Penfield Zoning Board of Appeals
October 18, 2018 Meeting Minutes

The Zoning Board meeting was held at 7:00 PM local time Thursday October 18, 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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</thead>
<tbody>
<tr>
<td>Daniel DeLaus, Chairperson</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Marie Cinti</td>
<td></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>
<td>X</td>
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</tbody>
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II. Regarding Minutes from Zoning Board Meeting on September 20, 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>X</td>
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<tr>
<td>Belgiorno</td>
<td>Approve</td>
<td>Belgiorno</td>
<td>X</td>
<td></td>
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<tr>
<td>Cinti</td>
<td>Cinti</td>
<td>Cinti</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td>Silins</td>
<td>Silins</td>
<td>X</td>
<td>Silins</td>
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</table>
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 October 18, 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. Tracey Tyra and Karen Arnold, 66 Pennicott Circle, Penfield, NY 14526 request an Area Variance to allow an in-ground swimming pool with less rear setback than permitted under Section 250-5.1-F (13) of the Code at 66 Pennicott Circle. The property is owned by Tracey Tyra and Karen Arnold and is zoned R-1-15. SBL #109.03-2-6. Application #18Z-0052.

Appearances by:
Karen Arnold and Tracey Tyra - 66 Pennicott Circle, Penfield, NY 14526
David Oakes – 62 Pennicott Circle, Penfield, NY 14526

Presenter Statements:
They would like to install an in-ground pool. They currently have a shed which was already on the property having received a variance. Their property backs up to Town land.

Board Comments/Questions:
What are the pool dimensions and can you move it?
Any buffering on north side, what type of fencing? Any input from neighbors? Any undesirable change in the neighborhood and are there any other pools around?

Presenter Statements
The pool is sixteen by thirty two (16 x 32). They are asking for two feet (2’) from the property line resulting in an eight foot (8’) variance. Northeastern Pool has been out to measure and they are restricted by an easement on east side of property. They are unable to fit the pool different ways because of the easement and because of their deck. The neighbors have trees for buffering. The fence will be aluminum. The neighbors are in favor. There are other pools in the area.

Neighbor Statements/Comments
He is in favor of project and won’t affect anything in the neighborhood.

SEQRA Determination:
Motion Made by: Board Member Belgirono 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).
    ___ Unlisted Action:
    ___ Negative Declaration (Action will not result in any significant adverse environmental impacts).
    ___ Further Action _______________________

SEQRA Vote:
Chairman and Board Members: DeLaus, Belgirono, Silins: - All Ayes
Board Member Cinti - Absent

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

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

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

2. 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 Di Muro and is zoned R-1-15. SBL #139.07-1-42. Application #18Z-0050.

SEQRA Determination made at September 2018 meeting:
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 from September 2018 meeting:
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Grussenmeyer, Silins: - All Ayes

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

Conditions: The pipe be relocated within 12 months by applicant and have engineer approve and from the September 26, 2018 meeting of the Town Board that the owner record a document/covenant to insure that current and future owners are aware of their obligation to continually maintain the pipe.

There being no further business the Board adjourned this meeting at 7:45 pm.
These minutes were adopted on November 15, 2018.