ZONING BOARD
MEETING MINUTES
AUGUST 16, 2018
Penfield Zoning Board of Appeals
August 16, 2018 Meeting Minutes

The Zoning Board meeting was held at 6:30 PM local time Thursday August 16, 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 THE ORDER:

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<tr>
<th>ZBA MEMBER</th>
<th>PRESENT</th>
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<tbody>
<tr>
<td>Daniel DeLaus, Chairperson</td>
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<tr>
<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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<tr>
<th>ADDITIONAL STAFF</th>
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<tr>
<td>Peter Weishaar, Legal Counsel</td>
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<td>Endre Suveges, Building Inspector</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 July 26, 2018

<table>
<thead>
<tr>
<th>Motion made by</th>
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<th>Second by</th>
<th>Board Vote</th>
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<tr>
<td>DeLaus X</td>
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<td>Belgiorno</td>
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<td>Cinti</td>
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<td>Grussenmeyer</td>
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<td>Silins</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 ask to listen to the recorded tape of the August 16, 2018 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. Bill and Julie Bianchi, 1505 Five Mile Line Road, Penfield, NY, 14526 request an Area Variance to allow a shed with less side setback than permitted under Section 250-5.1-F (1) of the Code at 1505 Five Mile Line Road. The property is owned by Bill and Julie Bianchi and is zoned R-1-20. SBL #109.10-1-3. Application #18Z-0046.

Appearances by:
Bill and Julie Bianchi, 1505 Five Mile Line Road, Penfield, NY, 14526

Presenter Statements:
Ms. Bianchi is requesting a variance for a set-back of five (5) feet to the north side instead of the required set-back of ten (10) feet.
There will be no change to the character of the neighborhood and have chosen a shed that will blend in with the neighborhood.
They have support of a neighbor they spoke with.
If the shed was ten (10) feet from line, it would be more visible to Five Mile Line Road, by putting it back five (5) feet it hides it some from the road.
They considered other places in the yard but it would be very visible to the houses behind them.
It will be placed in an unused area of the yard allowing them to clean up their side yard.

Board Comments/Questions:
The Board discussed and asked question regarding use of electricity, the type of shed, and if the family would have enough room to maintain it from behind and if they considered other areas in the yard.

Presenter Answers:
The shed is a ten by twenty (10 x 20) foot Wood-Tex shed.
There will be no electricity, and they will have enough room to maintain it.
If they put it on the rear line there are two houses right behind where the shed would go.
Also they have a fenced in area which would mean the shed would have to be built on site, and the fence is six (6) feet tall the shed is ten (10) feet tall so it would be seen from the road.

SEQRA Determination:
Motion Made by: Board Member Grussenmeyer and Second by Board Member Silins
___ 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, Cinti, Grussenmeyer, Silins: - All Ayes
Board Member Belgiorno: Absent

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

2. Fred and Shavonne Sanchez, 30 Aspen Drive, Rochester, NY, 14625 request an Area Variance to allow an in-law addition with less side setback than permitted under Section 250-5.1-F (1) of the Code at 30 Aspen Drive. The property is owned by Fred and Shavonne Sanchez and is zoned R-1-20. SBL #123.12-1-12. Application #18Z-0047.

Appearances by:
Art Renauldo - Architect
Fred and Shavonne Sanchez, 30 Aspen Drive, Rochester, NY, 14625
Carole Mulcahy, 38 Aspen Dr. Rochester, NY 14625

Presenter Statements:
Mr. Renauldo spoke to request construction of an in law living space of seven hundred (700) square feet of living space with an exterior deck and parking space for vehicle. The addition is a twenty six by twenty six (26 x 26) addition onto the back of existing garage, plus eight (8) feet for a deck. They intend to add thirteen (13) feet to the garage for space for a vehicle. They can’t move the addition closer to the existing building as there is a pool equipment area with pump, filter, etc. and it would be very expensive to dig that all up and move it. Property line tapers to the rear, so in that corner they will be one foot over for the ten (10) foot set back. They are requesting a nine (9) foot setback along the entire side for their variance. They will have siding to match the house.

Neighbor Statements:
Carole Mulcahy, 38 Aspen Dr Rochester, NY 14625
Ms. Mulcahy believes the addition is too big and doesn’t like the location because it will be too close to her house. Looking out her windows from her kitchen and living room all she will see is a wall. She discussed options she thought were available to the Sanchez’s including how to deal with the gas lines on the other side of the house. She also feels this addition is out of character with the neighborhood and discussed the other factors that go into an Area Variance request.

Board Comments/Questions:
Chairman DeLaus asked Andy Suveges - If there was not a need for the one foot variance request; would the applicant have to be in front of the board and is there any requirement for an in law apartment that the person residing there being handicapped at all? Mr. Suveges replied, ‘No’, the resident would not have had to come before the board as an in law apartment is a permitted accessory use and there are no requirements that the person residing there have a handicap.

Presenter Statements:
Mr. and Mrs. Sanchez explained their family situation. They have had other contractors come out for estimates. Both sides of house were explored and different options for sizes. She has spoken to the neighbors on the other side and behind them. Board Members asked about the gas line issues.

Presenter Statements/Answers:
Ms. Sanchez explained they had a gas leak last year and RGE moved the meter that was in her basement to outdoors for free. In discussion of the plans with potential builders the AC unit and lines, and RGE lines would be under the addition but would have to be moved. The cost would be approximately seven to eleven thousand dollars ($7,000.00 to $11,000.00). Placing the addition on the other side of the house would result in losing their living room windows and the layout/flow of the unit would not work well with the primary residence.

Continued Application #18Z-0047

SEQRA Determination:
Motion Made by: Board Member Silins and Second by Board Member 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, Cinti, Grussenmeyer, Silins: All Ayes
Board Member Belgiorno: Absent

Application Vote:
Motion made by: Board Member Silins to Approve and Second by Board Member Cinti
Chairman and Board Members: DeLaus, Cinti, Grussenmeyer, Silins - All Ayes
Board Member Belgiorno: Absent
3. Mike Volpe/Ted Collins Tree & Landscape, 8000 Victor Mendon Road, Victor, NY 14526 on behalf of Mark Mallie requests an Area Variance to allow a patio with less rear setback than permitted under Section 250-5.1-F (1) of the Code at 1 Sunleaf Drive. The property is owned by Mark Mallie and is zoned R-1-20. SBL #109.01-2-101. Application #18Z-0048.

Appearances by:
Mike Volpe/Ted Collins Tree & Landscape, 8000 Victor Mendon Road, Victor, NY 14526
Mark Mallie – homeowner
John Rizzo – neighbor - 3 Sun leaf Drive
Mike (Martin) Schunsky -1512 Five Mile Line Road

Presenter Statements:
The house is placed very close to the lot line and there are set back issues. The homeowner only has access from one door so there is not much enjoyment to his back yard. The proposal is to create minimum size for table, chairs, and a grilling station, off the existing raised porch. They will line the patio with arborvitae, shrubs, and hydrangea. They also have a shed in opposite corner.

Board Comments/Questions:
Board Members asked if they could go smaller for less of a variance. Would the patio be seen from front? Any lighting or anything that would be a distraction to the neighbors? Some discussion of the plans including a staircase and about additional buffering. They asked if they have spoken with any neighbors.

Neighbor Statements/Concerns:
There was some support from one neighbor and the others would like to see more buffering, and mentioned his dogs barking and potential business customers as they will be outdoors more often.

Presenter Answers:
Mr. Mallie stated he couldn’t go much smaller to accommodate ten to fifteen (10-15) people. The patio will not be seen from the front as the back yard dips down. If he has lighting, they will be downward facing and low wattage. He will be adding more buffering to the lot line area to accommodate the neighbors’ requests. He will also be more conscious of his dogs. The patio is for personal use only.
Continued Application #18Z-0048

**SEQRA Determination:**
Motion Made by: Board Member Cinti and Second by Board Member Grussenmeyer

___ 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, Silins – All Ayes
Board Member Belgiorno: Absent

**Application Vote:**
Motion made by: Chairman Cinti to Approve and Second by Board Member Grussenmeyer

Chairman and Board Members: DeLaus, Cinti, Grussenmeyer, Silins – All Ayes
Board Member Belgiorno: Absent
4. McDonald’s USA, LLC, 1000 Omega Drive, Suite 1390, Pittsburgh, PA, 15205 requests a Special Permit under Sections 250-10.3, 250-10.13-C and 250-10.11-E of the Code to allow more than one (1) building mounted sign and signage with greater graphics, trademarks or logos than permitted at 1850 Empire Boulevard. The property is owned by DiMarco Baytowne Associates, LLC and is zoned GB. SBL #093.02-1-23.2. Application #18Z-0049.

WITHDRAWN – moved to next month

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Tabled Matters

1. 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.

Application Vote:

Motion made by: Board Member Cinti to Continue Table Second by Board Member Grussenmeyer
Chairman and Board Members: DeLaus, Grussenmeyer, Cinti, Silins - All Ayes
Board Member Belgiorno: Absent
Tabled Matters continued

1. Kirk Wright/Sign & Lighting Services, 530 Route 104, Ontario, NY 14519 requests a Special Permit under Section 250-10.3 of the Code to allow more than one building sign permitted under Section 250-10.13-C of the Code and building signage with greater area than permitted under Section 250-10.13-B of the Code at 1930 Empire Boulevard. The property is owned by Chris Fogarty 1930 Empire Blvd Holdings, LLC and is zoned GB. SBL #093.02-1-19. Application #18Z-0040.

Appearances by:
Luke Fletcher – for Cellular Sales Verizon
Allan Rainbow – DiMarco Group

Presenter Statements:
Mr. Fletcher visited the site and based on the recommendation of the Zoning Board they are dropping the third sign request (facing Taco Bell).

They are now asking for two (2) signs one to the north, coming from Webster, and the front sign. The sign size requested is ninety eight point nine (98.9) square feet. A restriction from Verizon is that signs have to be the same size.

After some discussion on sizes, locations, and whether the store name would be located on Way finding signs or Pylon signs of Baytowne the Board and Mr. Fletcher came to an agreement to make smaller size signs on the building.

SEQRA determined at July meeting as Unlisted Action – Negative Declaration

Application Vote:
Motion made by: Chairman DeLaus to Approve two signs at a maximum of eighty five (85) square feet each and Seconded by Board Member Cinti
Chairman and Board Members: DeLaus, Cinti, Grussenmeyer, Silins – All Ayes
Board Member Belgiorno - Absent

There being no further business the Board adjourned this meeting at 8:35 pm

These minutes were adopted on September 20, 2018.