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

ZONING BOARD
MEETING MINUTES
JANUARY 17, 2019
Penfield Zoning Board of Appeals  
January 17, 2019 MINUTES

The Zoning Board meeting was held at 7:00 PM local time Thursday January 17, 2019 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></td>
<td>X</td>
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<tr>
<td>Marie Cinti</td>
<td></td>
<td>X</td>
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<td>Mike Belgiorno</td>
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<td>Matthew Piston</td>
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<td>Andris Silins</td>
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<tr>
<th>ADDITIONAL STAFF</th>
<th>PRESENT</th>
<th>ABSENT</th>
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<tbody>
<tr>
<td>Peter Weishaar, Legal Counsel</td>
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<td>X</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 November 15, 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>
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<tbody>
<tr>
<td>DeLaus</td>
<td>DeLaus</td>
<td>DeLaus</td>
<td></td>
<td>X</td>
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<tr>
<td>Belgiorno</td>
<td>X</td>
<td>Approve</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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<td>Piston</td>
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<td>X</td>
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<td>Silins</td>
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<td>X</td>
<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 January 17, 2019 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 or listen to the meeting on our website at www.penfield.org.
Christopher Woods 204 Suburban Court #9, Rochester, NY 14620 requests a Conditional Use Permit under Section 250-5.7-C (1) (a) and Section 250-13.3 of the Code to allow the operation of a restaurant at 1759 empire Boulevard. The property is owned by Vincent Vella and is zoned GB. SBL #093.15-1-67. Application #19Z-0001.

Appearances by:
Christopher Woods 204 Suburban Court #9, Rochester, NY 14620

Presenter Statements:
Mr. Woods stated the current restaurant is moving out he intends to have a French Bistro restaurant in its place. The name will be The Peppered Pig.

Board Comments/Questions:
The Board members inquired about the pizza oven from the old restaurant, if they would serve liquor went over the hours of operation. They discussed if there would be any parking issues anticipated and about signage, music, and seating arrangements.

Presenter Statements:
They intend to do a small amount of remodeling, have sixty (60) seats inside and then six (6) tables out door with wait service. Outdoors there will be planters, grapevines and a metal fence for separation from the parking area. They will be obtaining a liquor license to serve alcohol. He does not anticipate any parking issues. Signage will only have the name change on it. The refuse containers outdoors will be in an enclosure. No live music inside or out.

SEQRA Determination:
Motion Made by: Chairman DeLaus and Second by Board Member Belgiorno

Type I Action. Further Action ________________
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, Piston, Silins: - All Ayes

Application Vote:
Motion made by: Chairman DeLaus to APPROVE and Second by Board Member Cinti
Chairman and Board Members: DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes

Chairman and Board Members: DeLaus, Belgiorno, Cinti, Piston, Silins:

Condition:
Refuse containers (dumpster) are required to be in an enclosure.

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.

WITHDRAWN

2. Christopher Abbe, 59 Horizon Drive, Rochester, NY 14625 requests an Area Variance to allow a front porch with less front setback than permitted under Section 250-5.1-F (1) of the Code at 59 Horizon Drive. The property is owned by Christopher and Tammy Abbe and is zoned R-1-20. SBL #108.20-2-58. Application #18Z-0055.

We have now received the survey map requested at the November 2018 meeting.

SEQRA Determination:
Motion Made by: Board Member Belgiorno and Second by Board Member Silins
___ Type I Action. Further Action ________________
__ Type II Action, not subject to further review under SEQRA.
___ Unlisted Action:
   ___ X 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, Piston, Silins – All Ayes

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

There being no further business the Board adjourned this meeting at 7:15 pm.
These minutes were adopted on February 21, 2019