ZONING BOARD
MEETING MINUTES
JULY 18, 2019
Penfield Zoning Board of Appeals  
July 18, 2019 Meeting Minutes

The Zoning Board meeting was held at 7:00 PM local time Thursday July 18, 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>
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<tr>
<td>Daniel DeLaus, Chairperson</td>
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<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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II. Regarding Minutes from Zoning Board Meeting on June 20, 2019

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<thead>
<tr>
<th>Motion made by:</th>
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<th>Second by:</th>
<th>Board Vote</th>
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June 20, 2019 meeting to be approved at next meeting due to Board Member Cinti being absent at June meeting – no quorum this meeting due to absent Board Members this month.
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 July 18, 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. Bryn Higley, 44 Pewter Rock, Webster, NY 14580 requests an Area Variance under Section 250-14.3 of the Code to allow a taller fence than permitted under Section 250-7.1-D of the Code at 44 Pewter Rock. The property is owned by Bryn and Christina Higley and is zoned R-1-20. SBL #094.01-3-101. Application #19Z-0027.

Appearances by:
Bryn and Christina Higley, 44 Pewter Rock, Webster, NY 14580
Dan Viola, 65 Armetale Lustre, Webster, NY 14580

Presenter Statements:
They are requesting a variance because they are on a corner lot. They face Armetale Lustre which is the side/but front facing. Mr. & Mrs. Higley asked a town employee, and were told they misquoted information about the setback.
They were told they needed twenty (20) feet from the road way. They later found out it needed to be twenty (20) feet from the property line.
The town owns the first seventeen (17) feet, so they would have to move it fifteen (15) feet. They have children and want privacy and safety. At the back of the home lots are still being developed and the Higleys’ described other issues for reasons wanting a privacy fence which included high traffic volume, transient people and dogs.
They had the Town of Penfield Engineering department come out to do measurement and they have approved the measurement requirements to make sure vision was clear for drivers. All utilities are open for RGE, Fire, etc.
They put thought and consideration in to purchase this significant expense before purchasing and asked a town employee, which originally approved.

Board Comments/Questions:
Board Members asked why they can’t move it. Did the fence company know about the measurements? How much room would you have if you moved the fence back? Are there other areas that have a fence like this? Do you have something in writing from the Town with the findings?

Presenter Statements:
Back yard is very shallow, if they move the fence then the play area would be very small. The big side yard was a main draw for the purchase of the home.
Moving the fence will be costly, contractor said he may not get all the pieces out. The concrete will be stuck in the yard and lawn will have to be repaired. They don’t feel safe. And there are distracted drivers that drive on the road – they had a new young driver overcompensate and come onto their yard recently. The current holes are fabricated for a six (6) foot fence. The fence cost $11,000.00 and they can’t cut the fence down, or the warranty would be void.
They talked to four (4) fence people and they all read the measurements the same way. If the fence moved fifteen (15) feet, they are at forty six (46) feet now, it would be cut down to thirty one (31) feet plus there is a big tree.
The engineer for survey said they never show the road way ‘lot line’ on corner lots when they make their surveys.
Armetale Lustre and Meadows End is a corner lot that has a fence. It is six (6) feet tall, and twenty two (22) feet in.
They discussed with the Board the clear vision findings.
Town Employee Statements:
Andy Suveges spoke, he and a Town Engineer were out to see the area to verify and measure clear vision side from corner and clear sight from the corner and intersection. They measured two hundred sixty (260) feet where two hundred (200) feet is the minimum required.

Neighbor Comments/Questions:
Mr. Viola spoke stating that if the fence had been put back additional twenty (20) feet back their yard would still be larger than neighbor yard
If you move fence back twenty (20) feet onto their property their rear line is one hundred four and a half (104 ½) feet. Ninety (90) feet is still a big yard.
Mr. Viola described his business and says there are no transient on his crew. He tries to keep roadways clear of cars for school buses and emergency vehicles and there are vacant lots they may park in. He states that people come to look at the new homes which may account for the ‘strangers’. He states they are asking for an eighty eight (88) percent variance. The town code on fences states you cannot build a fence on an RGE easement. The first ten (10) feet is a utility easement.

Presenter Statements
Bryn and Christine Higley came up to speak and said they had RGE come out to make sure there were no utilities easement on other side of fence. She says there is no easement on Armetale Lustre only on Pewter Rock (the front of their property). The flagging was up when the fence was being installed. The survey does not show utility easements, but it shows sanitary easements.

Board member
Board Member Belgiorno reviewed the map for easements and discussed the map with the Board.

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

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

2. Evan Schutt/Schutt’s Apple Mill and Country Store, Inc., 1063 Plank Road, Webster, NY 14580 requests a Conditional Use Permit under Section 250-13.3 and Section 250-5.1-E (1) (k) of the Code to allow an agricultural events tent at 1068 Plank Road. The property is owned by Martin Schutt and is zoned RR-1. SBL #094.04-1-30.101. Application #19Z-0028.
Appearances by:
Evan Schutt/Schutt’s Apple Mill and Country Store, Inc., 1063 Plank Road, Webster, NY 14580
Kevin Kourofsy - 1124 Plank Road, Webster, NY 14580
Gary Butler - 5 Willmingham Court, Webster, NY 14580

Presenter Statements:
Schutt’s Apple Mill wants to put a seasonal tent up from September to October or November. They have been approved for a new parking lot through the Planning Board to utilize new programs and make it safer so as not to cross the road from the store. They intend to have fall festivities such as pumpkin carving, apple picking, and tours. They are not planning to have fires or weddings etc. They plan to run tour 10:00 am – 4:00 pm.

Board Comments/Questions:
Will the tent be up all year or seasonally? Will there be any amplification or music? On survey shows where parking lot is, where will tent go? No lighting, only daytime operations? Where is the entrance and will you need any signs?

Presenter Statements:
They are only planning seasonally as in September to Thanksgiving only.
It’s a place to gather, and keep people organized.
Tent will be in middle of parking lot with a pathway – not blocking the road way
The entrance to the parking lot will be 200 feet west of property line… there is a fence with a double gate, that is where the driveway will be. They have already spoken with Monroe County. They are planning to have directional signs for entrance and exit signs. The lot is designed for fifty (50) cars right now and will possibly be expanded. It will not come toward the road only become wider.

Neighbor Comments/Questions:
Neighbors wanted to see the parking lot size and which side of road exactly. Questions were answered.

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:
   ___ X Negative Declaration (Action will not result in any significant adverse environmental impacts).
   ___ Further Action __________________________

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

Continued - Application #19Z-0028

Motion made by: Board Member Silins to Approve and Second by Board Member Cinti

Application Vote:
Vote: Belgiorno, Cinti, Silins: All Ayes
Chairman and Board Member DeLaus, Piston: Absent
Condition: Tent up from mid-August to the end of November.
3. Bernard Puglisi/Nolan’s Rental, 80 Sovran Drive, Webster, NY, 14580 requests a Special Use Permit under Section 250-14.3 and Section 250-7.20-B (1) of the Code to allow exterior storage trailers at 80 Sovran Drive. The property is owned by Bernmar, LLC and is zoned GB. SBL #093.15-1-2.114. Application #19Z-0029.

Appearances by:
Bernard Puglisi/Nolan’s Rental, 80 Sovran Drive, Webster, NY, 14580- his residence-16 Woodrose Drive

Presenter Statements:
He is requesting special use permit to use for storage trailers; he wants non road worthy storage trailers. They have added trailers, within set back requirements (within one hundred (100) foot setback and two hundred (2000 foot setback). They are looking to put a new building up, but storage trailers are inexpensive.

Board Comments/Questions:
Board Members asked how many trailers and if they are within setbacks. How often are they used? Are they illuminated in evening? When will you plan to build a new building? How long would he keep the storage for?

Presenter Statements:
They have ten (10) trailers on site right now. They have slowly added over ten (10) years additional trailers holding tables and chairs for rentals. They are one hundred (100) to three hundred-(300) feet off the line. They use the trailers weekly, and there is no lighting needed. They are thinking in next few months to talk to Planning. He would like to keep the temporary storage for two years. He also has storage in Ontario.

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:
   ___ X Negative Declaration (Action will not result in any significant adverse environmental impacts).
   ___ Further Action _______________________

SEQRA Vote:
Board Members: Belgiorno, Cinti, Silins: Ayes
Chairman and Board Member DeLaus and Piston – Absent

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

Condition: Ten (10) trailers and two (2) year duration.
This was a code enforcement issue brought to the attention to the Town. They are within the setback (100-200) buffer.
4. Renee Wall, 2112 Harris Road, Penfield, NY 14526 requests an Area Variance under Section 250-14.3 of the Code to allow a front porch with less front setback than required under Section 250-5.1-F (1) of the Code at 2112 Harris Road. The property is owned by Renee Wall and is zoned RR-1. SBL #140.02-1-17. Application 19Z-0030.

Appearances by:
Renee Wall, 2112 Harris Road, Penfield, NY 14526
Marty Hill, A BEST Construction, 87 Woodman Park, Rochester, NY 14609

Presenter Statements:
House built in 1900 Ms. Wall wants to replace an area in the front and showed a photo of how she wants it to look. The roof is there already covering the porch seventy two (72) square feet. She just wants to put a floor and railing in to make it look nicer.

Board Comments/Questions:
The dimensions are eighteen (18) feet wide and six (6) feet deep, and would not come further than the overhang? We are aware she received a letter from the Monroe County Development Review and inquired as to compliance. Are the steps included as part of the porch for the set-back?

Presenter Statements:
Marty from A Best explained what he will do for the porch, including safety features. The setback is fifty (50) feet but the house itself is only thirty five (35) feet from the road. There will be no additional lighting. She has spoken to the neighbor behind her about her project. She has a letter from Monroe County and she has complied with their conditions. They are asking for twenty four (24) feet variance and the steps are within this measurement.

SEQRA Determination:
Motion Made by: Board Member Cinti 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:
Board Members: Belgiorno, Cinti, Silins: Ayes
Chairman and Board Member DeLaus, Piston: Absent

Application Vote:
Motion made by: Board Member Cinti to Approve and Second by Board Member Belgiorno
Vote: Belgiorno, Cinti, Silins: All Ayes
Chairman and Board Member DeLaus, Piston: Absent
Approved variance for 24 feet.

Condition: Cannot exceed eighteen (18) by six (6)
5. Mark and Lynn Agor/Agor Enterprises, 951 Panorama Trail South, Rochester, NY 14625 request a Special Permit under Section 250-10.3-A of the Code to allow a larger freestanding sign than permitted under Section 250-10.12-B (1) of the Code at 951 Panorama Trail South. The property is owned by Lynn Agor and is zoned LI. SBL #139.09-1-58. Application #19Z-0031.

Appearances by:
Mark and Lynn Agor/Agor Enterprises, 951 Panorama Trail South, Rochester, NY 14625
Nicholas Arieno, 9 Millrace Drive, East Rochester, NY 14445

Presenter Statements:
They are adding a new business to their building; an auto repair facility, and are required to have signage for the new business. He found out through Town Employee, Andy Suveges that his current sign was never permitted so they are requesting correct signage at this time and larger than code allows.

Board Comments/Questions:
Board Members discussed the size of his current sign fifty (50) square feet, as it is already bigger than allowed and why he wants the new sign even bigger. There was discussion of the Hampton Inn’s sign size. They asked if he could incorporate the new business sign inside the old business sign and inquired as to his type of business and if he has had any problem with the location of the sign where it currently stands. Board Members asked if the sign is granted if he would accept not granting additional building mounted signage?

Presenter Statements:
Mr. Agor feels the large size sign is needed because people are driving fast down the road and coming around the curve they can pass right by it. The business is for making wheel chairs accessible and conversion vans and the customers are generally fifty-five (55) and over. His dad put this sign up and it has been there over nine (9) years and never had any problems. They do want to put a sign on the building and light it up eventually. Mr. Arieno says there is a previous approval for a forty two (42) foot sign that was six (6) feet by seven and a half (7 ½) feet and free standing sign. It was approved in 1979. The men spoke in regards to eventually wanting a building mounted sign on one side saying Agor Enterprises with lights, then on other side up over the building like Vision Dodge-it is up high on the building.
Continued Application #19Z-0031

**SEQRA Determination:**

Motion Made by: Board Member **Belgiorno Second** by Board Member **Silins**

___ 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:**

Board Members: Belgiorno, Cinti, Silins: **Ayes**

Chairman DeLaus, Board Member Piston: Absent

**Application Vote:**

Motion made by: Board Member **Belgiorno** to **Approve** and Second by Board Member **Cinti**

Vote: Belgiorno, Cinti, Silins: **All Ayes**

Chairman and Board Member: DeLaus, Piston: Absent

There being no further business the Board adjourned this meeting at 8:40 pm. These minutes were adopted on September 19, 2019.