ZONING BOARD
MEETING MINUTES
MARCH 21, 2019
Penfield Zoning Board of Appeals  
March 21, 2019 Meeting Minutes

The Zoning Board meeting was held at 7:00 PM local time Thursday March 21, 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:

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<tr>
<th>ZBA MEMBER</th>
<th>PRESENT</th>
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<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>Matthew Piston</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 February 21, 2019

<table>
<thead>
<tr>
<th>Motion made by</th>
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<th>Second by:</th>
<th>Board Vote</th>
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<td>Belgiorno</td>
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<td>Cinti</td>
<td>X Approve</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 March 21, 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.
1. John D. Gramlich, 1217 Monroe County Line Road, Webster, NY, 14580, requests Area Variances to allow a subdivided lot with less lot width and less lot area than required under Section 250-5.1-F (1) of the Code at 1217 Monroe County Line Road. The property is owned by John and Beverly Gramlich and is zoned RA-2. SBL #096.01-2-13.2. Application #19Z-0009.

Appearances by:
John Gramlich, 1217 Monroe County Line Road, Webster, NY, 14580

Presenter Statements:
He wants to subdivide to the property to build a house on it. He surveyed the neighborhood and found that sixty two point five (62.5) percent of the properties are less than two (2) acres, and seventy five (75) percent have less than two hundred (200) foot frontage. The closest houses to them are less than point nine (.9) acres. One point one two five 1.125 acre(s) per lot seems reasonable for what the rest of the neighborhood look like.
He has a petition with twenty one signatures from neighbors in favor of the application.

Board Comments/Questions:
Board Members asked why he couldn’t take more of the main lot to make it within code. They asked if the parcel was always this way or if he had requested any changes in the past. They also asked what the other lots were zoned as.

Presenter Statements:
If the lot line was moved right to limit it would be only fifty (50) foot from front of present house it would only be one point two five (1.25) acres. If they went along the south side there would be no real value to his son’s house and would devalue the main property. They want to maintain the value of the main property and have a quality house for the new parcel. There are dedicated wetlands towards the west. He purchased land as is and built a house in 1985. Mr. Gramlich mentioned the other lots are in Wayne County and go by their codes.

SEQRA Determination:
Motion Made by: Board Member Matt Piston 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, Belgiorno, Cinti, Piston, Silins: All Ayes

Application Vote:
Motion made by: Board Member Piston to Approve and Second by Board Member Silins
Vote: DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
2. David Cox, PE/Passero Associates, 242 West Main Street, Suite 100, Rochester, NY, 14614 on behalf of Rochester Christian School, 260 Embury Road, Rochester, NY 14625, requests a Conditional Use Permit under Section 250-13.3 and Section 250-5.1-E (1) (i) of the Code to allow a new playground at 260 Embury Road. The property is owned by Rochester Christian School, Inc. and is zoned R-1-20. SBL #108.11-1-1.1. Application #19Z-0010.

Appearances by:
David Cox PE/Passero Associates, 242 West Main Street, Suite 100, Rochester, NY, 14614
Bob Hiler, 1505 Creek Street, Rochester, NY 14625

Presenter Statements:
There is a playground on the south side of the school. A donation has been made for a new playground and it will be adjacent to the old playground and they will take some older pieces out.

Board Comments/Questions:
Questions asked by the board were about color scheme, usage/time of day, if there would be an increase of children, noise level, any new parking issues, what would be used on the surface and if it would be taller than building? Would other children be able to use the playground?

Presenter Statements:
They are not anticipating anything out of the normal realm-open and usage during school hours. The structure is not taller than building, no extra noise anticipated, the colors would be tans and browns, and they are not anticipating any parking issues. Mulch will be used on the ground of the play area.

Neighbor Statements:
Bob Hiler, 1505 Creek Street, Rochester, NY 14625
Mr. Hiler lives on the south side of the Rochester Christian School and had a lot of concerns regarding the playground.

The board went over the concerns between Mr. Hiler and the applicant and gave a pause for this application for Mr. Hiler and the applicant to go and discuss options they could agree with. Discussion ensued and when they came back concessions were made.

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

___ Type I Action. Further Action _________________________
___ Type II Action, not subject to further review under SEQRA.
X 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 Silins to Approve and Second by Board Cinti
Vote: DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
Conditions - With signage for school use only and to remove the tube slide
3. You Jia, 63 Finch Wood Lane, Penfield, NY, 14526 requests a Special Permit under Section 250-10.3 and Section 250-10.13-C of the Code to allow a second building mounted sign at 2100 Penfield Road. The property is owned by JLZ Properties, LLC and is zoned BN-R. SBL #139.08-1-61. Application #19Z-0011.

Appearances by:
You Jia, 63 Finch Wood Lane, Penfield, NY, 14526

Presenter Statements:
Ms. Jia is the Owner/Dentist of the new dental office and the application is for a second sign on north side of building in addition to sign already approved on south side of building facing Route 441. The main entrance is where the parking lot is and thinks the branding should be above the main entrance. The sign will not be lit.

Board Comments/Questions:
Questions were about the size; lighting, hours of operation, if she would have a monument sign is the sign and since there is a drive way from Route 441/Penfield Road with a sign facing the road why is one needed in the back parking lot? How many properties between hers and Penfield Road and how many are occupied. If the access road is not there yet who will see your sign back there?

Presenter Statements:
The sign will be much smaller. She has left a space in the design of the building for the purpose a sign above the door and feels the need for the name to be shown. She will forgo a monument sign and is not lighting due to cost. There are four (4) or five (5) properties and is not aware of any development and the access road will probably only built once those are developed but since there is the school behind her the sign would be advertisement for parents and children.

Town Employee Comments
Andy Suveges spoke mentioning the shared access road at Harris Whalen Park may eventually eliminate access from Penfield Road. The time line will be determined by parcel development.

SEQRA Determination:
Motion Made by: Board Member Belgiorno and Second by Chairman DeLaus
___ 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, Piston, Silins: All Ayes

Application Vote:
Motion made by: Board Member Belgiorno to Approve and Second by Board Member Silins
Vote: DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
Conditions: Be clear in the resolution that she is giving up the monument sign – and there will be no illumination.
4. Paul Colucci/DiMarco BayTowne Associates, LLC, 1950 Brighton-Henrietta Town Line Road, Rochester, NY, 14623 on behalf of Sunny’s Diner requests a Conditional Use Permit under Section 250-13.3 and Section 250-5.7-C (1) (a) of the Code to allow the operation of a restaurant (Sunny’s Diner) at 1900 Empire Boulevard. The property is owned by DiMarco Baytowne Associates, LLC and is zoned GB. SBL #093.02-1-23.111. Application #19Z-0012.

Appearances by:
Paul Colucci/DiMarco BayTowne Associates, LLC, 1950 Brighton-Henrietta Town Line Road, Rochester, NY, 14623

Presenter Statements:
Paul Colucci representing Sunny’s diner. John Deer is the operator of restaurant. It will be located in southern portion of plaza (Building G) currently vacant by Royal Dynasty. The restaurant is listed as a forty two hundred (4200) square feet space; he may also use adjacent space to the west which would be twelve hundred sixty (1260) more feet and wants to amend the application to fifty five hundred (5500) square feet. The plaza has adequate ingress and egress and they are moving forward with the development of Baytowne plaza.

Board Comments/Questions:
What are the restaurant days of operation, hours, number of employees, outdoor seating and menu? Any Grub Hub or Uber Eats services be considered? Will you use south side for trash? What kind of signage is planned?

Presenter Statements:
The days and hours are Fridays and Saturdays five (5) a.m. to eleven (11) p.m. and weekdays five (5) a.m. to eight (8) p.m. There will be thirty five (35) to fifty (50) employees. There will be no outdoor seating. The menu will be a variety from the ‘Penfield Pancake’ to the ‘Webster Waffle’. Grub Hub or Uber Eats have not been considered yet but they will have take-out. Paul Colucci spoke saying tenants have dumpsters available in the back and trash pick-up is routine. The restaurant will be serviced and inspected per the Monroe County Health Department application. The signs will be consistent with what is already there.

SEQRA Determination:
Motion Made by: Board Member Cinti and Second by Board Member Piston
- 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). _X_
  - Further Action ________________

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

Application Vote:
Motion made by: Board Member Cinti to Approve and Second by Board Members Belgiorno
Vote: DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
Randy Bebout/T.Y. Lin International, 255 East Avenue, Rochester, NY, 14604 on behalf of McDonald’s USA, LLC, 2 Easton Oval, Suite 200, Columbus, OH, 43219 requests an Area Variance to allow less parking spaces than required under Section 250-7.7-D of the code at 2191 Penfield Road. The property is owned by Carmella Spinosa and is zoned GB. SBL #140.01-2-1.1. Application #19Z-0013.

Appearances by:
Randy Bebout/T.Y. Lin International, 255 East Avenue, Rochester, NY, 14604
Mary Ellen Goun, owner/operator

Presenter Statements:
Applicant is requesting relief from parking spaces. Parking is based on occupancy and number of employees. McDonald’s is the LUAMP (Land Use Management Plan) overlay district which reduces the parking space requirement. Currently there are fifty one (51) spaces. They would like to reduce ten (10) spots. They did peak hours count of cars and the highest was twenty nine (29) spaces used and the stacking number was nineteen (19) for ‘drive-thru’ cars. This side by side drive-thru will also move cash window back forty two (42) feet and will make operation more efficient and speed things up for paying and delivery of food. Spaces are also being moved up front to free up the back where the drive-thru will be.

Board Comments/Questions:
Board Members questioned if cars parked at McDonald’s go to other businesses nearby and also questioned the safety of cars getting out of their spots due to drive thru lines. They asked if weather changed habits of customers, walk in versus drive thru and if snow build up would lose parking spaces.

Presenter Statements:
The drive aisle is standard size. Sixty five (65) to seventy (70) percent of business is drive thru Drive-thru purchases have increased and it is anticipated more so in the future. The intent is to operate more efficiently so stacking will be less frequent. That’s why they are moving the ADA (American Disability Act) for compliance; even though the cost is higher. Ms. Goun addressed the snow issue in that they have a loader that will move snow.

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.
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, Piston, Silins: All Ayes

Application Vote:
Motion made by: Chairman DeLaus to Approve and Second by Board Member Silins
Vote: DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
Tabled Matters:
   1. Steve Walsh, 39 Salem Road, Irondequoit, NY, 14622 requests Area Variances to allow less lot width than required under Section 250-5.1-F (1) of the Code and a storage building with less side setback than required under Section 250-5.1-F (12) (b) of the Code at 1953 Harris Road. The property is now or formerly owned by Malcolm Traub and is zoned RA-2. SBL #125.04-1-2.5. Application #19Z-0008.

Discussed at Work session

**SEQRA Determination:** Vote at February 2019 meeting.

[X] Type II Action, not subject to further review under SEQRA.

**Application Vote:**
Motion made by: Board Member Silins to Approve and Second by Board Member Belgiorno
Vote: DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes

There being no further business the Board adjourned this meeting at 8:20 pm.
These minutes were adopted on April 18, 2019.