ZONING BOARD
MEETING MINUTES
MAY 17, 2018
Penfield Zoning Board of Appeals  
May 17, 2018 Meeting Minutes

The Zoning Board meeting was held at 6:30 PM local time Thursday, May 17, 2018 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 Order:

<table>
<thead>
<tr>
<th>ZBA MEMBER</th>
<th>PRESENT</th>
<th>ABSENT</th>
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<tbody>
<tr>
<td>Daniel DeLaus, Chairperson</td>
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<tr>
<td>Marie Cinti</td>
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<td>Mike Belgiorno</td>
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<td>Joseph Grussenmeyer</td>
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<td>Andris Silins</td>
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<tr>
<th>ADDITIONAL STAFF</th>
<th>PRESENT</th>
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<tbody>
<tr>
<td>Pete Weishaar, Legal Counsel</td>
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<td>Endre Suveges, Building Inspector and Code Enforcement Officer</td>
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<td>Kristine Shaw, Secretary to the Board</td>
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II. Regarding Minutes from Zoning Board Meeting on April 19, 2018

<table>
<thead>
<tr>
<th>Motion made by:</th>
<th>To:</th>
<th>Second by:</th>
<th>Board Vote</th>
<th>Y</th>
<th>N</th>
<th>Tabled for SEQRA Update</th>
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<tr>
<td>DeLaus</td>
<td>TABLE</td>
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<td>DeLaus</td>
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<td>TABLED for SEQRA Update</td>
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<td>Belgiorno</td>
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<td>Grussenmeyer</td>
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<td>Grussenmeyer</td>
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<td>Silins</td>
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<td>Absent</td>
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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 refer to our website and watch the live recording of the May 17, 2018 Zoning Board of Appeals public hearing, which is available at www.penfield.org.
1. Delmonte Hotel Group, 909 Linden Avenue, Rochester, NY, 14625 requests Special Permit under Section 250-10.3-A of the Code to allow a building sign and a larger freestanding sign than permitted under Section 250-10.12-B (1) of the Code at 1000 Linden Park. The property is owned by Penfield Hotel, LP and zoned LI. SBL #138.12-1-8.11. Application #18Z-0029.

Appearances:
Dan Duffy - Corporate Engineering Manager - Delmonte Hotel Group, 909 Linden Avenue, Rochester, NY, 14625

Presenter Statements:
Applying for a Special permit for signage as Corporate offices want a change to the building mounted and pylon signs to bring up to the current design standards by Marriott International.
In 1993 they were granted a sign size of one hundred seven point two (107.2) square feet.
The new sign is forty three (43) feet per sign face, the total height is twenty (20) feet and will be in the same location as the previous sign. At times people have an issue with finding the hotel, especially at the bottom of the hill.

Board Comments/Questions:
Board Members discussed color, façade and visibility issues– it will be white letters, made of aluminum, plastic and internally lit. There will be an advantage to having the sign on the building and they are just keeping in line with new standards. The signs lighting will be on a timer for evening lighting.
There was discussion of the 1993 resolution and the reasons for it, i.e. visibility from Route 441 and if Corporate Marriott dictated the need and size of signs.

Presenter Answers:
They need to maintain their contract with Marriott so they have to conform to new standards.
They may have some leeway to size of signs if needed. They are not changing the signs due to more advertising, only because of corporate design changes.

SEQRA Determination:
Motion Made by: Board Member Belgiorno and Second by Chairman DeLaus
___ Type I Action. Further Action ________________
X Type II Action, not subject to further review under SEQRA.
___ Unlisted Action:
    ___ Negative Declaration (Action will not result in any significant adverse environmental impacts).
    ___ Further Action ________________

SEQRA Vote:
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer – All Ayes
Board Member Silins – Absent

Application Vote:
Motion made by: Board Member Belgiorno to Approve and Seconded by Board Member Cinti
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer – All Ayes
Board Member Silins Absent

2. Stephen M. Haak, 1235 Northrup Road, Penfield, NY 14526 requests an Area Variance to allow an accessory building with less setback than permitted under Section 250-5.1-F (12) (b) of the Code at 1235
Northrup Road. The property is owned by Stephen and Helen Haak and zoned RA-2. SBL #110.01-1-5.3. Application #18Z-0030.

Appearances by:
Stephen M. Haak, 1235 Northrup Road, Penfield, NY 14526
Jacek and Maryla Szymanski, 1237 Northrup Road, Penfield, NY 14526

Presenter Statements:
Stephen Haak –
He is requesting an Area Variance with less set-back for an Accessory building addition. This is to get rid of a canvas tent and trailer on the side of the garage. Placing the addition as stated in his application will allow him use of the existing driveway and also maintain his view of his back yard from his patio. If he went by our code set back he would have to take out a tree and the playhouse.
He is going to replace siding of the garage and match the addition to the existing garage so it appears as one building. He wants to match both roof lines and will add lights and plugs inside and a couple lights on the outside.

Board Comments/Questions:
Board Members DeLaus went over why we send out postcards to the public.
Board Members discussed the amount of the variance which is thirty point eight (30.8) feet. They talked about the look of the building and asked about the height of the fence next door on the lot line. They asked why it couldn’t be lined up on the west side or behind the existing structure and whether there would be any drainage issue. They discussed if the addition would be used for anything but storage and if would he be ok with the stipulation of not running any power equipment.

Presenter Answers:
The existing building is fifteen (15) feet wide and he wants to make the new addition wider. He doesn’t want to put it behind the garage because it wouldn’t look as nice and he would have to take down a tree and move the playhouse. There is an existing fence which is six (6) feet high with thirty to forty (30-40) foot arborvitae.
He will only use the smaller part as a workshop and the larger part for storage. He will put gutters on both and empty into rain barrels and will have an over flow system into a French drain if needed although he has never had any drainage problems.

Neighbors Present:
Mr. and Mrs. Szymanski have a problem with existing water and do not think the water barrels or over flow system will take care of water problems that they experience in their own yard. They are in opposition of the application due to the size and proximity to their property. They are not opposed to an addition, they just want it moved further.

Board Comments:
The board asked Mr. Haak if he would work with the Town engineer in addressing water drainage issue and he agreed.
SEQRA Determination:
Motion Made by: Board Member Grussenmeyer and Second by Board Member Belgiorno
___ Type I Action. Further Action ______________________
X  Type II Action, not subject to further review under SEQRA.
___ Unlisted Action:
   ___ Negative Declaration (Action will not result in any significant adverse environmental impacts).
   ___ Further Action ______________________

SEQRA Vote:
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer – All Ayes
Board Member Silins – Absent

Application Vote:
Motion made by: Chairman Grussenmeyer to Approve and Seconded by Board Member Belgiorno
Chairman and Board Members: DeLaus, Belgiorno, Grussenmeyer – All Ayes
Board Member Cinti: Nay
Board Member Silins Absent

Additional Notes or Conditions required by the Board:
Mr. Haak needs to submit a design for drainage plans and the Town Engineer should take a look and make recommendations for drainage during construction. After one year of completed construction and the issuance of a Certificate of Compliance the Town Engineer should revisit the site.
Tabled matters.

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.

Appearances by:
Betsy Brugg – Woods Oviatt Gilman

Presenter Statements and Board Comments Questions:
Discussed previous votes/determinations with findings of fact - EPOD permitted, Planning Board approved, and reiterated previous month discussions.
Ms. Brugg read off a letter regarding demonstration of compliance with the code in that it will create greater compliance with the regulation 120-713C. She feels applicant has satisfied criteria for granting approval. She feels it is beneficial to town and neighbors to remove cars from the now town owned road for safety. In answering Town Counsel, Mr. Weishaar, there is no change to the operation size, hours, or intensity of the operation, the only change is to take vehicles off the road and into a parking lot.
Chairman Delaus stated that there would be a big change to the environment due to thousands of yards of dirt being trucked away.
The decision was to table again due to not having a full board for the vote.

SEQRA Determination/Vote:
The Planning Board, acting as lead agency pursuant to the State Environmental Quality Review Law has classified this proposal as an Unlisted Action and, following a coordinated review, determined that the proposal will not have a significant effect on the environment.

Application Vote: Expansion to a Pre-Existing Non-Conforming Use
Motion made by: Chairman DeLaus to Table for future vote to include all Board Members present and
Seconded by Board Member Cinti
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer – All Ayes
Board Member Silins Absent
2. Areli Winegard/Ellison Heights Apartments, 1206 Penfield Road, Rochester, NY 14625 requests a Special Permit under Sections 250-10.3-A and 250-10.2-C of the Code to allow greater real estate signage than permitted at 1200-A Penfield Road. The property is owned by Ellison Heights Apartments, LLC and is zoned MR. SBL #123.19-1-26.11. Application #18Z-0010.

Appearances by:
Areli Winegard/Ellison Heights Apartments, 1206 Penfield Road, Rochester, NY 14625

Presenter Statements and Board Comments/Questions:
Areli Winegard -
They want the signs up until August 31, 2018.
Construction signs were put up by DGA not Ellison Heights and she has no authority to speak for them.
Board Members discussed which signs to keep and take away and what kind of signs are allowed.

SEQRA Determination/Voted on previously:
Motion Made by: Board Member Grussenmeyer and Second by Board Member Silins

___ Type I Action. Further Action ______________________

___ Type II Action, not subject to further review under SEQRA.

X Unlisted Action:

X Negative Declaration (Action will not result in any significant adverse environmental impacts).

___ Further Action ______________________

SEQRA Vote:
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer, Silins – All Ayes

Application Vote:
Motion made by: Board Member Belgiorno to Approve and Seconded by Board Member Grussenmeyer
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer – All Ayes
Board Member Silins Absent

Additional Notes or Conditions required by the Board:
One flag pennant and two, four by twelve (4x12) ground signs until August 31, 2018
Tabled matters:

3. Pellittiere & Jonsson, PLLC, 441 Penbrooke Drive, Suite 112, Penfield, NY, 14526 requests Area Variances to allow less parking than required under Section 250-7.7-D of the Code, a building with less front setback than required under Section 250-5.5-D (3) of the Code and less side setback than required under Section 250-5.5-D (3) of the Code and a taller building than permitted under Section 250-5.5-D (4) of the Code at 2316 Fairport Nine Mile Point Road. The property is owned by 2316 Nine Mile Point, LLC and zoned BN-R, SBL #140.01-2-62. Application #18Z-0020.

SEQRA Determination/discussed at April, 2018 meeting:
This will be a coordinated review

Application Vote:
Motion made by: Board Member Cinti to Table and Seconded by Board Member Grussenmeyer
Chairman and Board Members: DeLaus, Cinti, Grussenmeyer – All Ayes
Board Member Silins absent
Board Member Belgiorno Abstained

Adjourned at 8:18 pm
These meeting minutes were adopted on June 21, 2018