ZONING BOARD
MEETING MINUTES
AUGUST 15, 2019
Penfield Zoning Board of Appeals
August 15, 2019 Meeting Minutes

The Zoning Board meeting was held at 7:00 PM local time Thursday August 15, 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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<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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<tr>
<th>Motion made by</th>
<th>To:</th>
<th>Second by:</th>
<th>Board Vote</th>
<th>Y</th>
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I. Regarding Minutes from Zoning Board Meeting on July 18, 2019

No quorum – Chairman DeLaus & Matthew Piston weren’t here-Will vote on this one in September.

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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 August 15, 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. Dan Stewart/Heritage Christian Services, 275 Kenneth Drive, Suite 100, Rochester, NY 14623 requests Area Variances under Section 250-14.3 of the Code to allow a child-care facility on a parcel less than 5 acres in area as required by Section 250-13.10-A (2) of the Code, building area larger than 8,000 square feet as required by Section 250-13.10-A (3) of the Code, less buffer than required by Section 250-13.10-A (6) of the Code, a garage with less rear setback than required by Section 250-5.1-F (1) of the Code and an accessory structure with less rear setback than required by Section 250-5.1-F (12) (b) of the Code at 2730 Atlantic Avenue. The property is owned by Heritage Christian Services, Inc. and is zoned R-1-20. SBL #124.01-1-2. Application #19Z-0032.

Appearances by:
Dan Stewart/Heritage Christian Services, 275 Kenneth Drive, Suite 100, Rochester, NY 14623
Eric Schauf /Marathon Engineering, 39 Cascade Drive Rochester NY
Kaylie Northrup – 1777 Scribner Road, Penfield, NY 14526

Presenter Statements:
Eric Schauf– They want to develop a day care facility on the east side of Monroe County. Other sites were evaluated. This location is on the north east corner of Atlantic Avenue and Scribner Rd. They are proposing to construct and operate a one (1) story facility. It will be approximately eleven thousand five hundred (11,500) square feet on the two point seven (2.7) acre parcel. They have had an initial meeting with the Penfield Planning Board. They have modified their layout and are requesting one less setback from five (5) to four (4) variances. They will move shed to a different area so they will have line of site.
Heritage Christian Services (*HSC) is proposing to serve no more than one hundred twenty (120) children in a proposed eleven thousand five hundred (11,500) square foot building. This is ninety five point eight (95.8) percent square foot per child. The Town code allowance is fifty nine point three (59.3) square feet per child and the size building for child care facilities is eight thousand (8,000) square feet.
The variances requested are for lot size, building size, buffer from property lines and for the garage; a rear setback variance is requested.
Dan Stewart - Gave a brief history of HCS. The hours of operation will be six a.m. to six p.m., Monday through Friday. There will be approximately thirty one (31) teachers/support. The building will have a kitchen, staff lounge, nursing mother room, therapy room, two family rooms, director office, restrooms, reception and a mechanical room. A traffic study has been completed and reviewed by the town consultant and a NYS Department of Transportation representative.

Board / Presenter Comments/Questions:
Discussion about profits, budgets, revenue and funding and market studies for Heritage Christian Services and its location in Penfield.

Board Comments:
Does Heritage Christian Services own the property and if so what is the plan for the property if the application is denied? Will HCS use property for any other uses i.e. non day care purposes? Why was it tabled with the Planning Board? Chairman DeLaus asked about the Traffic Study.
Continued Application #19Z-0032

Presenter Comments/Questions:
They will keep the property and decide at another time what the use would be. The Planning Board tabled the application to have Zoning Board Members hear it to see what the recommendations would be. There was discussion of the vehicles, coming and going, i.e. busses, parents, employees and a Traffic study. There was a discussion of how the code came about for day care centers in the first place and discussion of the types of use in the various rooms. Mr. Schauf spoke regarding the Traffic Study. It was independently set up by HCS and is under review by the state Department of Transportation although they had preliminary discussions as far as setting up where the driveway should be so they do not anticipate any issues once review is complete.

Audience/Neighbor Comments:
Kalie Northrup – 1777 Scribner Road, Penfield, NY  14526
Ashley Schultz – 1755 Scribner Road, Penfield, NY  14526
Kim Fulton - 1759 Scribner Road, Penfield, NY  14526
Wendy Weeks - 1689 Scribner Road, Penfield, NY  14526

They all spoke of concerns as to the amount of variances being needed, the size of the building in regards to lost size, and mostly traffic issues. The board asked if they didn’t need variances if they all would still be opposed and the answer was that it seems that no matter what, there will be issues with the higher volume of traffic. Some neighbors said if the applicant is approved then the neighborhood should also receive some kind of concession i.e. improved sidewalks.

SEQRA Determination: To be determined at a later date

Application Vote:
Motion made by: Chairman DeLaus to Table and Second by Board Member Silins
Vote: Chairman and Board Members: DeLaus, Cinti, Piston, Silins: Ayes
Absent: Board Member Belgiorno
Recused: Board Member Piston
2. Caitlin Hoffman/Silver Maple Dental, PLLC, 2480 Browncroft Boulevard, Rochester, NY 14625 requests a Special Permit under Section 250-10.3-A of the Code to allow more than one freestanding sign as required by Section 250-10.12-C of the Code and a freestanding sign with less front setback than required by Section 250-10.12-D of the Code at 2480 Browncroft Boulevard. The property is owned by Rich Sam Properties, Inc. and is zoned LB. SBL #123.07-1-21./2480. Application #19Z-0033.

Appearances by:
Caitlin Hoffman/Silver Maple Dental, PLLC, 2480 Browncroft Boulevard, Rochester, NY 14625

Presenter Statements:
The post at the location needs an upgrade. She, along with the landlord are proposing a larger sign of seventy two by thirty two inches (72” x 32") which will be silver and green sign and lesser setback than required by code.

Board Comments/Questions:
There was discussion of the sign being off the road versus the property line. If she were to comply with the code the sign would be in the middle of the parking lot.
The Board is saying the property line and size of the sign are the variances needed.

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

Application Vote:
Motion made by: Board Member Piston to Approve and Second by Board Member Cinti
Vote: Chairman and Board Members: DeLaus, Cinti, Piston, Silins:  All Ayes
Absent: Board Member Belgiorno
3. Alan Rainbow/Baldwin Real Estate Corporation, 1950 Brighton Henrietta Town Line Road, Suite 200, Rochester, NY 14623 requests a Special Use Permit under Section 250-14.3 and Section 250-7.20-B (1) of the Code to allow an exterior storage trailer 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-0034.

Appearances by:
Alan Rainbow/Baldwin Real Estate Corporation, 1950 Brighton Henrietta Town Line Road, Suite 200, Rochester, NY 14623

Presenter Statements:
For the last two seasons, they have been using storage trailer for construction equipment, fencing and items used for the special event tent such as traffic pylons, furniture, barricades etc. They are seeking to continue using the trailer as they continue to build out the vacant spaces in the plaza. It is behind an existing building, on their own entitled space.

Board Comments/Questions:
Board Member asked about the use and who uses the trailer and about how often does anyone go in the trailer? Do you use any of the plaza spaces for storage? The trailer helps with events, but not only for tent/event use. The trailer won’t be there forever, as the spot it is in will be developed.

Presenter Statements:
DiMarco employees and site personnel use the trailer which is always locked and secured. They are in the trailer weekly during event times, and in the winter they will plow around it. They do use the empty store spaces for storage, but also want to lease the open stores eventually. They are mostly using it because of construction and think it would be another two (2) years of use. It was placed in the stone lot because of the proximity to the vacant spaces on street of shops, and the rear doors open to the ‘event center’.

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

 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).

 Further Action

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

Application Vote:
Motion made by: Board Member Silins to Approve and Second by Board Member Cinti
Vote: Chairman and Board Members, DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
Absent: Board Member Belgiorno
Condition - Two year time limit on tent to be revisited. Trailer unmarked and ok in the same spot.

4. Deborah Herb/Image 360, 275 Marketplace Drive, Rochester, NY 14623 on behalf of the YMCA of Greater Rochester and URMC requests a Special Permit under Section 250-10.3-A of the Code to allow more than one building mounted sign as required by Section 250-10.13-C of the Code at 1835 Fairport Nine Mile Point Road. The property is owned by The Young Men’s
Christian Association of Greater Rochester and is zoned MUD. SBL #125.01-1-34.13. Application 19Z-0035.

Appearances by:
Deborah Herb/Image 360, 275 Marketplace Drive, Rochester, NY 14623

Presenter Statements:
They are requesting a small sign put up next to the YMCA sign on the building. It will not be illuminated. It is requested to further the partnership between the YMCA and UR Medicine.

Board Comments/Questions:
Board Members asked why they want this and if there is any UR signage once you walk in the building? Board Members noted there is a sign on the Monument sign indicating UR Medicine is there and there are signs as you come down the driveway.

Presenter Statements:
There is only a sign in the back of the building indoors, none are on the outside of the building out front. They are trying to be consistent with all the YMCA locations and other towns are adding this sign.

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

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

There being no further business the Board adjourned this meeting at 9:20 pm
These minutes were adopted on September 19, 2019.