ZONING BOARD MEETING MINUTES SEPTEMBER 20, 2018
Penfield Zoning Board of Appeals
September 20, 2018 Meeting Minutes

The Zoning Board meeting was held at 6:30 PM local time Thursday September 20, 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:

<table>
<thead>
<tr>
<th>ZBA MEMBER</th>
<th>PRESENT</th>
<th>ABSENT</th>
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<tbody>
<tr>
<td>Daniel DeLaus, Chairperson</td>
<td>X</td>
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<tr>
<td>Joseph Grussenmeyer</td>
<td>X</td>
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<tr>
<td>Marie Cinti</td>
<td>X</td>
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<tr>
<td>Mike Belgiorno</td>
<td>X</td>
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<tr>
<td>Andris Silins</td>
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<tr>
<th>ADDITIONAL STAFF</th>
<th>PRESENT</th>
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<tbody>
<tr>
<td>Peter Weishaar, Legal Counsel</td>
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<tr>
<td>Endre Suveges, Building Inspector</td>
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<td>Kristine Shaw, Secretary to the Board</td>
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<td>Peter Gregory, Legal Counsel</td>
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II. Regarding Minutes from Zoning Board Meeting on July 26, 2018
Tabled in August

<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>
</tr>
</thead>
<tbody>
<tr>
<td>DeLaus</td>
<td>DeLaus</td>
<td>DeLaus</td>
<td>Absent for vote</td>
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<tr>
<td>Belgiorno</td>
<td>Belgiorno</td>
<td>Belgiorno</td>
<td>X</td>
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<tr>
<td>Cinti</td>
<td>Cinti</td>
<td>Cinti</td>
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<tr>
<td>Grussenmeyer</td>
<td>Approve</td>
<td>Grussenmeyer</td>
<td>X</td>
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<tr>
<td>Silins</td>
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</table>

Regarding Minutes from Zoning Board Meeting on August 16, 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>
</tr>
</thead>
<tbody>
<tr>
<td>DeLaus</td>
<td>DeLaus</td>
<td>DeLaus</td>
<td>Absent for vote</td>
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<tr>
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<td>Cinti</td>
<td>Approve</td>
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<td>X</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 September 20, 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.

This evening we bid a fond farewell to Board Member Joe Grussenmeyer, he has been on the Zoning Board for twenty plus years, he has done an exceptional job, is a dedicated, loyal, and fair man. Mr. Grussenmeyer thanked the Town Board for the opportunity and the Board Members for their friendship and help on the board. We will miss his expertise and miss him very much. Happy Retirement to Mr. Grussenmeyer.
1. Fran Schwartz-Wallace/SEI Design Group, 224 Mill Street, Rochester, NY 14614 on behalf of Philip W. Burrows requests an Area Variance to allow an addition with less side setback and less rear setback than permitted under Section 250-5.1-F (1) of the Code at 46 Highledge Drive Extension. The property is owned by Philip W. Burrows and Angela DiMuro and is zoned R-1-15. SBL #139.07-1-42. Application #18Z-0050.

Appearances by:
Philip Burrows – 46 Highledge Drive Extension, Penfield, NY 14526

Presenter Statements:
He wants to build a new garage and convert existing garage into living space. The new garage would go over the existing driveway. There is a large open field behind him. There is a storm sewer under driveway and they understand they have to go to the Town Board for that issue before the project can go forward.

Board Comments/Questions:
The Board members asked for an explanation of the shape of his lot and asked if there were any other designs that would have worked. What was unique about his property and what will the addition match the house? They asked if he would remove asphalt and if other homes in the neighborhood had two car garages. There was an inquiry regarding the sewer / storm water drainage.

Presenter Statements
Property line is not parallel with driveway. The property line at the back of the driveway is further from the driveway but the property line is nearly at the driveway at the end. The building they are proposing is perpendicular to the existing house and parallel to the neighbor, the property line is not parallel to either property line. The addition will be the same color and siding as the house; no additional lighting and it will be in line with the house. They will remove some asphalt and put a foundation in. He mentioned that the sewer line speeds the drying of the back yard.

SEQRA Determination:
Motion Made by: Board Member Silins 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).

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

Application Vote:

Motion made by: Board Member Silins to Table and Second by Board Member Belgiorno
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer, Silins – All Ayes
2. Elaine Kovach, 59 Kirkland Drive, Webster, NY 14580 requests an Area Variance to allow an existing shed with less side setback than permitted under Section 250-5.1-F (1) of the Code at 59 Kirkland Drive. The property is owned by Elaine Kovach and is zoned R-1-20. SBL #093.07-2-44. Application #18Z-0051.

Appearances by:
Elaine Kovach, 59 Kirkland Drive, Webster, NY 14580
Brian Laer, 51 Kirkland Drive, Webster, NY 14580 – neighbor

Presenter Statements:
The shed was pre-existing at the time of property purchase. She received a Certificate of Compliance for the shed at closing. She is here regarding a side setback that is required.

Board Comments/Questions:
Board Members asked how long the shed had been there, what the base was, if there is any buffering or lighting and what is stored in it. They stated that the yard is fenced, so if the owner had to take the shed down it would be hard to get equipment back there because of the fence.
Mr. Suveges cited she needs a three point nine (3.9) feet variance from the minimum ten (10) foot side setback which results in a six point one (6.1) foot setback.

Presenter Answers/Statements:
The shed was there before she moved in in 2015. There is a concrete slab, and doesn’t know how much the cost would be to move it. Both neighbors in the corner have bushes and trees hanging over the fence near it. She stores her yard equipment inside.

Neighbor Statements:
Mr. Laer spoke and was not opposed to the project.

SEQRA Determination:
Motion Made by: Board Member Grussenmeyer and Second by Board Member Cinti
X Type II Action, not subject to further review under SEQRA.

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

Application Vote:
Motion made by: Board Member Grussenmeyer to Approve and Second by Board Member Belgiorno
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer, Silins – All Ayes
3. 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.

Appearances by:
Jerry Goldman/Woods Oviatt Gilman – 700 Crossroads Building, 2 State Street, Rochester, NY 14614
Mike Wahl – TY Lin Engineering – 255 East Avenue, Rochester, NY 14604

Presenter Statements:
They are applying for a special permit to rebuild and remodel the McDonalds and change signage. They have spoken to the Planning Board and were granted elevations and the Planning Board was supportive of the McDonalds lettering to compliment the building. The existing building has one hundred fifty four point three (154.3) square feet of signage. They are asking to reduce signage to seventy four point nine (74.9) square feet. They are eliminating all window signage and reducing the main lettering signage to half the size and the McDonald arches will be fourteen (14) square feet each. Mr. Goldman discussed the elevations around the building and pointed out what some of the other restaurants and stores have up and down Empire Boulevard for signage. Most other locations have free standing signs.

Board Comments/Questions:
Board Members asked about the one side that has the McDonalds name and a logo and why both are needed. They asked why the switch of the signs from one side to the other and if McDonalds knows if they will be on any wayfinding signs from Baytowne Plaza. Mr. Suveges stated they are a separate parcel all together from Baytowne and are allowed to put a free standing sign up if they wish.

Presenter Answers:
The reason for both name and logo is, it is the main entrance and both together create an architectural element (as the Planning Board stated) and some people more focus on the word McDonalds. The signs switched for reasons of traffic flow. They will have LED lighting.

SEQRA Determination:
Motion Made by: Board Member Belgiorno and Second by Board Member Grussenmeyer

- 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: Chairman Belgiorno to Approve and Second by Board Member Grussenmeyer
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer, Silins – All Ayes
Condition – Limitation of square footage as proposed and no free standing sign.
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 Board Member Grussenmeyer
Chairman and Board Members: Belgiorno, Cinti, Grussenmeyer, Silins - All Ayes
Chairman DeLaus – Absent for vote

There being no further business the Board adjourned this meeting at 8:10 pm
These minutes were adopted on October 18, 2018.