ZONING BOARD
MEETING MINUTES
MAY 20, 2019
Penfield Zoning Board of Appeals  
May 20, 2019 Meeting Minutes

The Zoning Board meeting was held at 7:00 PM local time Monday May 20, 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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<th>ZBA MEMBER</th>
<th>PRESENT</th>
<th>ABSENT</th>
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<tr>
<td>Daniel DeLaus, Chairperson</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>Matthew Piston</td>
<td>X</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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<tr>
<td>Peter Weishaar, Legal Counsel</td>
<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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Motion made by: To: Second by: Board Vote Y N

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<thead>
<tr>
<th>DeLaus</th>
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<th>DeLaus</th>
<th>Absent for vote</th>
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<tr>
<td>Belgiorno</td>
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<td>Belgiorno</td>
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<td>Cinti</td>
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<td>Piston</td>
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<tr>
<td>Silins</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 May 20, 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. Kevin Shoemaker/American Promotional Events, 4003 Helton Drive, Florence, AL, 35630, requests a recommendation of approval for the issuance of an Itinerant Vendor License under Section 162-6-E (1) (b) and Section 162-E (2) of the Code to allow the sales of sparkling devices at 1990 Brandt Point Drive. The property is owned by DiMarco Brandt Point, LLC and is zoned GB. SBL #093.02-1-25.11. Application #19Z-0023.

Appearances by:
Kevin Shoemaker/American Promotional Events, 4003 Helton Drive, Florence, AL, 35630
3520 Viewpoint Drive, Macedon, NY 14502

Presenter Statements:
American Promotional Events would like a temporary tent for sparkling devices. The dates would be June 21, 2019 to July 5, 2019. This company is the largest consumer fireworks company in the nation and has over seven thousand (7,000) tent sales / locations in the period leading up to July 4th. They will be selling New York legal sparkling devices. The tent will be erected prior to June 21 and dismantled after. They abide by all State Laws requiring positive identification and in all states individuals need to be eighteen (18) years of age to buy or sell. They provide product liability insurance to property owner and the certificate will be on site at all times. A certificate of authority for sales tax will be on site as well. They follow FPA 1124 guidelines with having a fire extinguisher and two water cans on site. They will work with Police and Fire Departments in the town.

Board Comments/Questions:
Questions by board members: What is the size of tent and how do you secure at night? Does it lock? Will there be music playing? Will you be enforcing age? Do you think there will be any traffic issues? Will you have trash cans around? Any plans for signs other than at the tent? Any other advertising. How will you power?

Presenter Statements:
The tent is twenty by forty feet (20’x40’) tent and he sleeps overnight on site. There is no lock but walls come down and are tied down. There is no planned music system. The age will be checked. The location is well away from traffic and is close to the store (Walmart), they do not see any traffic problems. He will provide trash cans and keep the area cleaned up. He will also have family members working with him.
As far as the signage; it is promotional, they want to stand out and are provided with lots of signs but generally do not use all of them. Mr. Shoemaker will abide by what the town will allow. They would like to put some at the plaza entrances. He intends to use social media for advertising. He will have portable generators will go be open to 9:00 p.m.

SEQRA Determination:
Motion Made by: Board Member Cinti 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).
__ Unlisted Action:
__ [X] Negative Declaration (Action will not result in any significant adverse environmental impacts).
__ Further Action ____________________
Continued Application #19Z-0023

**SEORA 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 Chairman DeLaus

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

Condition for Signage only – TNT firework (long parallel) on every side and the TNT strip (bunting) He can have a directional sign at Creek Street, the Main entrance and Brandt Point.

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**Tabled Matters:**

1. Betsy Brugg/Woods, Oviatt, Gilman, LLP, 700 Crossroads Building, 2 State Street, Rochester, NY, 14614 on behalf of Wilbert’s Automotive, LLC requests an Expansion to a Preexisting Nonconforming use under Section 250-7.13 of the Code to allow the construction of a new shipping, receiving and dismantling building, gas punch building, storage building, addition to the existing tire sales and service building, expansion of vehicle storage area, additional parking, extension/relocation of perimeter fencing and other associated site improvements to the existing automotive recycling business located at 1272 Salt Road. The property is owned by Wilbert’s Automotive, LLC and is zoned RA-2. SBL #095.04-2-2.1. Application #19Z-0020.

**Application Vote:**
Motion made by: Board Member Silins to Table and Second by Board Member Belgiorno
Board Members: Belgiorno, Cinti, Piston, Silins: All Ayes
Chairman DeLaus not present for this vote.

There being no further business the Board adjourned this meeting at 7:30 p.m.
These minutes were adopted on June 20, 2019.