Penfield Zoning Board of Appeals
September 19, 2019 Meeting Minutes

The Zoning Board meeting was held at 7:00 PM local time Thursday September 19, 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>
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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 July 18, 2019

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<th>Motion made by:</th>
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<th>Board Vote</th>
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III. Regarding Minutes from Zoning Board Meeting on August 15, 2019

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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 September 19, 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. Thomas Gangemi/The Children’s Dyslexia Center of Rochester, 501 South Clinton Avenue, Rochester, NY, 14620 requests a Special Use Permit under Section 250-14.3 and Section 250-5.6-B (2) of the Code to allow a tutoring center for school-aged children with dyslexia and an Area Variance under section 250-14.3 of the Code to allow less parking than required under Section 250-7.7-D of the Code at 1549 Empire Boulevard. The property is currently or formerly owned by Carl A. Zizzo and is zoned LB. SBL #093.19-1-4. Application #19Z-0036.

Board Comments:
Change in application: The applicant has withdrawn the variance for less parking.

Appearances by:
Thomas Gangemi/The Children’s Dyslexia Center of Rochester, 501 South Clinton Avenue, Rochester, NY, 14620
Ann Kaczka – Director of Children’s Dyslexia Center - 4 Grey Fawn Pittsford, NY 14534

Presenter Statements:
Thomas Gangemi wants to change 1549 Empire Boulevard into a conforming use for the limited use business district as an office building for the Children’s Dyslexia Center of Rochester.

Board Comments/Questions:
Asked for explanation of the business, hours, and summer schedule? Any public meetings? Any changes to the building or lot? Any Signs or lighting? How will the parking lot be set up?

Presenter Statements:
Ann Kaczka: This is an afternoon tutoring program. They tutor dyslexic students two times a week Monday through Thursday for a period of one hour after school. There are sessions between 4:00 p.m. and 5:30 p.m. There are eight (8) students currently and will expand up to eleven (11) students. Summer hours will be reevaluated with the move of the office but the hours would be in the morning. Two (2) students and two (2) tutors and the director will be present at any one time. They do not intend to have any public meetings at the office. If they have summer classes, they would be in the a.m. Monday through Thursdays. They currently have six parking slots and will add an accessible parking slot. They are leaving the ‘footprint’ of the outside the same so it stays looking as a ‘home’ versus an office look. They will just have a sign size as allowed by the Town. The house currently has flood lights; they will not be adding any more. They are working with the Planning Department on the final decisions for the driveway and parking areas. There will be no color changes to the building.
Continued Application #19Z-0036

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.
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 Belgiorno to Approve and Second by Chairman DeLaus
Vote: Chairman and Board Members: DeLaus, Belgiorno, Cinti, Piston, Silins:  All Ayes
2. Walter F. Baker/D.S.B. Engineers & Architects, P.C. on behalf of Edward Geska/US Ceilings Corp., 1085 Gravel Road, Webster, NY, 14580 requests Area Variances under Section 250-14.3 of the Code to allow an office/warehouse building with less front, side and rear setback than required under Section 250-5.7-D (3) of the Code at 85 Sovran Drive. The property is currently or formerly owned by Retlaw Rekced, Inc. and is zoned GB. SBL #093.15-1-2.116. Application #19Z-0037.

Appearances by:

Presenter Statements:
They are located on a private drive which creates a unique situation so they have issues with the side and rear set back.
Mr. Baker explained the surroundings, existing businesses, all around their building which falls in the middle of all of these. The proposed use is an office ware house, ninety eight hundred (9800) square feet. The office and extra storage space will be heated, the warehouse will not as it will hold equipment. Shipments come once a month to the warehouse, and materials are shipped directly to job site.
There are three (3) people in office, they will meet code for parking. Operation hours are seven (7) a.m. to five (5) p.m. during the weekdays, no Saturdays, there are no warehouse employees. They’ve attended the Town Board and they have approved the project. The Planning Board, is in favor of the project.
Mr. Baker explained a colored map showing if they were to adhere to setbacks how it would end up looking; they only comply with the code in one spot for all the required setbacks.
The building is made of metal siding and the base of the building is in wrapped in brick to look like other businesses around. They are set back from Creek Street.

Board Comments/Questions:
Will the warehouse hold materials, or equipment? Will there be maintenance or repairs done on the equipment in the warehouse? Will there be any lighting, what kind of traffic is expected & what time of day? Any deliveries come on site?

Presenter Statements:
Edward Geska, US Ceilings Corp. - The warehouse will store scaffold, lifts, tools and some delivery of insulation. No maintenance done on the equipment in the warehouse. They have three (3) trucks, load up in 6:30 a.m. and then they are out making deliveries. They receive deliveries by 9:00 a.m. They do not require any dumpsters. The lighting will be over each door.
When the trucks get finished loading, it will be 7:30 – 8:00 and they will be loading inside the building.

Neighbor Comments:
Jan Widboom, 32 Hill Creek Rd – Inquired as to what noise codes the Town has for businesses like this.

Board/Employee Comments;
Andy Suveges spoke to code, no unreasonable noise past fifty (50) feet beyond the property line. Truck noise may be excluded.

Continued Application #19Z-0037

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

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

Application Vote:
Motion made by: Chairman DeLaus to Approve and Second by Board Member Belgiorno

Vote: Chairman and Board Members: DeLaus, Belgiorno, Cinti, Piston, Silins: Ayes
3. Christopher & Mary Stutz, 85 Meadowlark Drive, Penfield, NY, 14526 request an Area Variance under Section 250-14.3 of the Code to allow a deck with less front setback than required under Section 250-5.4-C (3) (a) of the Code at 85 Meadowlark Drive. The property is owned by Christopher & Mary Stutz and is zoned PD. SBL #125.03-3-55. Application #19Z-0038.

Appearances by:
Christopher & Mary Stutz, 85 Meadowlark Drive, Penfield, NY, 14526

Presenter Statements:
They are requesting a five foot (5’) variance for front steps and the deck.

Board Comments/Questions:
Board Members asked for description of the project. Does the deck serve as a landing for the door and then the steps go to the side? Are there any other decks like this in your neighborhood?

Presenter Statements:
Ms. Stutz showed a photo and described the deck will be eighteen by ten feet (18’x10’), with steps coming down to a sidewalk and extended to the same width of the house. There will be a railing all around it. Their house is on a curve so they don’t have neighbors that are able to see it. The contractor designed it as to get in and out of the house easily.

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:
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 Member Belgiorno
Vote: Chairman and Board Members, DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
4. Paul & Laura Fardellone, 176 Beverly Drive, Rochester, NY, 14625 request a Conditional Use Permit under Section 250-13.2 and Section 250-5.7-C (1) (a) of the Code to allow the operation of a restaurant (Forno Di Laura) at 1601 Penfield Road. The property is owned by Penfield TK Owner, LLC and is zoned GB. SBL #138.08-1-2./PLZA. Application #19Z-0039.

Appearances by:
Paul & Laura Fardellone, 176 Beverly Drive, Rochester, NY, 14625

Presenter Statements:
They are requesting a Conditional Use of existing space to convert it to a pizza kitchen/bistro in Panorama Plaza. They will have seating for twenty four (24) patrons. They will have the appropriate safety features, hood vents, etc. The hours will be 11:00 a.m. to 8:00 p.m. Monday through Saturday and not open on Sundays. There will be no caustic aromas. They will have a full fire alert system. They will have a two (2) person staff. The plaza has plenty of parking and they are not going to have outdoor seating.

Board Comments/Questions:
How will you be venting the orders? What kind of exterior changes do you have planned?

Presenter Statements:
For venting they have an eleven foot (11’) hood vent going straight through the ceiling with fans on top. The changes to the outside will be to put window placards in the front; they are clear see through signage on the windows and the plaza has signage already illuminated.

SEQRA Determination:
Motion Made by: Board Member Silins and Second by Chairman DeLaus
    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 Silins to Approve and Second by Board Member Belgiorno
Vote: Chairman and Board Members DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
5. Todd Jones Custom Construction, 23 Old Country Lane, Fairport, NY, 14450 on behalf of Rosann Lill requests an Area Variance under Section 250-14.3 of the Code to allow a three-season room addition with less setback than required under Section 250-5.3-D (3) of the Code at 5 Shadow Pines Drive. The property is owned by Rosann Lill and is zoned TH. SBL #124.03-1-14.007. Application 19Z-0040.

Appearances by:
Todd Jones Custom Construction, 23 Old Country Lane, Fairport, NY, 14450

Presenter Statements:
They currently have a sixteen by fourteen foot (16’x14’) deck on the home, which was never permitted as they think it was part of the original building plans. They are requesting the rear setback variance.

Board Comments/Questions:
Board Members asked to explain the deck plan and planned roof line, whether or not they received HOA approval and if there would be lighting.

Presenter Statements:
The deck will be a fourteen by sixteen feet (14’x16’) and be conventional construction. They will bring it up to code as far as the structure goes with a two by four (2x4) construction. It will be insulated, with insulated windows, drywall and a ceiling fan. As it is in Shadow Pines, they will match the cedar and stain in keeping with the homeowners association. There were four (4) letters turned in from Shadow Pines Golf course, a neighbor, the Property Management Company and the Board of the HOA and no one has objections to the project. They may have a coach light over door and do not intend to have flood lights. The roof pitch will come out fourteen (14) feet come across the center and return down.

SEQRA Determination:
Motion Made by: Board Member Silins 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:
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 Member Piston
Vote: Chairman and Board Members DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
6. T.Y. Lin International, 255 East Avenue, Rochester, NY, 14604 on behalf of Pierre Heroux/Simply Crepes requests Area Variances under Section 250-14.3 of the Code to allow less parking spaces than required under Section 250-7.7-D of the Code, less buffer from a residential zoning district than required under Section 250-7.2-A of the Code and greater lot coverage than permitted under Section 250-5.6-D (2) of the Code at 1229 Bay Road. The property is currently of formerly owned by Cianciana Property Management, LLC and is zoned LB. SBL #093.11-1-39. Application #19Z-0041.

Appearances by:
Randy Bebout, T.Y. Lin International, 255 East Avenue, Rochester, NY, 14604
Pierre Heroux/Simply Crepes
Soo Kim Heroux, Realtor

Presenter Statements:
Mr. Bebout explained this parcel was the former West and Company jewelry store. There is approximately point six five (.65) acres and the building is approximately three thousand, one hundred seventy six (3,176) square feet. There will no building additions and only minor outdoor changes.
They can accommodate seventy one (71) patrons, and (10) employees. The exterior site improvements: they plan to increase parking spaces, revamp landscaping, adding impervious surface, and an enclosed dumpster on the side of the apartments. The proposed hours of operation will be seven (7:00) a.m. to ten (10:00) p.m.
The three variances requested are for lot coverage for an increase in parking. The second variance is for buffer from the adjacent residential property where there was a previous variance granted and they are asking for slightly closer to that approved variance due to parking. They will install a six (6) foot privacy fence and landscaping. The third variance, is for parking spaces, they are proposing thirty two (32) spaces. In addition to the spaces on site, Mr. Heroux has worked out a shared parking agreement with the insurance company next door; for use of his twelve (12) spaces. Mr. Heroux has also approached the plaza owner to secure, under an agreement, to use spaces in the plaza. There would be thirty two (32) slots on site, ten (10) next door, and the employees will park in the plaza. They will have up fourteen (14) tabletops and a bar area where customers can stand. They have also been to the Planning Board for an informal review and the Board has issued a letter supportive of the project.

Board Comments/Questions:
Chairman DeLaus asked about busy times. Where in plaza, the employees will park?
Will your agreements be in writing? Having an agreement in writing may be a condition. If your agreements do not pan out are you confident you have enough parking?
How will the fence on the apartment side look and have they spoken to Eastway Manor owners? They will need to take safety precautions for paths people walk on.

Presenter Statements:
Pierre Heroux – The busiest times are Saturdays and Sundays brunch hours ten (10:00) a.m. until two (2:00) p.m. The insurance company will not be open on the weekends. Employees will park in rear of building as this is least desirable for the other businesses. They will obtain agreements with the plaza owner, it will be fairly informal. He is confident that they will have enough parking spaces.
The fence will be wood stockade fence and same material for the dumpster area. Landscaping will be added. The traffic Simply Crepes bring in definitely helps out businesses around and they all show increase in business with the Simply Crepes restaurant being there.

Continued Application 19Z-0041
SEQRA Determination:
Motion Made by: Chairman DeLaus 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, Belgiorno, Cinti, Piston, Silins: All Ayes

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

Conditions: Written parking agreement for the insurance company – applicant will make good faith
effort with owner of plaza for parking spots.
7. BME Associates, 10 Lift Bridge Lane East, Fairport, NY, 14450 on behalf of 777 Panorama Properties, LLC requests Area Variances under Section 250-14.3 of the Code to allow a building with less buffer than required under Section 250-7.2-C of the code and less parking than required under Section 250-7.7-D of the Code at 125 Panorama Creek Drive. The property is currently or formerly owned by 777 Panorama Properties, LLC and is zoned LI. SBL #138.12-1-1.1. Application #19Z-0042.

Appearances by:
Mike Bogojevenski, BME Associates, 10 Lift Bridge Lane East, Fairport, NY, 14450
Rich LaFrois, LaFrois Builders, 1020 Lehigh Station Road, Henrietta, NY 14467
Dutch Sommers part of the team.
Peter Vars, BME Associates, 10 Lift Bridge Lane East, Fairport, NY, 14450

Presenter Statements:
They are requesting two variances for the first building at the Panorama Park Professional Business Park.
The overall Panorama Park project was approved by the Planning Board in June. Approved features were the road way up to the property, the infrastructure of utilities and some pads for future development.
The first variance is for reduced number of parking spaces, they would like five (5) less spaces than the required amount of two hundred twenty five (225) slots.
The second variance is for reduced buffer on the west property line. The required set back is one hundred (150) feet. To the one side is a manufactured home parcel, the building is actually one hundred sixty (160) feet, so the distance from the parking area to the property line is one hundred (100) feet. With that encroachment they have proposed a retaining wall to reduce grading and will add additional buffer and increase the wooded area.
Included in package, they want to show, even with encroachment of parking to the buffer area, there is a big elevation difference of twenty eight (28) feet over a stretch of one hundred (100) feet. You won’t get headlights going into houses, because of the hill and elevation.

Board Comments/Questions:
Board Members asked where the main road goes, they asked questions about the surrounding areas for the woods or clearing and grading. They talked about the retaining wall and how high it will be and how far it will go. They asked about the building size, lighting and what kind of businesses it would occupy. Inquiries regarding how much noise from business vehicles including trucks would be expected and why the building couldn’t be moved to the east? They asked where future development would go. Discussion of visual impact to people and neighbors. Discussed options in making the building smaller. Discussion about grading and drainage and what the plans are for the other areas and layouts. They asked what could or has been done to reduce visual impact to the neighboring properties.

Presenter Statements:
Mike and Rich both answered questions. The road is currently under construction but will go up to the top of the hill. The bottom of the retaining wall is ten foot five inches (10’5”) and is level with parking lot and then goes up the hill to the Manufactured Home Park. The building will be one story high at twenty four (24) feet. They are planning on building mounted security lighting, and no light poles in the parking lots. They spoke of the slopes and not wanting to encroach in EPOD or wooded areas as to why moving the building wouldn’t work well. Developable pads are to the south of the building and some lots on the other side where the steep slopes are near the

Continued Application #19Z-0042
entrance. They will have small offices and may have one tractor trailer, but mostly FedEx or UPS trucks are expected.
As far as visual impact, the good part about the location of the site is that it has a wooded area and a large elevation difference and they are installing a retaining wall so the wooded area will be maintained. They will put additional tree plantings atop of retaining walls. They discussed if parking lots were moved, they have to grade for drainage from the Manufactured Home Park. Dutch Sommers spoke of the development being a nice manicured park.
Mike explained how they looked at other ideas and why they couldn’t go in different directions from the ideas they came up with.

Neighbor/Audience Comments:
Bill Jones – HOA President - 66 Water View Circle, Penfield, NY 14526
Chuck Lewis - 56 Water View Circle, Penfield, NY 14526
Andy Lippa - 11 Hill Creek Road, Penfield NY 14526
Donna White Mark - 60 Winding Creek Lane, Penfield, NY 14526
Ronald Matthews - 36 Winding Creek Lane, Penfield, NY 14526
Bob Saltzman - 11 Circle Wood Road, Penfield, NY 14526
Bob Lewis - 59 Water View Circle, Penfield, NY 14526
Marlene Schack - 59 Winding Creek Lane, Penfield, NY 14526
John Derrick - 53 Skyridge Drive, Penfield, NY 14526
Karen Michaels - 69 Water View Circle, Penfield, NY 14526

All spoke of whether or not there was a real hardship, about negative environmental issues, that it does not look to be only offices but industrial. They think their property values will go down. The noise created from the project during building and afterward will be ongoing. They said there are grading and drainage issues and if a developer can ask for concessions, why can’t the residents? They state if you allow one variance then you will need more variances on the other buildings.

Presenter Statements:
Peter Vars with BME Associates: He went over the Planning Board meeting in June 2019. The overall preliminary subdivision approval for a nine lot industrial/business park for a total of three hundred fifty thousand (350,000) square feet of building space. The buildings we see on the rendering were put in as ‘space holders’ to give an idea of what it ‘could’ look like and that each building and lot would be designed site specific. In June, the Planning Board as lead agency declared under SEQR, a negative declaration that looked at all impacts.

SEQRA Determination:

SEQRA Vote:
Planning Board Type I Action - Coordinated Review

Application Vote:
Motion made by: Board Member Belgiorno to KEEP THIS HEARING OPEN and Second by Chairman DeLaus
Vote: Chairman and Board Members, DeLaus, Belgiorno, Cinti, Piston, Silins: All Ayes
8. Susan & Joseph Hodes, 7 Ross Brook Drive, Rochester, NY, 14625 request an Area Variance under Section 250-14.3 of the Code to allow a shed with less front setback than required under Section 250-5.1-F (1) of the Code at 7 Ross Brook Drive. The property is owned by Susan & Joseph Hodes and is zoned R-1-20. SBL #123.12-1-1. Application #19Z-0043.

Appearances by:
Susan & Joseph Hodes, 7 Ross Brook Drive, Rochester, NY, 14625

Presenter Statements:
They are asking for an Area Variance to put up a shed on their corner lot. The back is wooded. The only place where they have level land is twelve (12) feet from property line on the side of the property by Panorama trail.
The shed will be twelve and a half (12 ½) by eight (8) feet tall. They were planning to put a vinyl resin shed but found a wood shed that they would like to put up instead. They can’t park in garage, because they don’t have a shed to put the yard equipment, motor scooter and kayak in. They only have neighbors on one side. In the back the property drops down. It would take up a lot of the back yard if it had to be located in that area.

Board Comments/Questions:
Board Members asked which way it would be facing, if there would be any lighting and if there was any other area that it could be placed. Would the shed be visible from property owners?

Presenter Statements:
They do not have much level space where it could go. The shed will face the turn-around of the driveway. They may have a battery powered motion light. They plan to put a stone base, or cement blocks (if they use the wood shed). It will not be very visible to any property owners.

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

Application Vote:
Motion made by: Board Member Belgiono to Approve and Second by Board Member Silins
Vote: Chairman and Board Members, DeLaus, Belgiono, Cinti, Piston, Silins: All Ayes
9. Michael G. Sponable, P.E./Green Land Surveying, PLLC, 403 East Miller Street, Newark, NY, 14513 on behalf of William Dana requests Area Variances under Section 250-14.3 of the Code to allow a larger storage building than permitted under Section 250-5.1-F (12) (a) of the Code, a storage building with less setback than permitted under Section 250-5.1-F (12) (b) of the Code and an Expansion to a Preexisting Nonconforming structure under Section 250-7.13 of the Code to allow the construction of an attached garage to an existing nonconforming residence at 163 Fellows Road. The property is currently or formerly owned by George Lehr and is zoned RR-1. SBL #140.02-1-59.1. Application #19Z-0044.

Appearances by:
William Dana, 7382 Slocum Road, Ontario, NY 14519

Presenter Statements:
He wants to move to 163 Fellows Road. The variance request is for the size of a pole barn with less set back from the property line. Where he lives in Ontario, he has a six thousand (6000) square foot barn. He wants to keep all his things inside and not store it outside. The barn size requested is thirty two (32) by forty eight (48) feet. In the back portion of the lot where the barn will go, it slopes down, and he would have to bring too much fill in, he also wants some green space between the barn and the home. He has a lot of buffer that he will not be taking down except what is needed for a driveway and he intends to add a hedge row. He will be creating a new property line by the dividing of the property and will be fixing and adding on a garage, with living space above to the house on the second property to sell to his niece. He will also be removing other buildings on that property that are in bad shape.

Board Comments/Questions:
Board Members spoke about the other buildings being structurally unsound on the second property, and appreciates that they will come down. The variance for the barn is significant. Can it be moved back further? The barn is bigger than some houses, will there be any commercial use? What will it look like and will there be any lighting?

Presenter Statements:
On the second property the garage will be attached to house, and have living space above the garage. It will be re-sided, new everything. The garage will look like it’s always been there. He can’t move the barn back without considerable cost because after the house the lands drops off six (6) feet. There is a berm and a big holding pond beyond that. The new barn will be visible because he has to put a driveway but he is leaving a chestnut tree, which blocks it somewhat. He has two snowmobiles, a four wheeler, plow truck, and lawn mower. He used to store cars in the Ontario barn but knows he can’t do that in this barn. The forty eight (48) feet depth gives room for the truck, trailer, and able to unhook it and still get his plow truck in. Right now where he parks truck is sixty (60) feet of space. There will be no commercial use. The barn will be red barn, with grey lower portion, a metal pole barn with grey roof. He wants lights on it to shine down; one over the garage door and other soffit or accent lights.
Continued Application #19Z-0044

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).
      ___ 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 All Variances and Second by Board Member Silins
Vote: Chairman and Board Members, DeLaus, Belgiorno, Cinti, Piston, Silins:  All Ayes

Condition - No commercial use, needs to be thirty two (32) by forty eight (48) feet, in keeping with description at the meeting.
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.

**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

Recused – Board Member Piston

**Application Vote:**

Motion made by: Chairman DeLaus to Deny and Second by Board Member Belgiorno

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

Recused – Board Member Piston

There being no further business the Board adjourned this meeting at 10:30 pm.

These minutes were adopted on November 21, 2019.