



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

## ZONING BOARD OF APPEALS AGENDA

Thursday, September 16, 2021 6:30 PM

Daniel DeLaus, Chairman presiding

Tony LaFountain, Town Board Liaison

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- I. Call to Order
- II. Approval of Minutes – August 19, 2021
- III. Work Session
- IV. Tabled Applications
  1. Application 21Z-0045  
1492 Sweets Corners Road  
McMahon LaRue Associates
- V. Public Hearing Applications. Opportunities for Public Participation and Board Deliberations Following Each Applicant Presentation.
  1. Application 21Z-0050  
1343 Fairport Nine Mile Point Road  
Gerald Testa
  2. Application 21Z-0051  
146 Tuscany Lane  
Silvio Fanatauzzo
  3. Application 21Z-0053  
1838 Empire Boulevard  
Kirk Wright/Sign & Lighting Services
- VI. Executive Session
- VII. Next Meeting: Thursday, October 21, 2021
- VIII. Adjournment

*This meeting will be video recorded and broadcast LIVE via the town's website [www.penfield.org](http://www.penfield.org) and the Town's Government Access Cable Channel 1303  
Questions regarding video coverage contact Penfield TV at (585) 340-8661.*

**A NOTICE OF PUBLIC HEARING, PENFIELD ZONING BOARD OF APPEALS  
LEGAL NOTICE WITH TABLED MATTERS**

PLEASE TAKE NOTICE that a Public Hearing will be held on Thursday, September 16, 2021, immediately following a work session meeting commencing at 6:30 PM local time. The board will discuss tabled matters and other business that may come before it during the work session, followed by a Public Hearing to consider each of the following applications.

Public Hearing Applications:

1. Gerald Testa, 700 Berg Road, Ontario, NY, 14519 requests approval for a Conditional Use under Section 250-13.3 and Section 250-5.6-C (1) (e) of the Code to allow the operation of a construction business and residential use and Area Variances under Section 250-14.3 of the Code to allow an addition with less side and rear setback than required under Section 250-5.6-D (3) of the Code with less buffer than required under Section 250-7.2-A of the Code at 1343 Fairport Nine Mile Point Road. The property is currently or formerly owned by Gerald & Peggy Testa and is zoned LB. SBL #095.03-1-32.2. Application #21Z-0050.
2. Silvio Fantauzzo, 146 Tuscany Lane, Webster, NY, 14580 requests an Area Variance under Section 250-14.3 of the Code to allow a swimming pool with less setback than required under Section 250-5.1-F (1) of the Code at 146 Tuscany Lane. The property is currently or formerly owned by Silvestro N. Fantauzzo & Angela B. Pietropaolo and is zoned RR-1. SBL #094.02-2-52. Application #21Z-0051.
3. Kirk Wright/Sign & Lighting Services, PO Box 597, Ontario, NY, 14519 on behalf of Chipotle Mexican Grill requests approval for a Special Use Permit for signage under Section 250-10.3-A of the Code to allow three building-mounted signs whereas a maximum of one building-mounted sign is allowed under Section 250-10.13-C of the Code at 1838 Empire Boulevard. The property is currently or formerly owned by Lord Stanley NY, LLC and is zoned GB. SBL #093.15-1-58. Application #21Z-0053.

Tabled Matters:

1. McMahon LaRue Associates, 822 Holt Road, Webster, NY, 14580 on behalf of Richard & Mary Montgomery requests an Area Variance 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 at 1492 Sweets Corners Road. The property is currently or formerly owned by Richard & Mary Montgomery and is zoned RA-2. SBL #125.02-1-2.1. Application #21Z-0045.

Please contact the Building and Zoning Department with any questions or concerns.

Amy Steklof  
Town Clerk, RMC/CMC

**ZONING BOARD OF APPEALS AGENDA**

Public Hearing Application # 1

Application # 21Z-0050  
1343 Fairport Nine Mile Point Road

*See Pages to Follow*

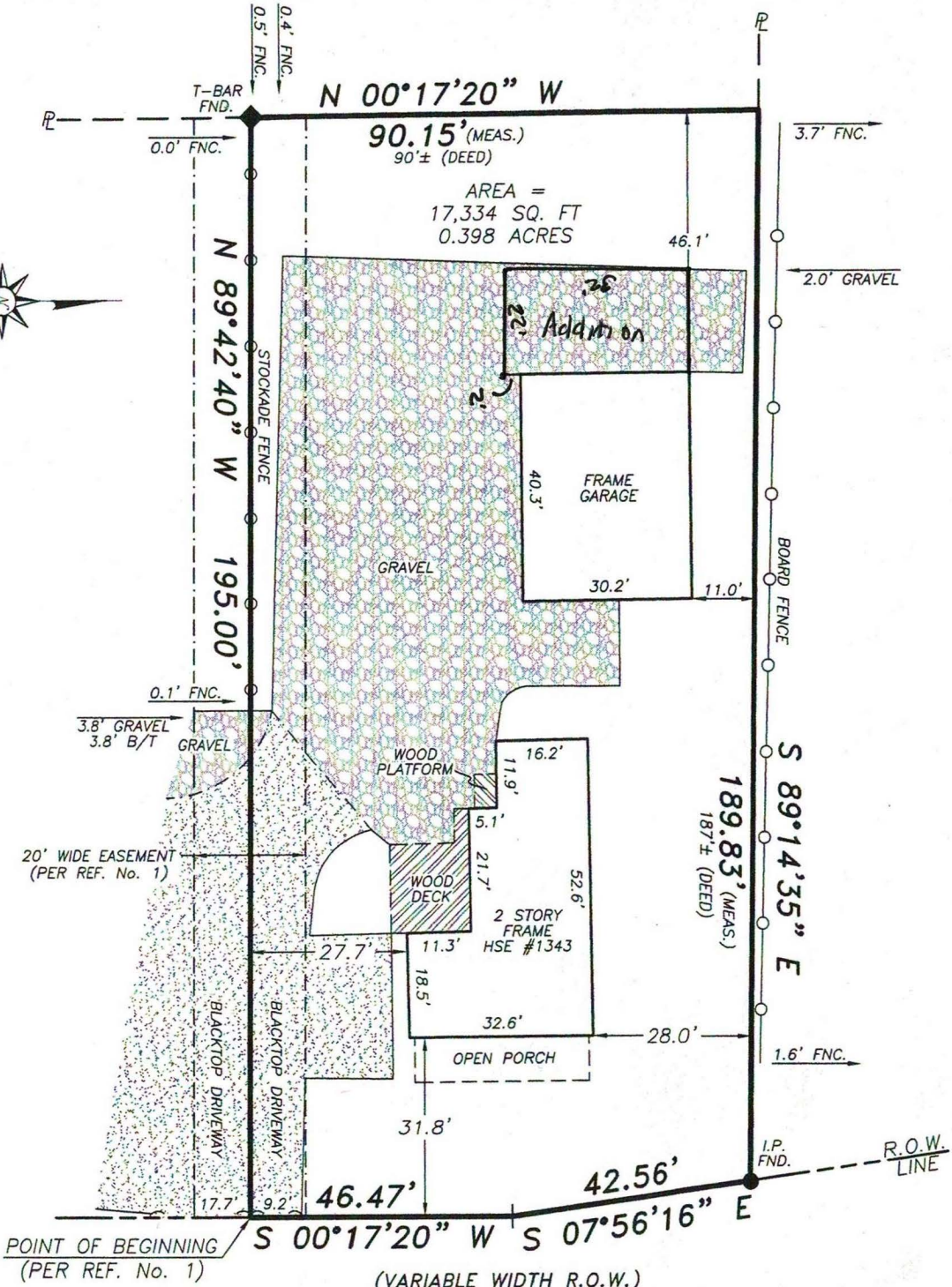


Letter of Intent

Intent is to build a Pole barn addition to the west side of the existing garage structure for storage. The addition is 20'w x 32' Long with a overhead garage door and 1 man door.

217-0050

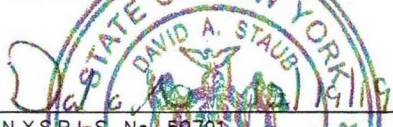
July 26 8/11/2021



**CERTIFICATION:**

I, DAVID A. STAUB, HEREBY CERTIFY TO:  
 -GERALD TESTA  
 -PEGGY TESTA  
 -DAVID DOLLINGER, ESQ.  
 -THE TITLE INSURANCE COMPANY  
 INSURING THE FEE

THAT THIS MAP WAS MADE DECEMBER 19, 2019  
 FROM NOTES OF AN INSTRUMENT SURVEY  
 COMPLETED DECEMBER 18, 2019  
 AND REFERENCES LISTED HEREON.

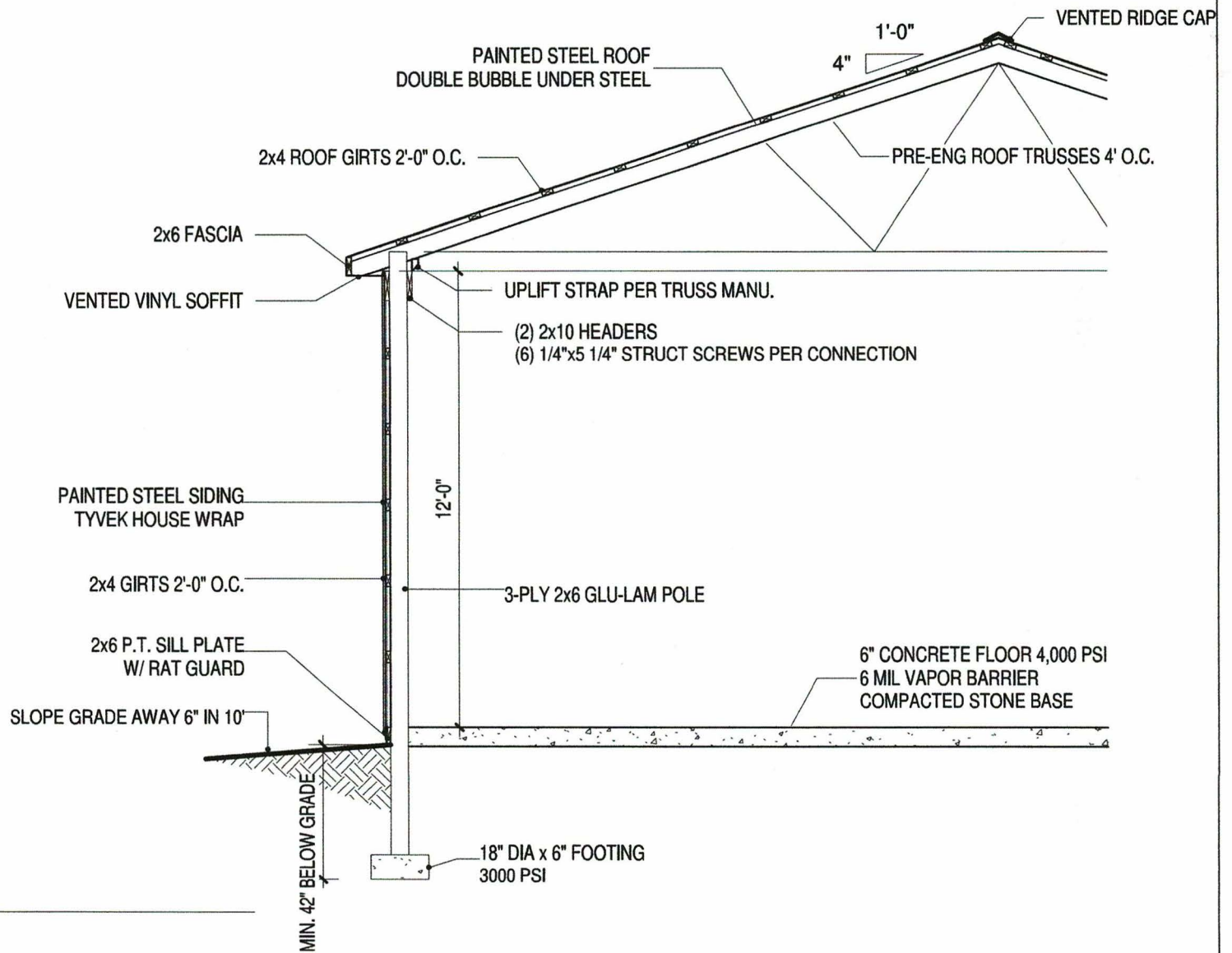


**FAIRPORT NINE MILE POINT ROAD**

**REFERENCES:**

- 1.) LIBER 11579 OF DEEDS, PAGE 696.
- 2.) ABSTRACT OF TITLE No. 435773. (FIRST AMERICAN)
- 3.) EASEMENT TO R.G.&E. & R.T.C. PER LIBER 4169 OF DEEDS, PAGE 202.
- 4.) EASEMENT TO R.G.&E. & R.T.C. PER LIBER 3506 OF DEEDS, PAGE 11.

- NOTES: 1.) PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD NOT REFERENCED IN ABSTRACT OF TITLE.  
 2.) THE USE OF THIS MAP IN CONJUNCTION WITH AN AFFIDAVIT OF NO CHANGES RELEASES THE SURVEYOR OF ALL RESPONSIBILITY  
 3.) GROUND FEATURES WERE LOCATED WITH SIGNIFICANT SNOW ACCUMULATION ON THE SITE



**Burkholder Brothers LLC**

4445 RT 14  
DUNDEE, NY 14837  
(607) 229-5487

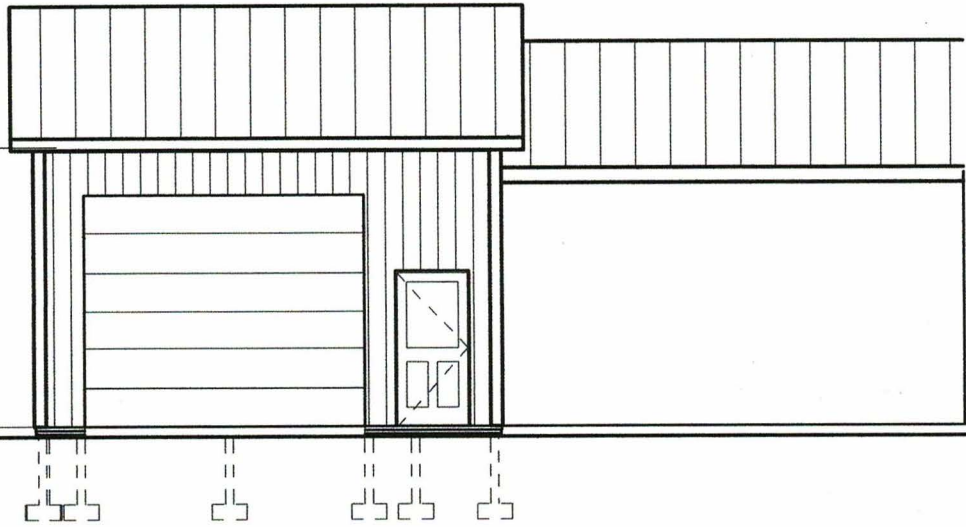
MARACON ENTERPRISES  
JERRI TESTA  
92 ALDRICH RD  
FAIRPORT, NY

7/13/21

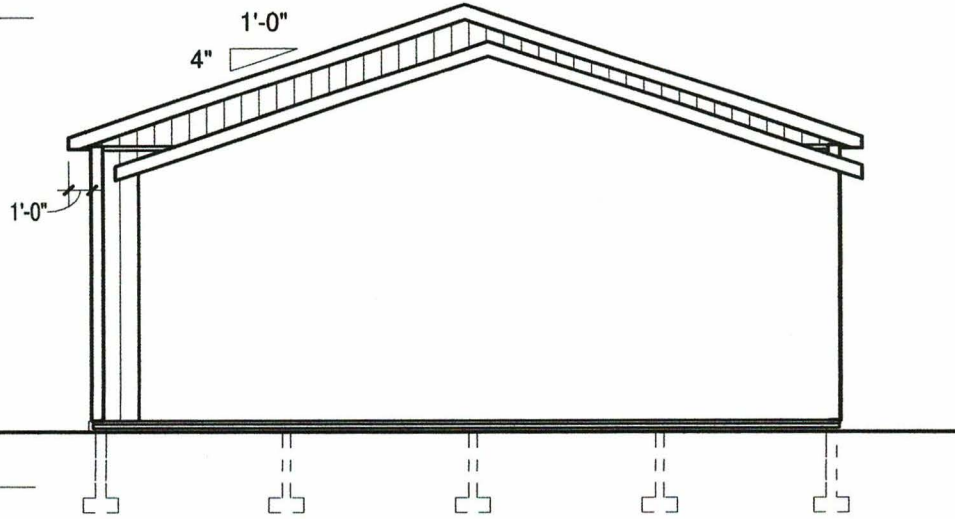
**A103  
SECTION**

TOP OF WALL

FLOOR LEVEL



① SIDE ELEVATION  
1/8" = 1'-0"



② GABLE ELEVATION  
1/8" = 1'-0"

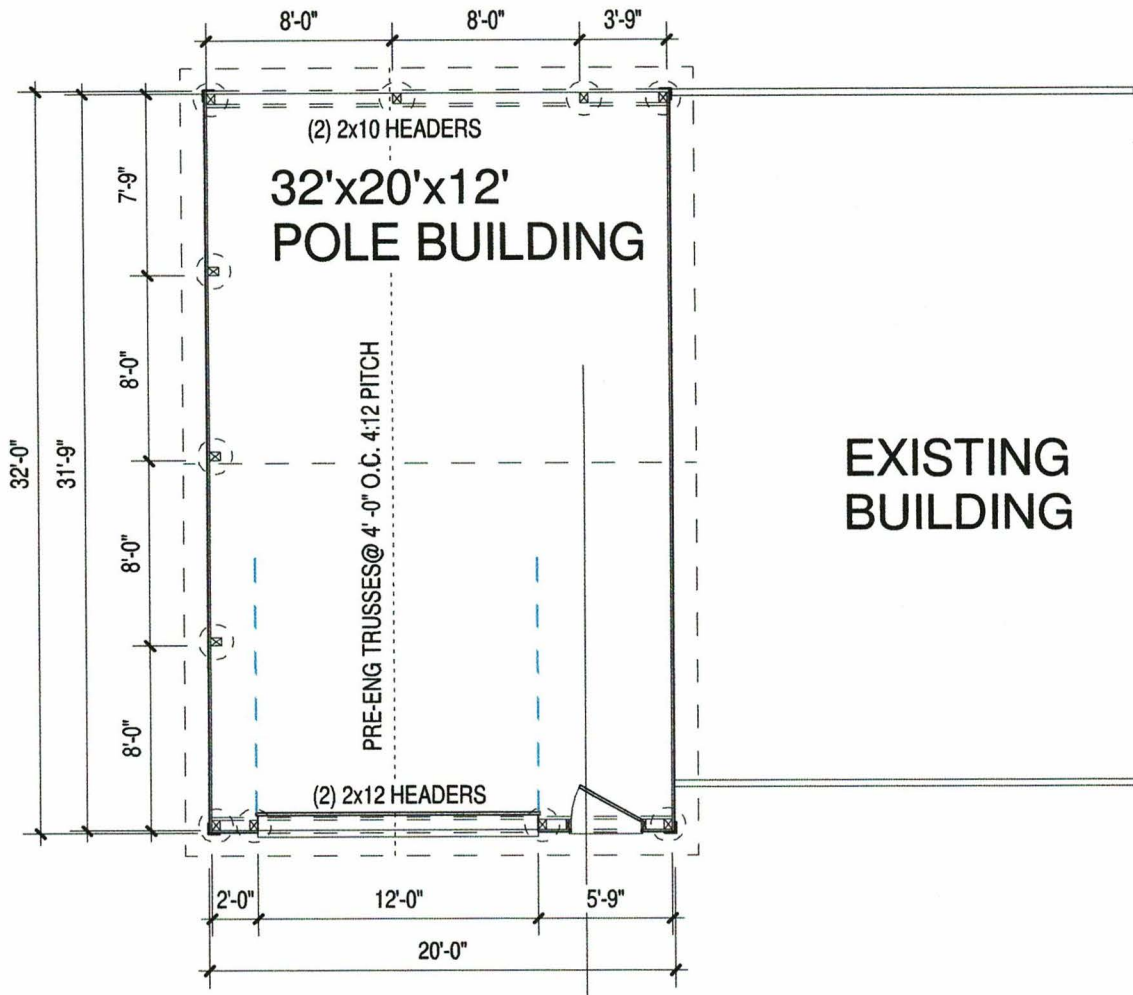
**Burkholder Brothers** LLC

4445 RT 14  
DUNDEE, NY 14837  
(607) 229-5487

MARACON ENTERPRISES  
JERRI TESTA  
92 ALDRICH RD  
FAIRPORT, NY

7/13/21

**A102  
ELEVATIONS**



EXISTING BUILDING

32'x20'x12'  
POLE BUILDING

(2) 2x10 HEADERS

(2) 2x12 HEADERS

PRE-ENG TRUSSES @ 4'-0" O.C. 4:12 PITCH

① FLOOR LEVEL  
1/8" = 1'-0"

1  
A103

**Burkholder Brothers LLC**

4445 RT 14  
DUNDEE, NY 14837  
(607) 229-5487

MARACON ENTERPRISES  
JERRI TESTA  
92 ALDRICH RD  
FAIRPORT, NY

7/13/21

**A101  
FLOORPLAN**

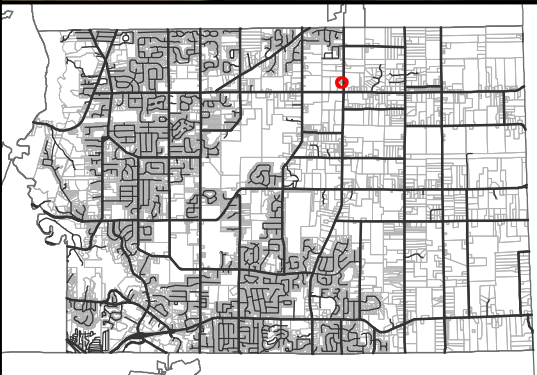


1333

1343

1274

1349



**1343 Fairport Nine Mile Point Rd  
Aerial Map**

The Town of Fairfield certifies that this GIS document is a digital reproduction of a map or data collected or done by the Town of Fairfield for the convenience of and use by the Public and Town Staff. The Town of Fairfield does not make any representation, expressed or implied, as to the accuracy of such numbers. The Town of Fairfield, its Agents and Employees, shall not be responsible or liable for any damages of any nature whatsoever for errors and/or omissions, if any, relating to or contained within such map.

Image Source: NYS&D/Geo 2012

**ZONING BOARD OF APPEALS AGENDA**

Public Hearing Application # 2

Application # 21Z-0051  
146 Tuscany Lane

*See Pages to Follow*



21Z-0051

146 Tusany Lane pool

I intended to put a pool in my yard. I will need a variance in order to put it in because my house is a corner lot. It will not fit behind the house so I must put it on the side yard. I have attached a drawing to show how much of a variance I will need.

Thank You

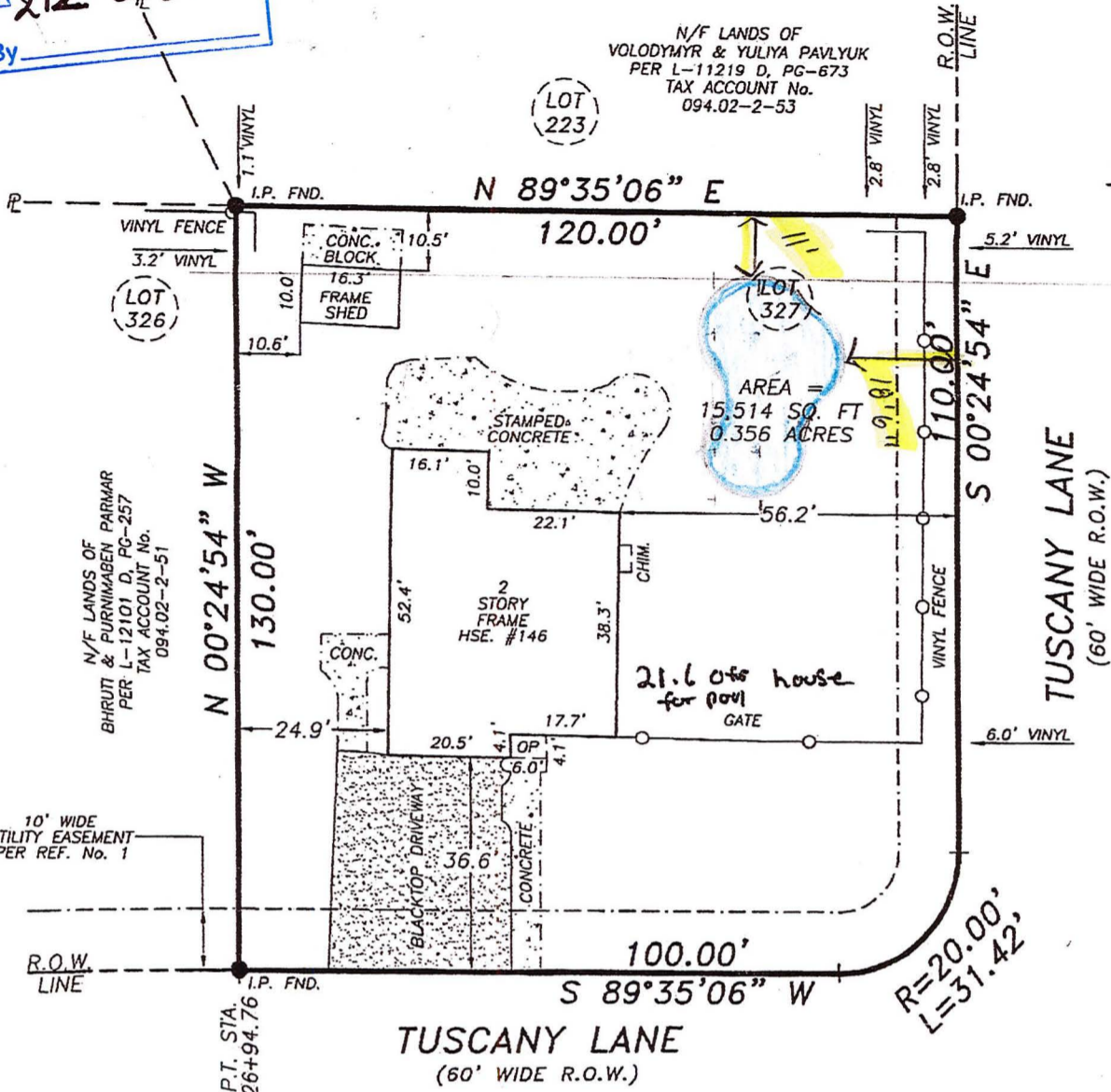
Silvio Fantauzzo  
585-368-8495

A large, stylized handwritten signature in blue ink, appearing to read "Silvio Fantauzzo".

**SCANNED**

**RECEIVED**  
 AUG 13 2021  
 212-0951  
 By \_\_\_\_\_

N/F LANDS OF  
 VOLODYMYR & YULIYA PAVLYUK  
 PER L-11219 D, PG-673  
 TAX ACCOUNT No.  
 094.02-2-53



Sylvio FANTAUZZO

146 Tuscany LA.

PENFIELD

368-8495

**CERTIFICATION:**

I, DAVID A. STAUB, HEREBY CERTIFY TO:  
 -SILVESTRO N. FANTAUZZO  
 -ANGELA B. PIETROPAOLO

**REFERENCES:**

- 1.) LIBER 339 OF MAPS, PAGES 20 & 21.
- 2.) LIBER 11006 OF DEEDS, PAGE 250.
- 3.) ABSTRACT OF TITLE NOT PROVIDED.
- 4.) DECLARATION OF PROTECTIVE, COVENANTS, CONDITIONS, RESTRICTIONS & EASEMENTS PER LIBER 10407 OF DEEDS, PAGE 305.

- NOTES: 1.) PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD NOT REFERENCED IN ABSTRACT OF TITLE.  
 2.) THE USE OF THIS MAP IN CONJUNCTION WITH AN AFFIDAVIT OF NO CHANGES RELEASES THE SURVEYOR OF ALL RESPONSIBILITY

THAT THIS MAP WAS MADE JANUARY 4, 2021  
 FROM NOTES OF AN INSTRUMENT SURVEY  
 COMPLETED FEBRUARY 7, 2020  
 AND REFERENCES LISTED HEREON.



**INSTRUMENT SURVEY MAP**

146 TUSCANY LANE  
 BEING LOT No. 327 OF THE  
 CAMDEN PARK SUBDIVISION, SECTION 3,  
 TOWN OF PENFIELD, COUNTY OF MONROE, STATE OF NEW YORK

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law."

"Only copies from the original of this survey marked with an original of the land surveyor's red ink seal shall be considered to be valid true copies."

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

"All electronic files of Triple Point Land Surveying, LLC. are solely the property of Triple Point Land Surveying, LLC. Said electronic files may not be distributed at any time to other parties for any purpose whatsoever."



**TRIPLE POINT LAND SURVEYING, LLC.**

16 EAST MAIN STREET SUITE 320  
 ROCHESTER, NEW YORK 14614  
 PHONE (585) 263-9950  
 FAX (585) 263-3591  
 TRIPLEPOINTSURVEYING@YAHOO.COM

SCALE:

1" = 30'

TAX ACCOUNT:

094.02-2-52

JOB NO.:

1640-20

DATE:

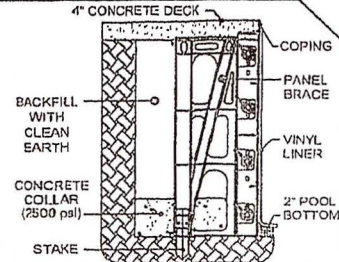
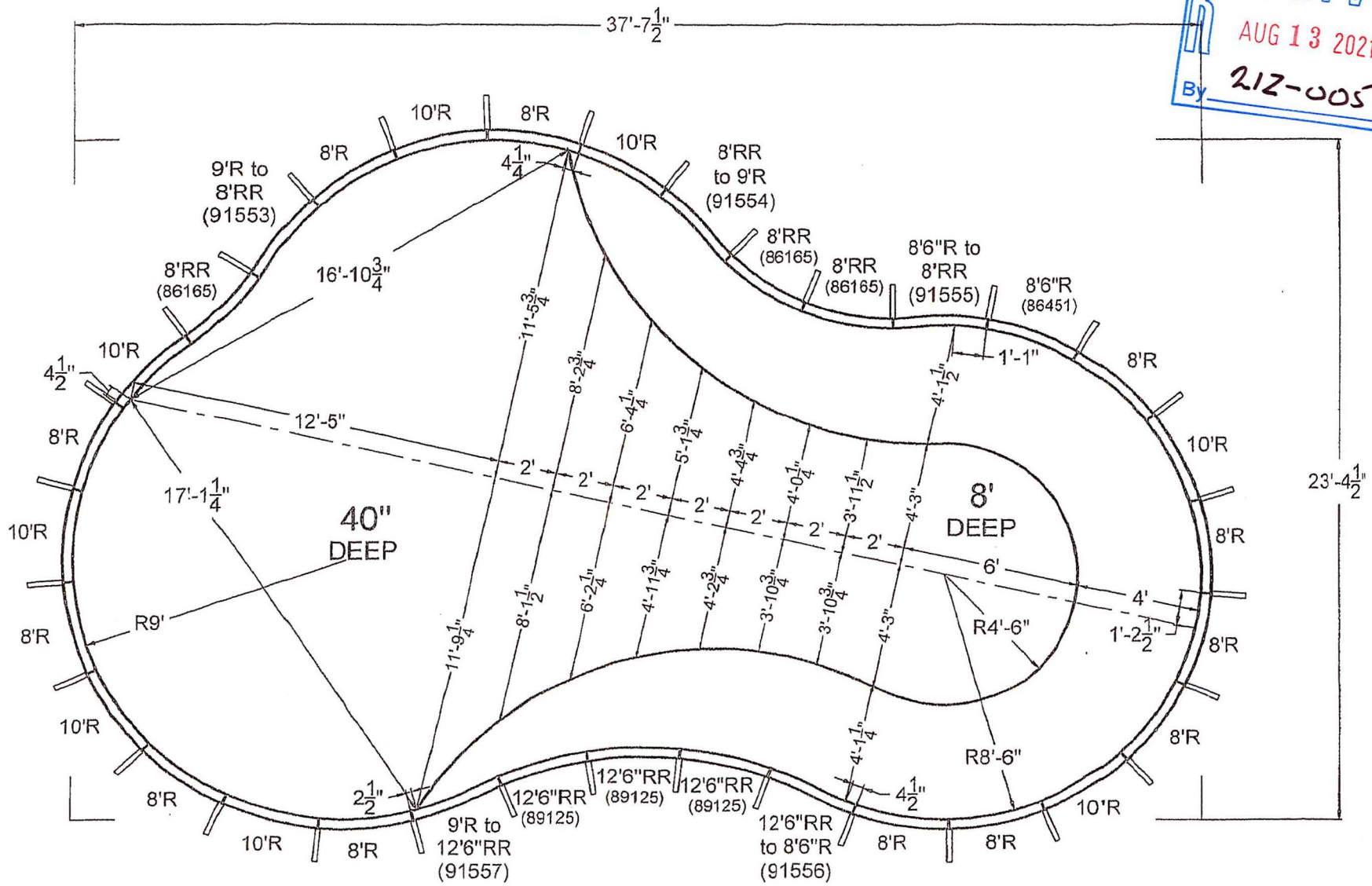
JAN. 4, 2021

**SCANNED**

RECEIVED

AUG 13 2021

By: **212-0051**



**FILE NUMBER:** 16112252

**Perimeter:** 100'-6"

**Surface Area:** 636.86 SQ FT

**Volume:** ---

**DRAWN BY:** CS Scott

**SCALE:** n/a

**Type II Pool**

33 Wade Rd.  
Latham, NY 12110  
phn: 518-786-1200  
fax: 518-786-0954

THIS POOL CONFORMS TO  
APSP/ANSI/ICC-5 2011 STANDARDS  
FOR RESIDENTIAL INGROUND  
SWIMMING POOLS

**CUSTOMER SIGNATURE REQUIRED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**DEALER NAME:** ----

**CUSTOMER NAME:** ----

MATRIX

POOL SYSTEM

**ZONING BOARD OF APPEALS AGENDA**

Public Hearing Application # 2

Application # 21Z-0051  
146 Tuscany Lane

*See Pages to Follow*

*AERIAL MAP not available at time of placement on website –will update asap*

**ZONING BOARD OF APPEALS AGENDA**

Public Hearing Application # 3

Application # 21Z-0053  
1838 Empire Boulevard

*See Pages to Follow*



08/10/2021

To Whom It May Concern,

We are requesting a special permit for additional signage for the Chipotle located at 1838 Empire Blvd Penfield NY 14580.

This building front faces two roadways (Empire Blvd and Creek St) and it would be advantageous to the location to have wall signage facing both streets. There will be no adverse effects to surrounding properties as they are commercial properties.

If you have any questions or need additional information, please feel free to contact me.

A handwritten signature in red ink, appearing to read "Kirk J Wright", with a long horizontal flourish extending to the right.

Kirk J Wright

Owner / Member

Sign & Lighting Services llc

Post Office Box 597

Ontario NY 14519

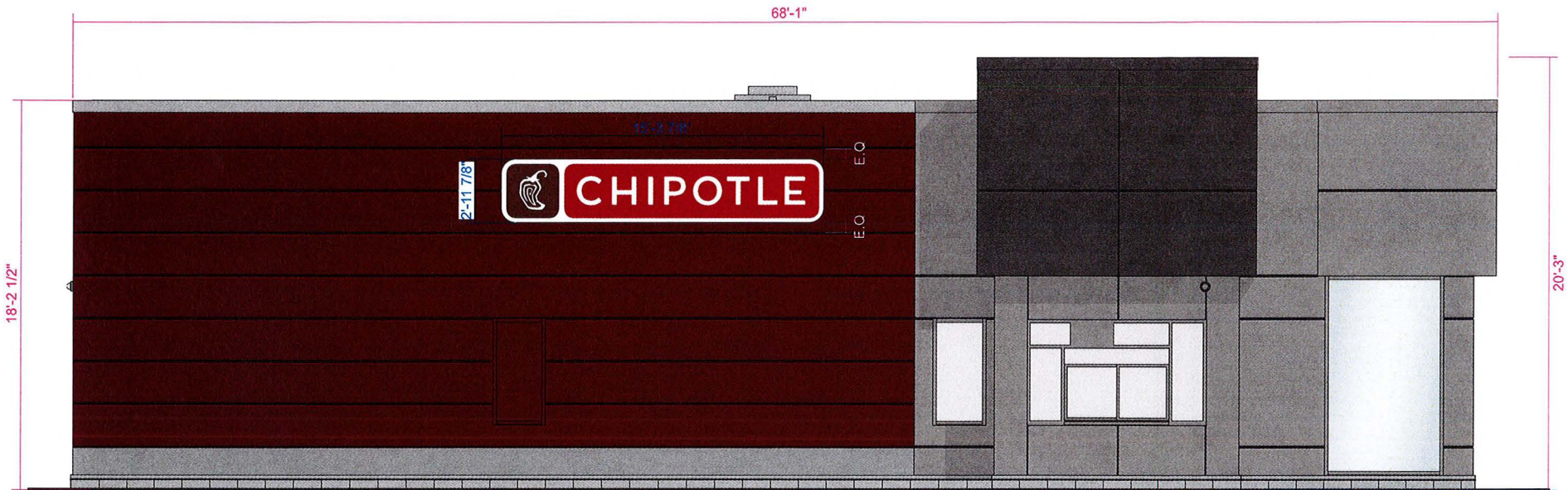
585-265-4462 Office

585-370-2700 Cell

[www.sign-lighting.com](http://www.sign-lighting.com)

**SCANNED**





**EXT ELEV - WEST**

1/4" = 1'-0"

**b** **broadwaynational**

100 Davids Drive., Hauppauge, NY 11788  
 P631.737.3140 F631.737.3160  
 INTERNAL USE ONLY: 26598\_07.16.21\_04.01\_IB

ELEVATION  
**CHIPOTLE**

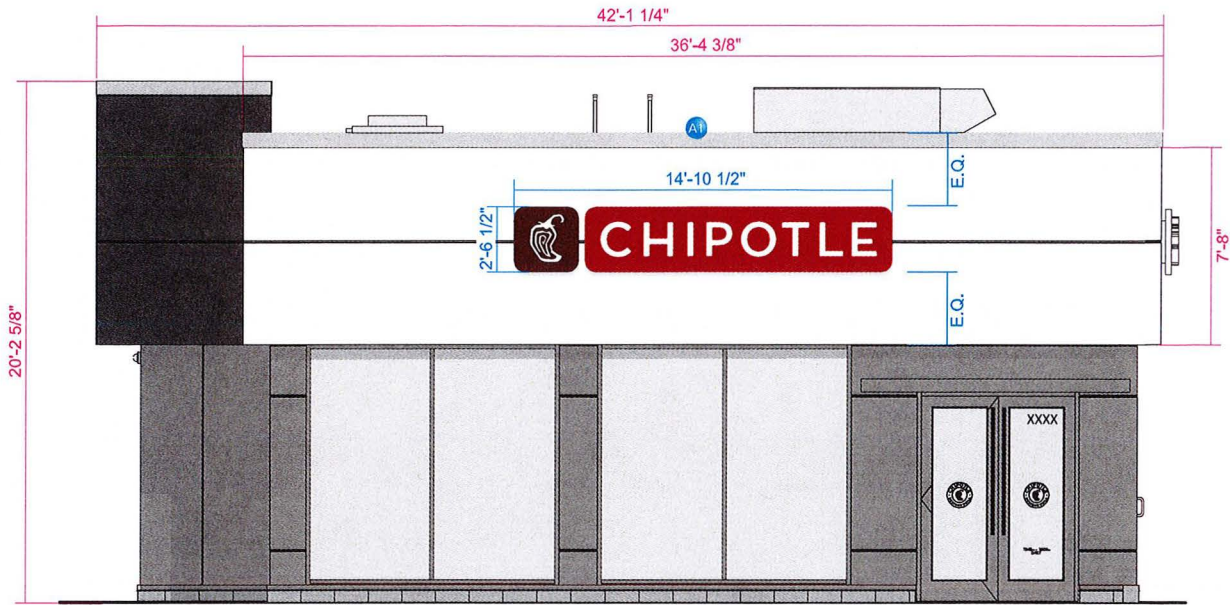
Approved                       Rejected  
 Approved with Corrections    Revise and Resubmit

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CHIPOTLE STORE #4043  
 1838 EMPIRE BLVD,  
 WEBSTER, NY 14580

**SCANNED**

212-0053



EXT ELEV - SOUTH

1/4" = 1'-0"

**b** **broadwaynational**

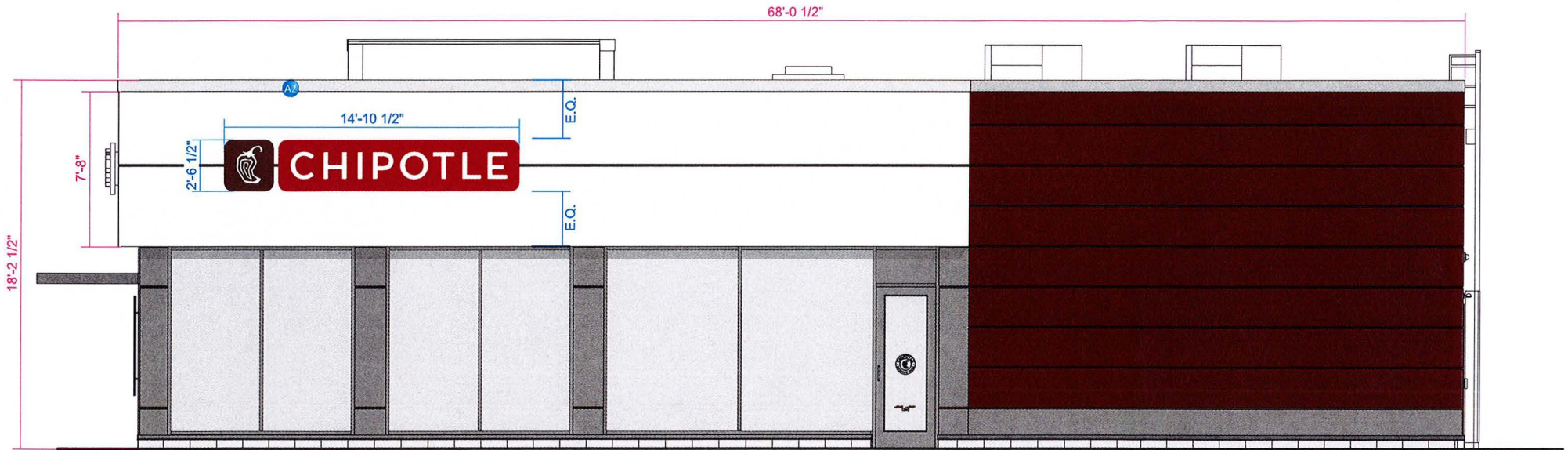
100 Davids Drive., Hauppauge, NY 11788  
P631.737.3140 F631.737.3160  
INTERNAL USE ONLY: 26598\_07.16.21\_02.00\_IB

ELEVATION  
**CHIPOTLE**

Approved  Rejected  
 Approved with Corrections  Revise and Resubmit  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CHIPOTLE STORE#4043  
1838 EMPIRE BLVD,  
WEBSTER, NY 14580

**SCANNED**



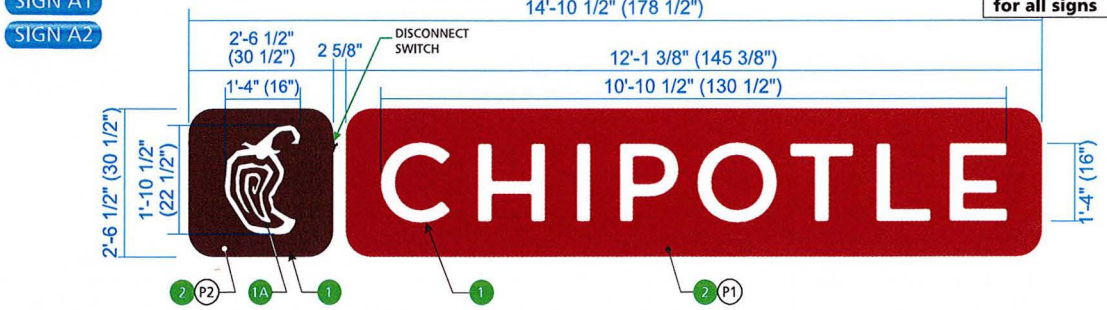
EXT ELEV - EAST

1/4" = 1'-0"

21Z-0053

RECEIVED  
AUG 13 2021  
SCANNED

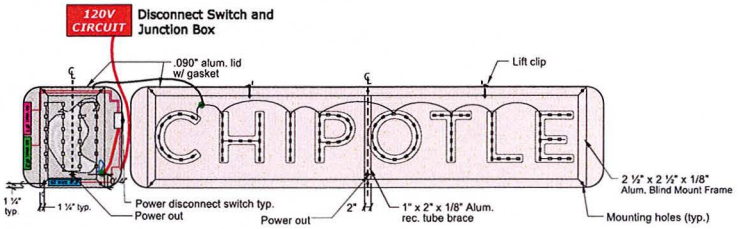
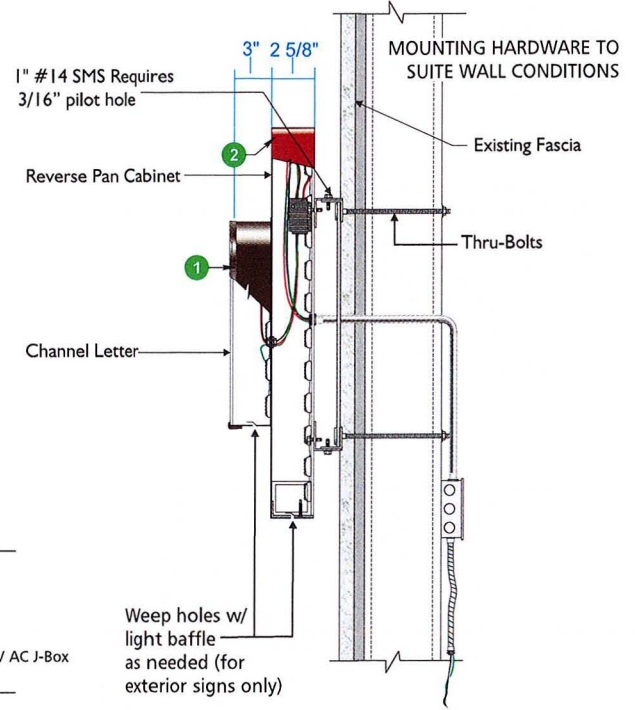
QTY (2) (BH-3 SIGN) HALO ILLUMINATED CHANNEL LETTER WALL SIGN 38.0 Sq. Ft.  
Scale: 1/2"=1'-0"



NOTES:  
lift points will be provided for all signs

SIDE DETAIL  
SCALE: NOT TO SCALE

NOTES:  
3/4" FIRE TREATED BLOCKING PROVIDED BY OTHERS



Color Key		
PMS#4625C Adobo Brown	PMS#484C Roasted Red	White Acrylic # 7328

**SPECIFICATIONS FOR (1) ILLUMINATED WALL SIGN**

- 1 CHANNEL LETTERS "CHIPOTLE" AND PEPPER LOGO**  
LETTER TYPE = Face-Lit pan channel letters DEPTH = 3"  
FACES = 3/16" Cyro #2447 Milk-White Acrylic  
PEPPER GRAPHIC = 0.40" pre-fin. Adobo brown alum. F.C.O. overlay  
TRIMCAP = 1" Brown Jewelite  
RETURNS = .040" Pre-finished Adobo Brown aluminum (w/ weep holes)  
BACKS = .040 Pre-finished white aluminum  
ILLUMINATION=Sloan Prism Mini White LEDs or equivalent  
MOUNTING=Mount flush to face of cabinets with #10 "blunt" ended screws as req.
- 2 BROWN & RED REVERSE PAN CABINETS**  
CABINET=Lit reverse pan DEPTH=2 5/8"  
FACE=1/8" Aluminum  
RETURNS=@ Top & bottom: 2 1/2" x 1/8" Alum. angle  
@ Ends/corners: (one piece) 1/8" Alum. hot glue and Versilok to face  
BACK=.150 Clear lexan w/ perimeter angle clips for rev. pan attachment  
ILLUMINATION=Sloan Prism Mini White LEDs  
ATTACHMENT= (2) 1 1/2" x 1 1/2" x 1/8" alum. & (2) 2" x 2" x 1/8" alum angle spacer/mounting bars w/ 45° cut ends on back side of lexan back  
MOUNTING=Mount to existing fascia w/ 3/8" fasteners through aluminum angle mounting frame assembly

- ELECTRICAL**  
PRIMARY=120V by others within 3' of sign prior to install (10'-0" pigtail on back of cabinet)  
SECONDARY=12V LED wired & power supplies inside of cabinets with access panel for future services  
POWER DISCONNECT=Toggle switch on cabinet return  
ELECTRICAL HOOK-UP=Final electrical connection to existing 120V AC J-Box
- COLOR SPECIFICATIONS**
- (P1) P.T.M. PMS #484C "Roasted Red" (Nuance)  
NOTE: Paint all exposed fasteners to match adjacent finish
  - (P2) P.T.M. PMS #4625C "Adobo Brown" (Nuance)

NOTES:  
ALL ELECTRICAL PARTS & ASSEMBLIES UL LISTED APPROVED UL LABELS ATTACHED IF REQUIRED.

NOTES:  
ELECTRICAL WIRING FROM SIGN WILL BE WIRED INTO THE EXISTING ELECTRICAL SOURCE.

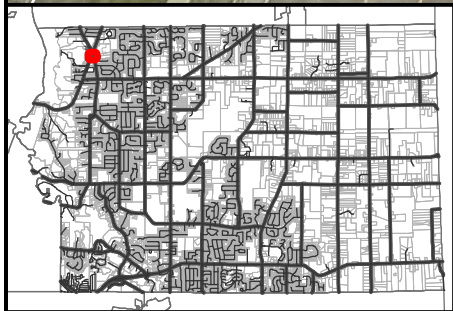
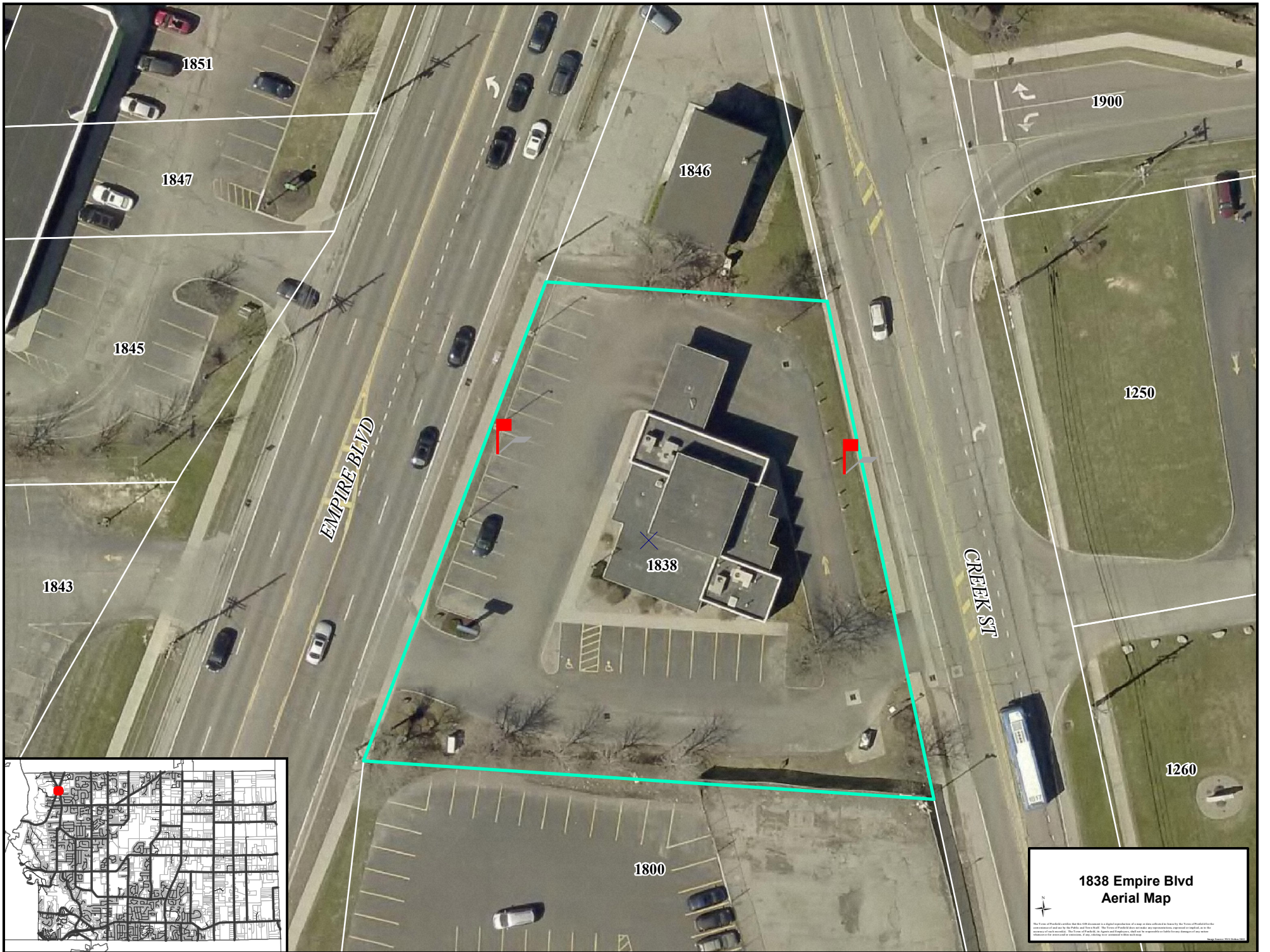
**b** **broadwaynational**  
100 Davids Drive., Hauppauge, NY 11788  
P631.737.3140 F631.737.3160  
INTERNAL USE ONLY: 26598\_07.16.21\_02.00\_IB

DETAIL  
**CHIPOTLE**

Approved  Rejected  
 Approved with Corrections  Revise and Resubmit

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CHIPOTLE STORE#4043  
1838 EMPIRE BLVD,  
WEBSTER, NY 14580



**1838 Empire Blvd  
Aerial Map**

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