comments:
Kevin Gallagher -
Mr. Gallagher spoke in opposition of the application. He submitted some pictures to the board and expresses his opinion that the public was misinformed as the Legal notice said it was a storage facility not a hot box, so he feels residents were not properly notified of the true topic. If the topic is storage, no more is needed.
He thinks the hot box is not the right size and is overly large, more for an industrial area. He says he doesn’t know of any other structures around town that are this large within residential areas.
He thinks the structure is not in harmony with the neighborhood or the community. He believes the disturbed area will be larger than what was written in the Short Environmental Assessment form submitted with the application.
In conjunction with sewer projects, contractors have not installed preventive stones, or screens prior to the washout of June 13th; that washout included water, mud, soil and other debris. There was damage to the environment and Mr. Gallagher provided pictures of the washout in front of a house, the mud, and the contractor installing stone & silt the day after the wash out.
The disturbance area - supposed to be EPOD area, but the Environmental Protection Overlay was disturbed and changed the structure of environment.
Mr. Gallagher went over more items from the Short Environmental Assessment Form (SEAF) and stated he thinks it should be a State Environmental Quality Review of (SEQR) a Type I item as he feels it is a disturbance to the environment.

Board Comments/Questions:
**Board Member Belgiorno** –
Mr. Belgiorno asked if he was making statements for the whole project or just this variance and what the connection was.

Neighbor Statements/Comments:
**Kevin Gallagher** –
Mr. Gallagher stated that the Short Environmental Assessment Form (SEAF) form was part of the application therefore he is addressing it.
He thinks the application violates the conservation easements and should be denied as we do not have authority to grant the variance.
Mr. Gallagher requests to:
1. Have the structure removed.
2. Convert it to an underground hotbox.
3. Require a Type I action pursuant to SEQR.
He believes this is not in the best interest of the community.

Board Comments/Questions:
**Board Member Grussenmeyer** -
We aren’t here to do anything other than to grant or deny the box. We can’t tell them to put it underground or give them other options.
Which do you prefer, the metal box or the wooden one?

Neighbor Statements/Comments:
**Kevin Gallagher** –
He said he doesn’t think the plan submitted is what they need and that it is not up to us to decide between metal or wooden but that they should either have a smaller structure or put it underground.
He thinks provisions should have been made for environmental open space and asked if there had been any hearings regarding this.
Continued Application #17Z-0064

Board Comments/Questions:
Board Member Grussenmeyer -
Mr. Grussenmeyer discussed the piping and other inside equipment. As a plumber he knows the size of piping and plumbing required for fire hydrants. He discussed that for safety reasons that the size of the building is appropriate.

Jim Costello –
There was more discussion regarding if other boards had approved everything on the project and Mr. Costello said that every board that would have had some input did so and are aware of all aspects of the project. He discussed that this was a standard process and none in Penfield had underground hotboxes.

Neighbor Statements/Comments:
Jeff Cady –
Mr. Cady had an opinion that they have been mis-lead for the last two or three (2-3) years. He said he can tell by the body language of the board that the speakers are not being taken seriously, and feels we are losing people, farmers and respect.

Presenter Statements/Answers:
Lincoln Swedrock –
Water Authority will not allow them to put a vault underground; they want it above ground for maintenance purposes.
This is the approved plan that had been identified with the original hot box to all staff, Water Authority, Health Department etc. and the correct size was always depicted.
The only thing was that it was not clarified was a hot box versus a wooden structure.

Boards Comments/Questions:
Board Member Grussenmeyer -
You were not aware that you would need a variance?

Presenter Statements/Answers:
Lincoln Swedrock –
No, we thought it was an accessory structure and it was under the square footage requirement of three hundred (300’) feet.
There are Health Separtment requirements, dimensions you have to adhere to and come up with a size needed including height.

Boards Comments/Questions:
Jim Costello -
We were under assumption it was a hot box in which they would not require a permit. They started construction of a structure requiring a building permit and that is when we determined that they needed a variance.
Chairman DeLaus –
This structure as built is the minimum size.
There was more discussion regarding size and the reason for the wooden look rather than a metal box.
Mike Belgiorno –
Mr. Belgiorno asked why this building is called a ‘structure’ and the other is called ‘hot box’?
Continued Application #17Z-0064

Jim Costello –
To answer Mr. Belgiorno; because they actually have to build it.

Presenter Statements/Answers:
Charlie Kenton -
The hot box would be ten (10) feet high. The walls are nine (9) feet tall, the peak of roof is three (3) feet higher. It is two (2) feet higher than the silver ‘hot’ box. The intent was to make something less glaring and more fitting to the area.

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<td>Aye</td>
<td>Type II action based on variance requested-no further action required</td>
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There was some input from legal counsel, Mr. Weishaar – In regards to the SEQR it would be Type II action because we are only talking about the shed which has to comply with the conservation easement.
Mr. Weishaar stated the Board can add a condition; that if it is approved it would be subject to compliance with conservation easement as amended to reflect the farm area (was done after Planning Board approval) which included the water quality device.
Continued Application #17Z-0064

Special conditions required by the Board: Six (6’) foot variance subject to conservation easement as amended.

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<td>DeLaus</td>
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<td>Aye</td>
<td>A number of concerns from neighbors, were concerns about projects outside of the application heard.</td>
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<td>Belgiorno</td>
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<td>Cinti</td>
<td>Approve</td>
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<td>Aye</td>
<td>Six (6’) foot variance subject to conservation easement as amended- because it cannot be placed elsewhere, it has to be certain dimensions and it is required. It is an improvement.</td>
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<td>Aye</td>
<td>Agrees, polished steel or fiberglass or wooden - wooden would be more desirable.</td>
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2. Scott Cialini, 1592 Qualtrough Road, Rochester, New York 14625 requests an Area Variance from Chapter 250-5.1-F (12) b of the Code to allow a storage building with less side setback than permitted at 1592 Qualtrough Road. The property is owned by Cialini Property Maintenance and zoned R-1-20. SBL # 108.16-1-8.33. Application #17Z-0065.

Appearances by:
Scott Cialini, 1592 Qualtrough Road, Rochester, New York 14625
Randall Hube, 15 Cardogan Sq. – Rochester, NY 14625

Presenter Statements:
Scott Cialini -
He is asking for a variance of a setback on the south side for a storage building that is thirty two (32) feet wide by forty eight (48) feet long. It is going to be sixteen (16) feet tall (wall height).

Board Comments/Questions:
Board Member Silins -
What color will it be? Are the trees obscuring its view from Scarborough and Embury?
Would the trees south of the farm market obscure the building and they will stay?

Board Member Cinti –
Will there be any lighting? Will this be strictly for personal use, not commercial?
Have you heard from your neighbors?

Presenter Answers:
Scott Cialini -
The structure will match existing building and it will have the same colors, and have a steel exterior.
Yes, the trees obscure the view and they will stay.
There will only be a little bit of lighting to detract from mischief.
This will be strictly for personal use.
He submitted a letter from a neighbor that was fine with the twenty five (25) foot setback.

Neighbor Statements/Comments:
Randall Hube – 15 Cardogan Sq. – Rochester, NY 14625
He is opposed to the application because it was a residentially zoned area and as a farm market in the past but now is only a large scale landscape commercial business and property maintenance business.
There were thirty one (31) vehicles on the property dump trucks, pickup trucks, bob cats, and a tremendous amount of activity.
As far as deliveries, you hear the piercing beep beep of trucks backing up.
It is a residential area not a commercial area and Mr. Hube is afraid the zoning will change forever and it will be a large scale commercial project.
He has respect that Mr. Cialini has tried to hide the business with hedges, etc. but is afraid when he goes to sell that the next owner may not be as kind to the neighbors IF he can sell this in the middle of a residential area. He may never find a buyer. If no one buys it they will be staring at decrepit old buildings.
Mr. Hube asked if we are turning this into commercial property when it is zoned residential and grandfathered to be a farm market.
Continued Application #17Z-0065.

Board Comments/Questions:
**Chairman DeLaus** –
Do you have a response for Mr. Hube? It is a fair question. Do you intend to use it for any business purposes?

**Presenter Statements/Comments:**
**Scott Cialini** –
The building is constructed to put motor home in and has nothing to do with the business. He says he will not put anything commercial in it or use it for any commercial business.

**Neighbor Statements/Comments:**
**Randall Hube** -
How do you guarantee the next owner does the same and only uses it only for personal use?

Board Comments/Questions:
**Chairman DeLaus** –
There will be a resolution, if approved, stating the rules that require enforcement.

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<td>Silins</td>
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<td>Aye</td>
<td>Type II - no further review</td>
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Special conditions required by the Board:  Condition for personal residential use only.

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<td>Silins</td>
<td>Approved</td>
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<td>Aye</td>
<td>With layout of property it will be difficult to see, it has trees and is heavily wooded. The roofline will stick up but not be very visible and existing barn is already higher.</td>
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3. Laura Baranes, 10 Excel Drive, Rochester, New York 14621 on behalf of Fantauzzo Family Brands, Inc. requests Special Permits under Chapter 250-10-12-D and Chapter 250-10.13-C of the Code to allow a freestanding sign with less front setback than permitted and two (2) building mounted signs at 1661 Empire Blvd. The property is owned by Fantauzzo Family Brands, Inc. and zoned LB. SBL # 093.19-1-23. Application #17Z-0066.

Appearances by:
Laura Baranes - 10 Excel Drive, Rochester, New York 14621
Endre Suveges – 3100 Atlantic Ave, Penfield, NY 14526
Judy (Kali) Vogt – 4 Rossman Drive, Rochester, NY 14625
Salvatore Fantauzzo – 26 Thomas Marie Circle, Penfield, NY 14526

Presenter Statements:
Laura Baranes -
She is representing Mr. Fantauzzo and addressed the new monument sign will be much smaller than the original submitted. The sign is three by six (3 x 6) foot wide and will meet the setbacks. Total area is twenty one (21) square feet. She mentions it is lined up with the other signs down the road.
She had a question regarding the base of the sign as part of the square footage.

Board Comments/Questions:
Jim Costello –
Not sure if the setback is correct because of the right of way is not the road itself. The outside of the sidewalk is probably right around where the property line is.
Andy Suveges –
Mr. Suveges came up to interpret the sign issues as an employee for the Town of Penfield; he said we would not include the base area showing the property address in calculating the sign area.
Jim Costello –
You are allowed to have the base area and the address is not part of the sign.
Chairman DeLaus -
Does the current location violate the set back?
Jim Costello –
Mr. Costello had a discussion with Laura and reviewed the plan map. He says the setback is from sidewalk.

Presenter Statements:
Laura Baranes -
If they go further back they will be in parking lot and looking at other signs down the road their sign is going to be lined up like the others.

Board Comments/Questions:
Chairman DeLaus -
Asked if Ms. Baranes thought there be any sight distance or problems for people pulling out the side street.
Board Member Grussenmeyer –
Asked if she changed the grass area and whether the sign was in the grass or pavement.
Continued Application #17Z-0066

Presenter Statements:
Laura Baranes -
No problems for the drivers.
Discussed with Board Member Grussenmeyer that the sign would go in the grassy and with the variance of twenty (20) foot setback it would be in compliance.
The next variance request is for two (2) building mounted signs, they will be on the north and south sides of the building and are recessed. They are not illuminated and are twelve (12) square feet each. They are made of aluminum with white acrylic letters. Together they are twenty four (24) square feet.

Board Comments/Questions:
Chairman DeLaus -
Mentioned they are entitled to one sign so why the need for two signs? In which direction will each sign be placed?
Is there a need for two signs to identify the building as you also have a monument sign?
To clarify: you are asking for monument sign and now two signs on the building?

Presenter Statements:
Laura Baranes -
The building was designed for the two signs and doesn’t think Mr. Fantauzzo knew he couldn’t have two signs and likes symmetry.
The signs would face west and east.
The signs were all shown on the building in the original plans.

Board Comments/Questions:
Jim Costello –
All plans are submitted but not automatically approved. It has to be reviewed. Then a sign package was originally submitted as part of the Planning application. When he indicated he wanted two signs, we told him he would need to come to the Zoning Board for approval.
He is entitled to a bigger sign based on size of building. Why doesn’t he just make a bigger sign rather than two small signs?

Presenter Statements:
Laura Baranes -
Mr. Fantauzzo didn’t really know that he couldn’t have two signs originally and no one ever said he couldn’t have it.
There is not much room on the front of the building and the area were built with the intention of having the signs in there.

Board Comments/Questions:
Chairman DeLaus -
Are you aware of any other commercial buildings in that area that has two building mounted signs, and a free standing monument sign? Tell me why they are similar to your request.

Presenter Statements:
Laura Baranes -
Dollar Tree has a huge sign plus a sign in front.
Continued Application #17Z-0066

**Salvatore Fantauzzo** –
The idea of the designs was to keep the look of old farm house in front. He wanted the signs on side of house to look like windows so it would look nice. They are simple, small and low key to fit the neighborhood.

Mr. Fantauzzo described other signs in the area and said as you are coming from the bay and coming from Bay/Empire Blvd area you would see the building mounted signs. He would not have included the areas into the building design if he had known he couldn’t have the two signs. He would be willing to take the monument sign down because otherwise he would have two giant boxes on the house that would look ridiculous.

**Board Comments/Questions:**

**Board Member Belgiorno** –
Brought up some points regarding the other stores i.e. Dollar Tree is not on a corner like you are. The monument sign is facing the same way as the two signs on the buildings. So you only need one or the other. Mr. Belgiorno feels the two signs on either side of the building or the monument sign serve the same purpose.

You need to know the rules or your engineer or architect designer should’ve known.

**Board Member Grussenmeyer** –
What are the two little pizza signs on your awning? They are considered signs. They are actually asking for four building signs. You can’t assume, you have to find out what the code is for signage.

**Presenter Statements:**

**Laura Baranes** –
The pizzas are considered branding, not signs to us.

**Mr. Fantauzzo** –
He has put the awnings, with the ‘branding’, in other towns and locations and there has never been a problem. They are just seven or eight inches. It is welded onto the frame. He’s seen ‘branding’ signs all over other businesses around town. Thinks there should be a definition of a size considered for a sign.

**Board Comments/Questions:**

**Chairman DeLaus** –
There is a definition of a ‘sign’ in the code.

**Board Member Cinti** -
The drawings show the monument sign is going to be lit. Are the side wall signs are going to have lighting?

**Presenter Statements:**

**Laura Baranes** –
The lights on the monument sign are going to show downward and look different than what the drawing shows. I know he should’ve checked but he did not, he thought everything was approved as plans were shown to the Planning Department.

**Mr. Fantauzzo** –
The signs on the building will not be lit.

The process of going from counter to counter Planning and Building and then you are done with one part and you have to go to another part of the application is confusing.
Continued Application #17Z-0066

Board Comments/Questions:

**Board Member Grussenmeyer** –
You failed to say the original drawing you submitted was with the grass in the front, then you eliminated the grass and put it to the back assuming that it was fine, when you or your Engineer should have known that you can’t just change your plans without approval.
The reason you went from one desk to the other should make you realize, if the Planning Board is telling you go to Zoning Board that means you need more approvals.

**Chairman DeLaus** –
By and large your project has been approved. Some people might look at the project and think these things are ‘small’ things and if they are not granted he should be happy that he got most of what he asked for but the Zoning Board has an obligation to maintain the code and protect interest of the people in the Town. None of this is intended to be personal. We have to determine if signs are ok in all areas and even though these seem like simple issues, we have to be consistent.

Neighbor Statements/Comments:

**Judy Vogt** -
If they have the sign and the snow gets up around it where is the plow going to put the snow? Coming out of Rossman it is hard to see and I don’t think he needs the extra sign.

Presenter Statements/Comments:

**Laura Baranes** –
I think the sign is back far enough that it won’t be covered by snow. It is almost into the parking lot, and cars are way ahead of the sign.

Board Comments/Questions:

**Board Member Belgiorno** –
Stated this is not a retail operation like Delta Sonic and Dollar Tree, it is just offices. If you are talking about consistency he gave an example of an application a few years ago and how the building was being designed a certain way with a peak, they had two spots for a sign, we asked if they would give up the freestanding sign and they said yes. It was approved and they put up their two signs.

Presenter Statements/Comments:

**Mr. Fantauzzo** –
He says he is still a business just like businesses down the street even if customers aren’t coming and going nonstop.
Continued Application #17Z-0066

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<tr>
<td>DeLaus</td>
<td>X</td>
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<td>Aye</td>
<td>Unlisted Action – Negative Declaration</td>
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<tr>
<td>Belgiorno</td>
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<td>Aye</td>
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<tr>
<td>Grussenmeyer</td>
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<td>Cinti</td>
<td>X</td>
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<td>Aye</td>
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<td>Silins</td>
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<td>Aye</td>
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The vote for the first Variance Request for the Special Permit for the Monument Sign and the location:

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<tr>
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<tbody>
<tr>
<td>DeLaus</td>
<td>Approved</td>
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<td>Aye</td>
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<tr>
<td>Belgiorno</td>
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<td>Aye</td>
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<tr>
<td>Grussenmeyer</td>
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<td></td>
<td>Aye</td>
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<tr>
<td>Cinti</td>
<td>X</td>
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<td>Aye</td>
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<td>Silins</td>
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<td>Aye</td>
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The vote on the second Variance Request for the two Building Mounted Signs:

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<th>COMMENTS/ OTHER</th>
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<tbody>
<tr>
<td>DeLaus</td>
<td>Approved</td>
<td></td>
<td>Aye</td>
<td>Thinks traffic on Empire Blvd is enough to render justification and the placement of the sign is appropriate.</td>
</tr>
<tr>
<td>Belgiorno</td>
<td></td>
<td></td>
<td>Nay</td>
<td>Doesn’t see wall sign accomplishing anything because it is not retail.</td>
</tr>
<tr>
<td>Grussenmeyer</td>
<td></td>
<td></td>
<td>Aye</td>
<td>No problem, although he design the building for the signs. They made effort to make the monument sign smaller.</td>
</tr>
<tr>
<td>Cinti</td>
<td></td>
<td></td>
<td>Nay</td>
<td>Opposed because it is not a retail location.</td>
</tr>
<tr>
<td>Silins</td>
<td>X</td>
<td></td>
<td>Aye</td>
<td>Applicant provided enough references of other buildings in the area.</td>
</tr>
</tbody>
</table>
4. Carmelo Calascibetta, 70 Stablegate Drive, Webster, New York 14580 requests a Conditional Use Permit Under Chapter 250-5.6-1(a), an Area Variance from Chapter 250-5.6-D (3) and a Special Permit under Chapter 250-10.13-C of the Code to allow a site-down restaurant with outdoor dining, a walk-in cooler with less rear setback than permitted and two (2) wall mounted signs at 2487 Browncroft Blvd. The property is owned by NOCO Express Properties LLC and zoned LB. SBL #123.07-1-42. Application #17Z-0067.

Appearances by:
Carmelo M. Calascibetta, 70 Stablegate Drive, Webster, New York 14580
Carmelo Calascibetta, 70 Stablegate Drive, Webster, New York 14580
Walt Mawn, 1789 Blossom Road, Rochester, NY  14625

Presenter Statements:
Carmelo M. Calascibetta -
He is with Carm’s Pizzeria headquartered at 900 Jefferson Road, Henrietta, NY. They are requesting variances to open a pizza place at 2487 Browncroft Blvd. They need a concrete slab for ten by ten (10 x 10) feet for light seating indoors and some outdoor seating. They want to have a walk in cooler outside the building for more space inside as for state code they have to put a second bathroom in. They want to use the two (2) existing signs. The set back is supposed to be thirty (30) feet. We asking for about twenty three (23) feet. The corner is already twenty four (24) feet back.

Board Comments/Questions:
Jim Costello –
For the record, you are asking for six point thirty three (6.33) foot rear setback.

Board Member Belgiorno -
Is there anywhere else you can put the cooler? How big will it be? Do you have any buffering on the East side? Coming from Blossom would you see it? What about noise? If the cooler was put on the far east side, would you need a variance? Will there be changes to the exterior lighting? Where will the exhaust system go? Have enough parking spaces? How many outdoor tables are you planning? Will there be any music? Will you have railings?

Presenter Statements/Comments:
Carmelo M. Calascibetta -
The cooler is best in the back as it will be out of view. The structure will be a nine by nine (9 x 9) foot concrete slab and the cooler will be six by six (6 x 6) foot size. There is a wall on the east side of the property, you might only see the top of the cooler. The cooler will be brand new and pretty forgiving on the noise. They would need a variance even if it was on the other side. The plan is to have two to eight employees. The hours of operation will be 10:00 a.m. to 12:00 a.m. but may close by 10:00 p.m. if not busy. Sundays will have shorter hours.
Continued Application #17Z-0067

The lighting is standard, using the lighting that is already there. For odor control we will exhaust straight up out of the roof. There are enough parking spaces. We plan to have two tables outdoors and music will be played in the store, not outside. We didn’t plan on any railing, but might put some up for looks. They want to use existing signs on the eastern side of building and the stand alone that is already up. Illumination of signs will be internal.

Board Comments/Questions:
Chairman DeLaus –
What side of the building do you want your signs?

Presenter Statements/Comments:
Carmelo Calascibetta (father) -
There was an awning up that was just taken down a couple days ago. We were hoping with that awning down that we could put one building mounted sign up facing Atlantic Avenue to replace the awning. The other sign would be on the Blossom Road side. We want to brighten up the corner and make it look nicer.

Neighbor Statements/Comments:
Walt Mawn -
He lives behind and has a concern with the restaurant going in there. He is used to commercial businesses in the area, and has a concern with noise, smell, the garbage, even if empty it gets empty three times a day, raccoons and rats will come up from the park. He is already bombarded with bacon and eggs smell from other restaurant and doesn’t want to have pizza and grease smell too.

Board Comments/Questions:
Jim Costello –
They are valid concerns. It is a conditionally permitted use – so neighbors are not adversely impacted and it is our code enforcement responsibility to make sure businesses adhere to the conditions set. All the issues have to be addressed. We require dumpster enclosures and they will have to make sure trash does not get collected before 7:00 a.m. It has been vacant a long time, is an eyesore to the neighborhood and the property has to be addressed. Businesses and restaurants are also subjected to Monroe County Department of Health requirements.

Board Comments/Questions:
Board Member Belgiorno -
Would walk in cooler be buffered from your house?
Jim Costello –
Would fencing or buffering help you?

Neighbor Statements/Comments:
Walt Mawn -
An acoustical wall would help for the sound. He just doesn’t like the idea of noise and odors.
Continued Application #17Z-0067

Presenter Statements/Comments:

**Carmelo Calascibetta (father) -**
The compressor will not make much noise if it does we can address it.
As far as garbage and rats; we have fifteen (15) locations and have reputable town references and invited Mr. Mawn to come see his other locations.

**Carmelo M. Calascibetta -**
The entrance and exits are on the north side of the building so no noises will not come out the back of the building.

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<tbody>
<tr>
<td>DeLaus</td>
<td></td>
<td>X</td>
<td>Aye</td>
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<tr>
<td>Belgiono</td>
<td></td>
<td>X</td>
<td>Aye</td>
<td>Unlisted Action – Negative Declaration</td>
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<tr>
<td>Grussenmeyer</td>
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<td>Aye</td>
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<td>Cinti</td>
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<tr>
<td>Silins</td>
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<td>Aye</td>
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</table>

The vote for the Conditional Use Permit to allow a sit down restaurant with outdoor dining:

Special conditions required by the Board: He may have the amount of tables according to State code but bring in tables by 10:00 p.m. They need to register their refuse hauler with the Town of Penfield and pick up to be no earlier than 7:00 a.m.

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<tr>
<td>DeLaus</td>
<td></td>
<td></td>
<td>Aye</td>
<td>It’s a proper use for the property and is consistent with the neighborhood.</td>
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<tr>
<td>Belgiono</td>
<td>Approved</td>
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<td>Aye</td>
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<tr>
<td>Grussenmeyer</td>
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<td></td>
<td>Aye</td>
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<tr>
<td>Cinti</td>
<td></td>
<td>X</td>
<td>Aye</td>
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<tr>
<td>Silins</td>
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<td>Aye</td>
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Continued Application #17Z-0067

The vote for the Walk In cooler with less rear set back:

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<tr>
<td>DeLaus</td>
<td></td>
<td></td>
<td>Aye</td>
<td></td>
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<tr>
<td>Belgiorno</td>
<td>Approved</td>
<td></td>
<td>Aye</td>
<td>There will be some buffer with the wall, and doesn’t think there will be as much noise as with the prior business.</td>
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<tr>
<td>Grussenmeyer</td>
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<td>Aye</td>
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<td>Cinti</td>
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<td>Aye</td>
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<td>Silins</td>
<td>X</td>
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<td>Aye</td>
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The Vote for the second variance of: two (2) wall mounted signs:

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<tbody>
<tr>
<td>DeLaus</td>
<td>Approved</td>
<td></td>
<td>Aye</td>
<td>In favor of three because it is on a corner and there is heavy traffic, and the nature of the corner supports the use of all three signs.</td>
</tr>
<tr>
<td>Belgiorno</td>
<td></td>
<td></td>
<td>Nay</td>
<td>This is a small property, doesn’t see the need for the second wall mounted sign. One on the building and the post mounted sign.</td>
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<tr>
<td>Grussenmeyer</td>
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<td></td>
<td>Aye</td>
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<tr>
<td>Cinti</td>
<td>X</td>
<td></td>
<td>Aye</td>
<td>Also supports Mr. DeLaus comments.</td>
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<tr>
<td>Silins</td>
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<td></td>
<td>Aye</td>
<td>Is in favor of the sign package as applied for.</td>
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TABLED ITEMS

1. Nathan Buczek-TY Lin International, 255 East Avenue, Rochester, NY 14604 on behalf of Sam Kaiser-Glendoveers requests an Expansion to a Pre-Existing Non-Conforming Use under Chapter 250 Article VII-7.13 of the Code to allow a parking lot expansion at 2328 Old Browncroft Blvd. The property is owned by WDFA LLC and zoned R-1-20. SBL #108.18-1-1. Application #17Z-0024.

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<tr>
<td>DeLaus</td>
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<tr>
<td>Belgiorno</td>
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Special conditions required by the Board:

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<tbody>
<tr>
<td>DeLaus</td>
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<td></td>
<td>Aye</td>
<td></td>
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<tr>
<td>Belgiorno</td>
<td>Tabled</td>
<td></td>
<td>Aye</td>
<td>Motion to Continue Table</td>
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<tr>
<td>Grussenmeyer</td>
<td></td>
<td></td>
<td>Aye</td>
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<td>Cinti</td>
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<td>Aye</td>
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<tr>
<td>Silins</td>
<td></td>
<td>X</td>
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TABLED ITEMS

2. Eric Graff, 90 Coventry Road, Pittsford, New York 14534 requests Area Variances from Chapter 250- 5.6-D(3), Chapter 250-7.7-D, Chapter 250-13.10-A(3) and Chapter 250-13.10-A(6) of the Code to allow a daycare center with less front setback, less parking, greater building area, and less buffer than permitted at 1280 Creek Street. The property is owned by Retlaw Recked, Inc. and zoned LB. SBL #093.15-1-2.115. Application #17Z-0048.

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<tr>
<td>DeLaus</td>
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<td>Aye</td>
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<tr>
<td>Belgiorno</td>
<td></td>
<td>X</td>
<td>Aye</td>
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Special conditions required by the Board:

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<tbody>
<tr>
<td>DeLaus</td>
<td></td>
<td>X</td>
<td>Aye</td>
<td>Have not met burden of proof, if they tried to correct some, they could have eliminated some variances.</td>
</tr>
<tr>
<td>Belgiorno</td>
<td></td>
<td></td>
<td>Nay</td>
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<tr>
<td>Grussenmeyer</td>
<td>Denied</td>
<td></td>
<td>Aye</td>
<td>The project is very big for the lot size. Thinks some of the variances should be corrected.</td>
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<td>Cinti</td>
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<td>Nay</td>
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<td>Silins</td>
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<td>Aye</td>
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There being no further business the Board adjourned this meeting at 9:30 pm. These minutes were adopted on 1/4/2018.