

TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

ZONING BOARD OF APPEALS AGENDA

Thursday, November 18, 2021 6:30 PM

Daniel DeLaus, Chairman presiding

Tony LaFountain, Town Board Liaison

- I. Call to Order
- II. Approval of Minutes – October 21, 2021
- III. Work Session
- IV. Tabled Applications
- V. Public Hearing Applications. Opportunities for Public Participation and Board Deliberations Following Each Applicant Presentation.
 1. Application 21Z-0057
2200 Penfield Rd
Amy Catalano/Vital Signs
 2. Application 21Z-0058
1174 Penfield Center Road
Craig D. Smith
 3. Application 21Z-0059
4 Tall Tree Drive
Kenneth Feicht
 4. Application 21Z-0060
1517 Empire Boulevard
Antonia & Alexander Poggi
 5. Application 21Z-0061
300 and 100 YMCA Way
Peter Vars
 6. Application 21Z-0062
1620 Qualtrough Road and 1617 Scribner Road
Jessica Rapach
 7. Application 21Z-0063
1855 Empire Boulevard
Jerry A. Goldman
- VI. Executive Session
- VII. Next Meeting: Thursday, January 20, 2022
- VIII. Adjournment

*This meeting will be video recorded and broadcast LIVE via the town's website 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**

PLEASE TAKE NOTICE that a Public Hearing will be held on Thursday, November 18, 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. Amy Catalano/Vital Signs, 764 Ridge Road, Webster, NY, 14580 on behalf of Genesee Valley Physical Therapy requests approval for a Special Use Permit for signage under Section 250-10.3-A of the Code to allow a second building-mounted sign whereas a maximum of one building-mounted sign is permitted under Section 250-10.13-C of the Code at 2200 Penfield Road. The property is currently or formerly owned by Penn Fair Plaza, LLC and is zoned GB. SBL #140.01-1-3.1. Application #21Z-0057.
2. Craig D. Smith, 1174 Penfield Center Road, Penfield, NY, 14526 requests Area Variances under Section 250-14.3 of the Code to allow a second accessory storage building whereas a maximum of one accessory storage building is permitted under section 250-5.1-D (4) of the Code that is also taller than permitted under Section 250-5.1-F (12) (c) of the Code at 1174 Penfield Center Road. The property is currently or formerly owned by Craig & Judy Smith and is zoned RR-1. SBL #110.01-1-68.1. Application #21Z-0058.
3. Kenneth Feicht, 4 Tall Tree Drive, Penfield, NY, 14526 requests an Area Variance under Section 250-14.3 of the Code to allow a larger accessory storage building than permitted under Section 250-5.1-F (12) (a) of the Code at 4 Tall Tree Drive. The property is currently or formerly owned by Kenneth & Mary Feicht and is zoned R-1-15. SBL #109.03-1-166. Application #21Z-0059.
4. Antonia & Alexander Poggi, 3839 Lake Avenue, Rochester, NY, 14612 request approval for a Conditional Use under Section 250-13.3 and Section 250-5.6-C (1) (a) of the Code to allow the operation of a restaurant (Capone's Bar & Italian Eatery) at 1517 Empire Boulevard. The property is currently or formerly owned by Josephine Joan DiVincenzo Living Trust and is zoned LB. SBL #108.06-1-5. Application #21Z-0060.
5. Peter Vars P.E./BME Associates, 10 Lift Bridge Lane East, Fairport, NY, 14450 on behalf of Luis Ribeiro requests an Area Variance under Section 250-14.3 of the Code to allow a greater density of residential units per acre than allowed under Section 250-5.12-I (1) of the Code relating to the proposed development of Lot 3 (300 YMCA Way) and Lot 4 (100 YMCA Way) of the Penfield Square Mixed Use Development. The properties proposed for development are currently or formerly owned by Penfield Sq III, LLC and Penfield Sq IV, LLC and are zoned MUD. SBL #125.01-1-25.33 & #125.01-1-25.34. Application 21Z-0061.
6. Jessica Rapach, 8 Scarborough Park, Rochester, NY, 14625 requests approval for a Special Use Permit for signage under Section 250-10.3-A of the Code to allow (2) subdivision identification signs within the right-of-way and with less setback then required under Section

250-10.16-B of the Code. The signs are proposed to be located at the entrances to the Piccadilly Park subdivision within the right-of-way adjacent to the properties located at 1620 Qualtrough Road and 1617 Scribner Road. The right-of-way is owned by the Town of Penfield and is located within the R-1-20 zoning district. Application #21Z-0062.

7. Jerry A. Goldman, Esq./Woods Oviatt Gilman, LLP, 1900 Bausch & Lomb Place, Rochester, NY, 14604 on behalf of WOVE, LLC requests approval for a Conditional Use under Section 250-13.3 and Section 250-5.7-C (k) of the Code to allow the operation of a vehicle rental business (Avis Car Rental) at 1855 Empire Boulevard. The property is currently or formerly owned by WOVE, LLC and is zoned GB. SBL #093.11-1-36.1. Application #21Z-0063.

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-0057
Amy Catalano
2200 Penfield Road

See Pages to Follow

OCT - 1 2021

212-0057

SCANNED 10/01/21

This business, Gene See Valley Physical Therapy, is opening a new Location at 2200 Penfield Rd. This is a free standing building within the Plaza. The allowed signage faces Rt 250 (Penfield Rd) - West Facing -

We are seeking a variance to allow a second set of (it) Channel letters on the North side of the building facing into the Plaza.

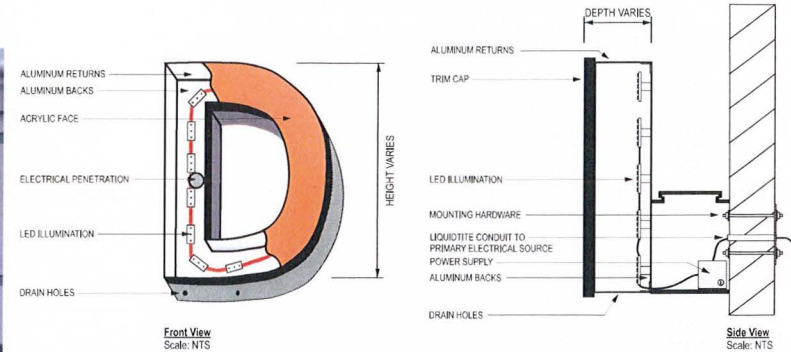
There is a Medical treatment establishment that CVPT would like to "face" with their signage in order to attract their patrons to their business.

The sign will be an exact duplicate in structure and size with the ~~the~~ West facing sign. It will not interfere with traffic or cause any neighborhood disturbance.

In addition, the sign will help South bound traffic, (visually) determine where they are located.

Amy Catalano
VITAL SIGNS

GVPT_Internally Illuminated Channel Letters on Raceways_V.1_10/1/21



WEST ELEVATION



764 Ridge Rd Webster, New York 14580
Phone: 585-787-4256 Fax: 585-347-4290

Client:
GENESEE VALLEY
PHYSICAL THERAPY

Location:
Penfield, NY

Start Date: 10/1/21
Revisions:
Job#:
Drawing#: v.2
Page:

For proofing only. Colors and content are for proofing only and are representations of the actual finished product. Graphic locations may need to be adjusted to fit actual; Store front / Vehicle / Existing Sign Faces / Commercial Properties.

Please proof thoroughly for spelling, colors, content and placement. If revisions are required please note and fax back. If APPROVED PLEASE SIGN BELOW.

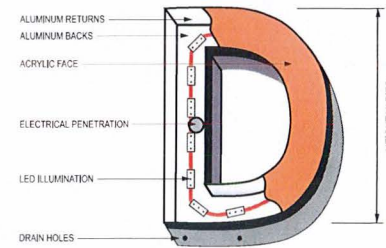
Sales Rep:
AC
Designer:
RD

CLIENT APPROVAL - SIGNATURE REQUIRED

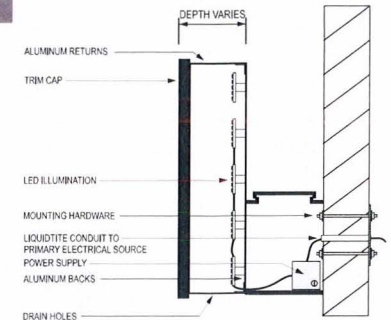
GVPT_ Internally Illuminated Channel Letters on Raceways_ NORTH ELEVATION_ V.1_ 10/1/21



NORTH ELEVATION



Front View
Scale: NTS



Side View
Scale: NTS



764 Ridge Rd Webster, New York 14580
Phone: 585-787-4256 Fax: 585-347-4290

Client:
GENESEE VALLEY
PHYSICAL THERAPY

Location:
Penfield, NY

Start Date: 10/1/21

Revisions:

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Page:

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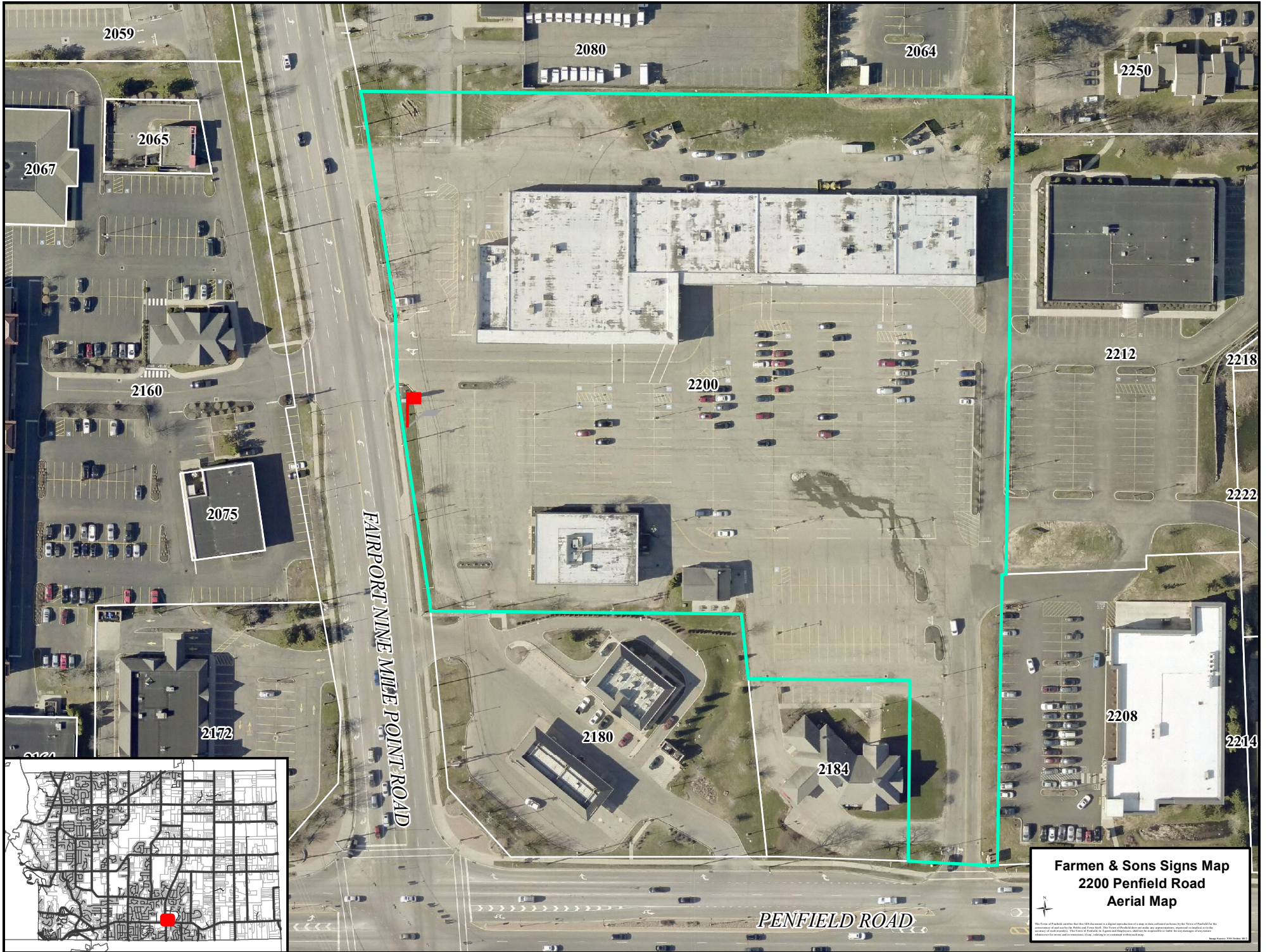
● -----
CLIENT APPROVAL - SIGNATURE REQUIRED

Sales Rep:

AC

Designer:

RD



2059

2080

2064

2250

2067

2065

2160

2075

2172

FAIRPORT NINE MILE POINT ROAD

2212

2218

2200

2222

2180

2184

2208

2214

PENFIELD ROAD

Farmen & Sons Signs Map
2200 Penfield Road
Aerial Map



This map is provided as a service to our clients and is not intended to be used for any other purpose. The Farmen & Sons Signs Map is not a legal document and should not be used as a substitute for a professional survey or other legal document. The Farmen & Sons Signs Map is provided as a service to our clients and is not intended to be used for any other purpose. The Farmen & Sons Signs Map is provided as a service to our clients and is not intended to be used for any other purpose.

ZONING BOARD OF APPEALS AGENDA

Public Hearing Application # 2

Application # 21Z-0058
Craig D. Smith
1174 Penfield Center Road

See Pages to Follow



From: Craig D. Smith
1174 Penfield Center Road
Penfield, New York, 14526
Phone: 585-732-9374
Email: Senseicraig@gmail.com

Date: October 14, 2021

To: Penfield Zoning Board of Appeals

Re: Letter of intent detailed description of variance(s) for proposed 30'x64' building

I propose building a 30'x64' outbuilding 21'-6" tall for storage on my 5.5 acre property.

The building will be a 30'x54' enclosed structure with an 8' overhang (plan view foot print is 30'x64"), see attached illustration.

I have an existing 12'x12' shed that I need to retain that is used to store volatiles such as pesticides, herbicides, fertilizers, spare propane tank, extra gasoline, paints, things that I do not want near the house or in the proposed structure.

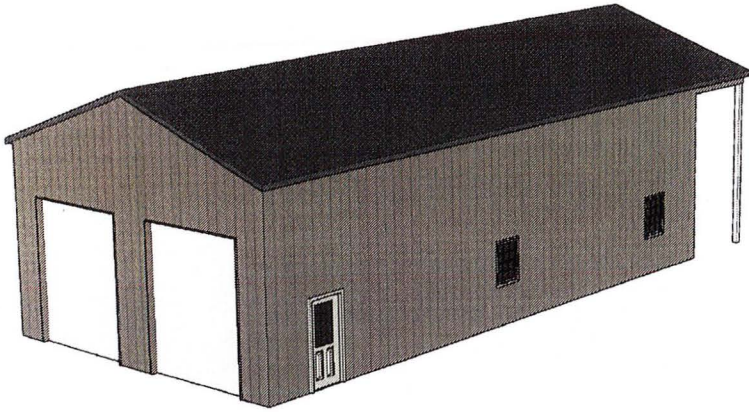
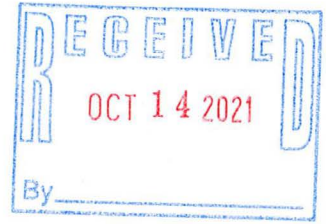
- 1) The building is in character with the neighborhood and will allow for dry storage of various vehicles and personal items. There are currently four large farm style barns within a few hundred yards of my property. The proposed building will be difficult to observe from the street due to its location, trees, and reduced elevation from the road (6 foot lower) and significantly lower than my primary residence. The building proposed site is behind my primary residence.
- 2) The building use will be for dry storage of items already in my possession, vehicle(s), ATV, boat, trailer, Snowblower, Motorcycle, Generator, Pressure Washer, Gas Grill, Lawn Mower, Rototiller, seasonal items, and perishable items current stored out of doors.
- 3) The requested area variance is not in excess of what would be considered substantial (by me).
- 4) The proposed variance will have no foreseeable impact on the neighborhood either visually or environmentally. It will allow for myself to properly store my personal property and protect said property from the environment.
- 5) The request to keep the existing 12'x12' shed is so that materials can be kept at a safe and secure manner away for the living structure. It is also currently fully utilized and is in excellent condition. It would be a financial and logistical issue to remove if not allowed. The proposed building height variance is an increase from 20'-0" to 21'-6" to accommodate a building of this size.

Sincerely,

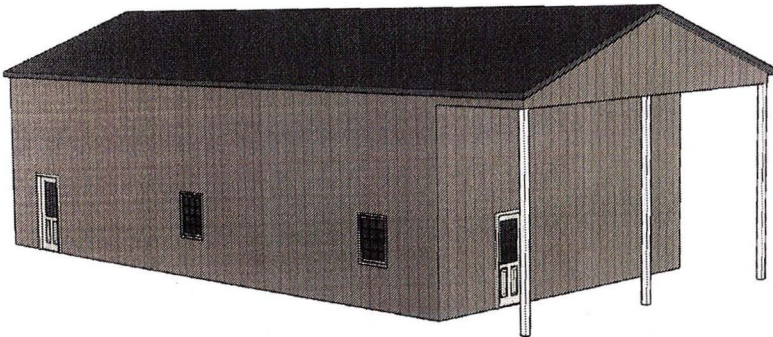
Craig D. Smith

SCANNED

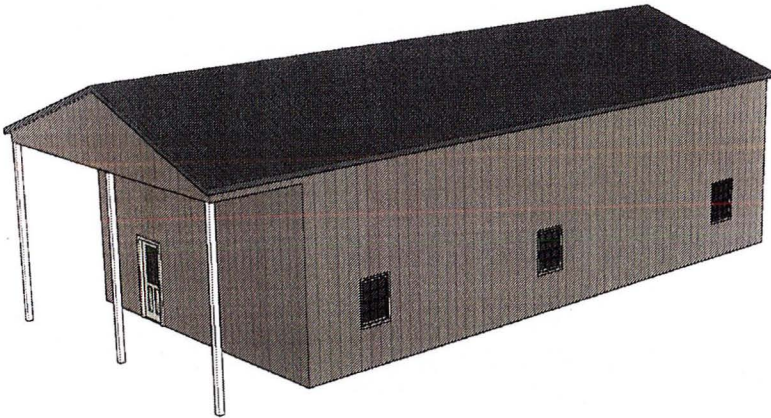
212-0058
21B-0863



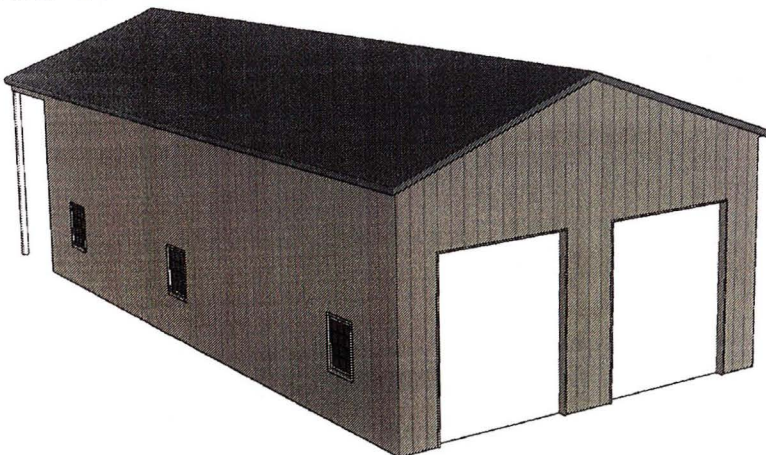
Front East Corner



Rear East Side



Rear West Side



Front West Side

SCANNED



Penfield Center Road



1174 Penfield Center Road Aerial Map

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Image Source: Pictometry, 2018

ZONING BOARD OF APPEALS AGENDA

Public Hearing Application # 3

Application # 21Z-0059
Kenneth Feicht
4 Tall Tree Drive

See Pages to Follow

10/15/2021

Kenneth Feicht
4 Tall Tree Drive
Penfield, NY 14526

TOWN OF PENFIELD
Building and Zoning
3100 Atlantic Avenue
Penfield, NY 14526

LETTER OF INTENT FOR VARIANCE REQUEST

I am writing to respectfully request that a previously approved and permitted request to build a 10' x 19' shed on my property be approved to have the size increased to 10' x 20'

- 1) This will not cause an undesirable change or detriment to my neighborhood or nearby properties
- 2) The benefit of this increased size cannot be achieved by another method
- 3) The requested area is only one foot larger so not substantial
- 4) This will not cause any adverse effect or impact on the physical or environmental conditions in the neighborhood
- 5) There has been no self created difficulty

Thank you for your consideration of this request .

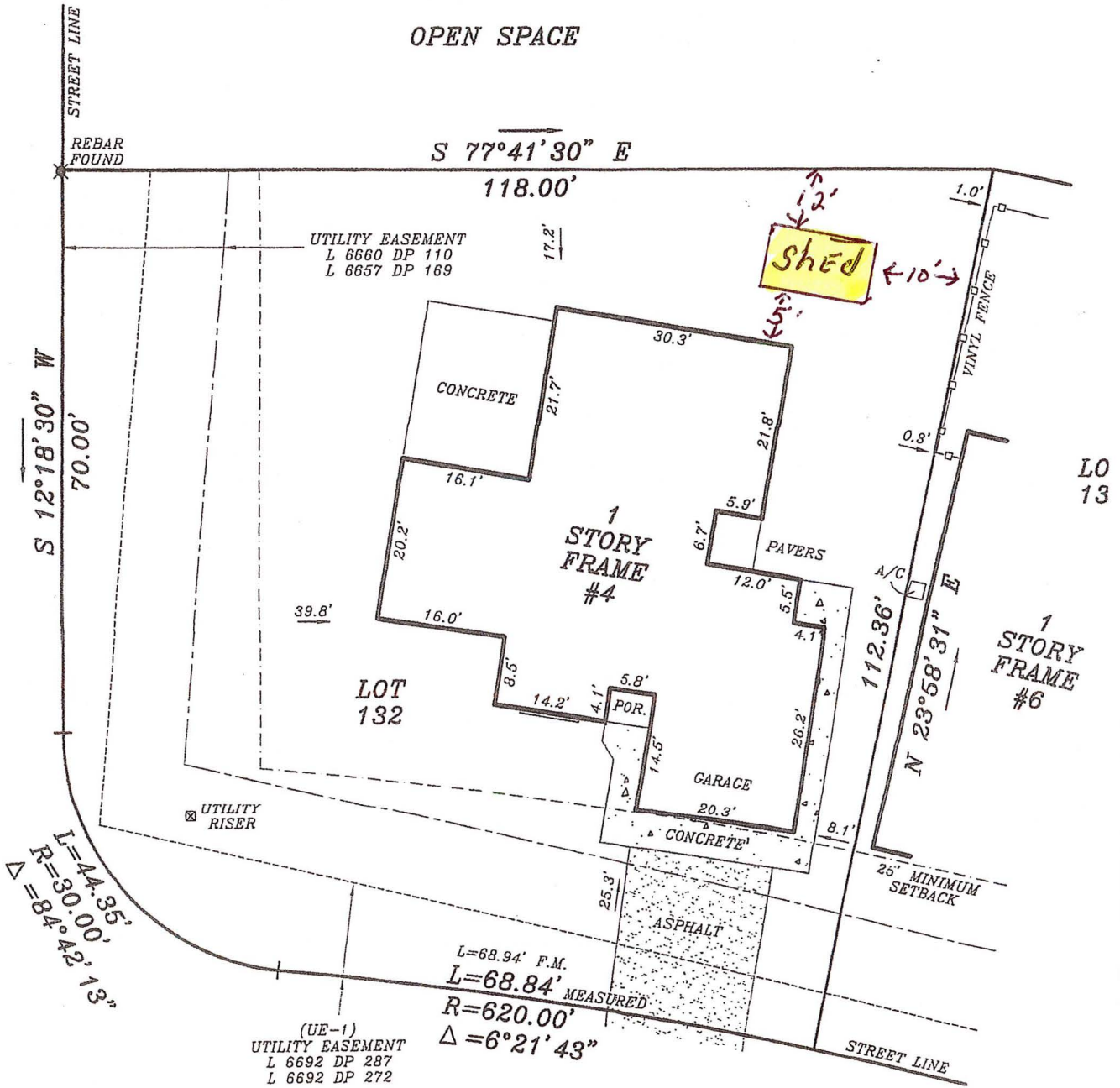
Respectfully yours

Kenneth Feicht



SCANNED

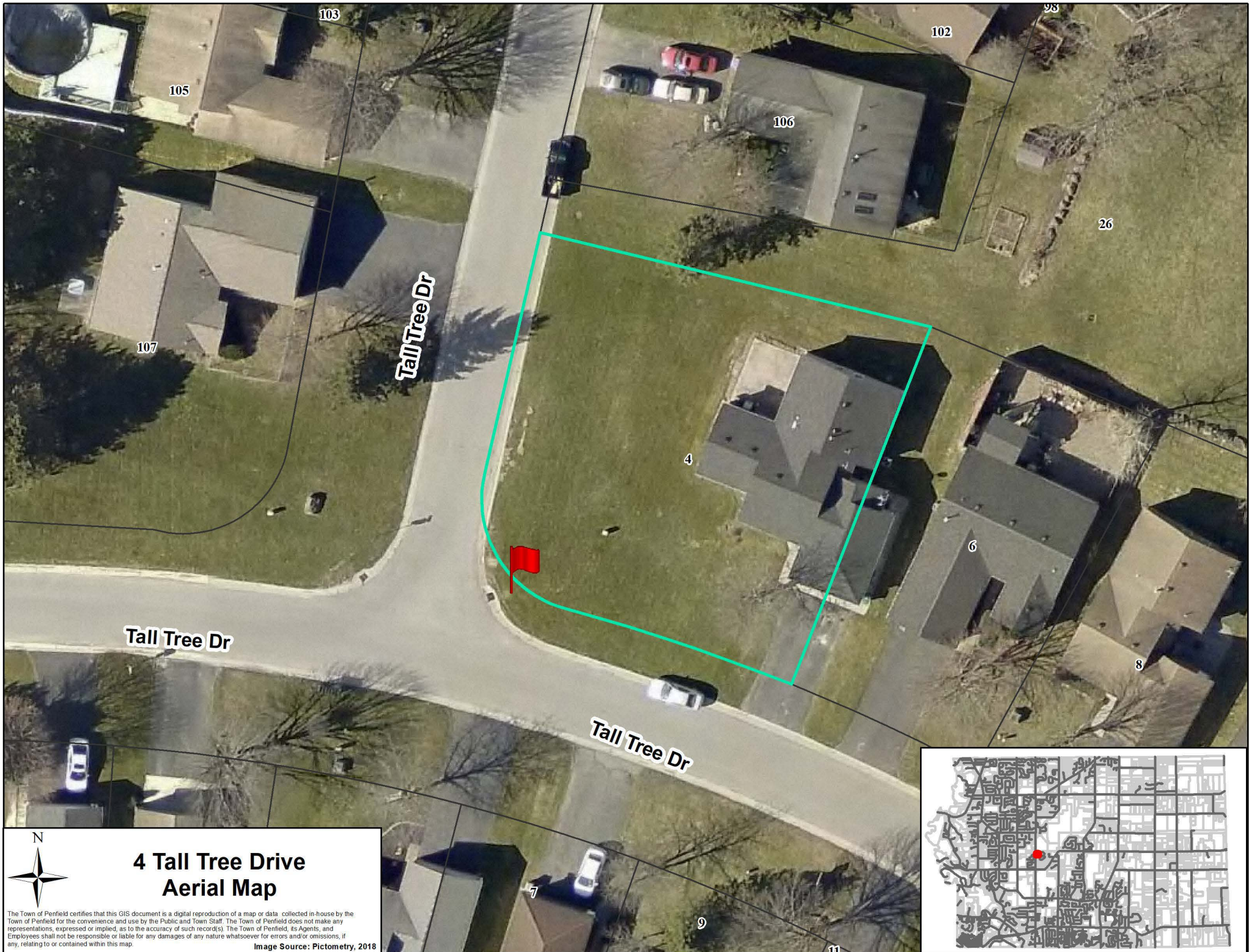
TALL TREE DRIVE (60' WIDE)



TALL TREE DRIVE (60' WIDE)

SCANNED

"Unauthorized alteration of, or addition to, this survey map is a violation of section 7209 of the New York State Education Law"
 Copies of this survey map not bearing the land surveyor's inked or embossed seal shall not be considered to be a valid true copy.
 "Guarantees or certifications indicated hereon 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.
 Guarantees or certifications are not transferable to the institutions or subsequent owners"



4 Tall Tree Drive Aerial Map

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Image Source: Pictometry, 2018



ZONING BOARD OF APPEALS AGENDA

Public Hearing Application # 4

Application # 21Z-0060
Antonia & Alexander Poggi
1517 Empire Boulevard

See Pages to Follow

October 17, 2021



Capone's Bar & Italian Eatery
Antonia Poggi
3839 Lake Ave
Rochester NY 14612

This letter serves as a Letter of Intent for the property at 1517 Empire Blvd Webster NY 14580.

Our plans for Capone's Bar & Italian Eatery will be to offer the area great food, drinks and entertainment in a casual, family friendly atmosphere. We are a family run business, serving lunch, dinner and a late night menu, daily. Our menu will consist of Homemade sauce, meatballs, steak and seafood, but we'll also have a great bar menu consisting of burgers, wings and pizza just to name a few. With the unique layout of the building, we can cater to customers looking for a more intimate dining experience in one area of the building, but can also cater to customers interested in watching different sporting events or listening to some music in another area of the building. There are no intentions of any construction or any renovations to the building/property. Just painting and cosmetic work.

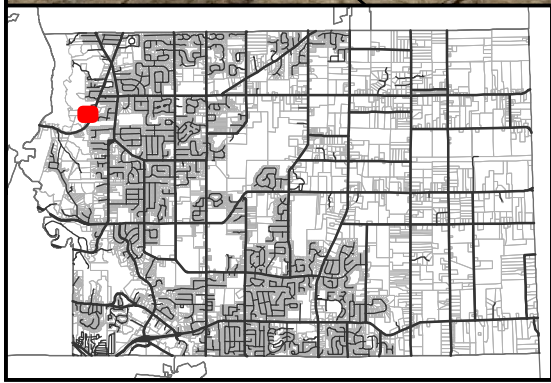
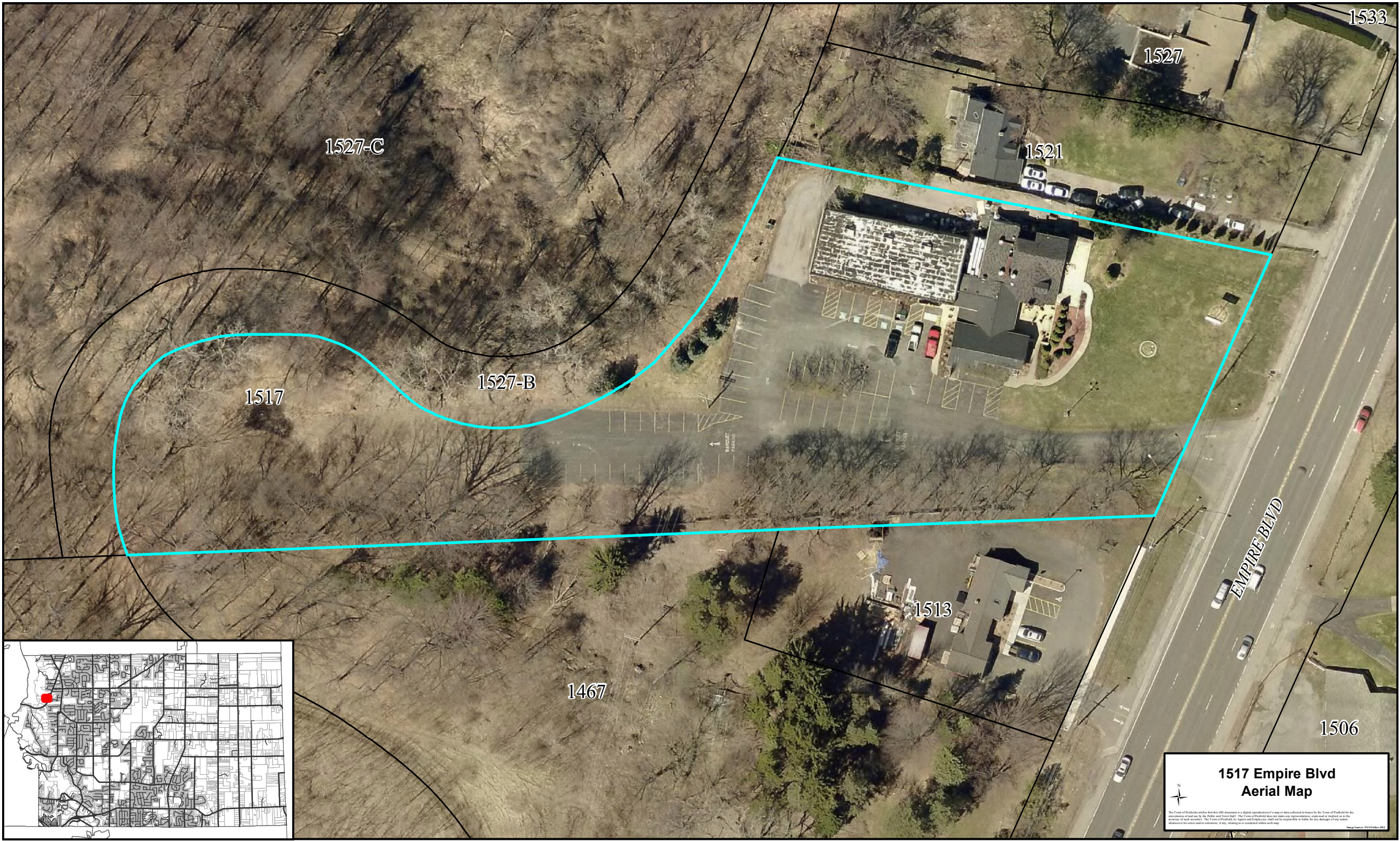
Our plan is to be open Sunday through Thursday 11am-12am and Friday & Saturday 11am-2am.

Thank you very much for your consideration. We feel that we can add to this great community.

Regards,

Antonia Poggi
Antonia Poggi

SCANNED



**1517 Empire Blvd
Aerial Map**

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Image Source: NYS&D/Geo 2012

ZONING BOARD OF APPEALS AGENDA

Public Hearing Application # 5

Application # 21Z-0061
Peter Vars
300 and 100 YMCA Way

See Pages to Follow

October 15, 2021

Zoning Board of Appeals
Town of Penfield
3100 Atlantic Avenue
Penfield, NY 14526



Re: Penfield Square Lots 3 & 4
T.A. #125.01-1-25.33
T.A. #125.01-1-25.34

2571B

Dear Board Members:

On behalf of the applicant, Luis Ribeiro, we submit the enclosed application for an Area Variance for lots 3 and 4 at the Penfield Square mixed-use development, located at 200 YMCA Way in the Town of Penfield. We request to appear at the Zoning Board of Appeals (ZBA) November 18, 2021 meeting. We enclose seven (7) sets of the following application materials and the complete application will also be submitted electronically to the Zoning office.

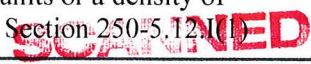
- Letter of Intent
- Penfield Square Subdivision and Lots 3 and 4 Site Plan (BME Dwg. #2571-04 & 2571B-01)
- Building Architectural Elevation Drawings
- ZBA Application Form
- Owner Permission Letter
- Short Form EAF (Part 1)
- \$110 Check (\$100 application fee + \$10 sign fee)

Penfield Square is an approved and developed mixed-use development situated on 9.21 acres in a M.U.D. zoning district. The mixed-use site plan was approved by the Penfield Planning Board in 2019, and the subdivision plat filed June 5, 2019. The site was developed in 2019/2020 and the first two buildings were constructed by the owner on lots 1 and 2.

The applicant is proposing to purchase and develop lots 3 and 4, designated as Commercial Outparcel 'A' and 'B', respectively, on the approved site plan. The applicant is proposing a mixed-use building for each lot. Lot 3 would contain a 3-story building with a ±6,470 s.f. footprint with a first-floor commercial use and eight (8) total residential units on the second and third floor. Lot 4 would contain a 3-story building with a ±4,740 s.f. footprint with first floor commercial use and six (6) total residential units on the second and third floor. The proposal is to add a total of fourteen (14) additional residential units to the Penfield Square mixed-use development.

Penfield Square is located in Zone A of the M.U.D., which is defined in the Mixed-Use Design Manual as a Core Mixed-Use Area. Per Table 6.1 of the Manual, the maximum dwelling units is 20 units per acre. The site plan approval for Penfield Square included 184 residential units on the 9.21-acre overall parcel, a density of 20 units/acre. These 184 units are provided in the two buildings constructed on lots 1 and 2.

The proposed mixed-use development of lots 3 and 4, in lieu of commercial only outparcel buildings, creates the need for the Area Variance request. The proposed additional 14 residential units will bring the total residential count for the overall Penfield Square mixed-use development to 198 units or a density of 21.5 units/acre. Thus, the applicant is requesting an Area Variance from Town Code Section 250-5.12.(D)



and Table 6.1 of the Mixed-Use Design Manual to allow a density of 21.5 units/acre in lieu of the maximum allowed 20 units/acre within Zone 'A' of the M.U.D. zoning district.

For reference, we point out the two new buildings proposed on lots 3 and 4 do comply to the lot standards of Table 6.1 if one were to look at the building and lot individually. Lot 3 is 0.40 acres in size and at 20 units/acre would allow up to eight (8) residential units, which is the proposed. Lot 4 is 0.34 acres and would allow 6.8 residential units and 6 units are proposed. Both buildings also propose a 33%/67% non-residential/residential use mix, exceeding the minimum 20%/80% mix of Table 6.1. It is the result of looking at the original overall 9.21-acre development site and the proposal to develop lots 3 and 4 as mixed-use buildings in lieu of stand-alone commercial buildings that create the need for the variance request.

As required, we offer the following information for the ZBA's review and reference as they consider this variance request and the benefit being sought by the applicant balanced against possible detriment to the health, safety and welfare of the neighborhood or community:

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.*

The proposed mixed-use buildings will enhance the character of the neighborhood and reinforce the mixed-use design principals of the district itself and its Design Manual. The proposal is an enhancement of the commercial only buildings originally contemplated and approved with the overall Penfield Square development. The proposed 3-story building with commercial on the first floor and residential use on the upper two floors is the type of building desired in Zone 'A' of the M.U.D.

2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.*

The applicant's desire to include a residential-use component with the development of lots 3 and 4 is only achievable through the variance request as there is no other mechanism for additional residential units within Penfield Square. It is not feasible or practical for the applicant to pursue a reduction in other residential units on other lots in Penfield Square as these buildings are completed and not owned by the applicant.

3. *Whether the requested area variance is substantial.*

The request to allow for an increase in density by 1.5 units/acre represents a 7.5% increase in allowable density within the parcel. Given the goals of Zone 'A' of the M.U.D. as presented in the Design Manual, which stresses this zone is the High-Density Core Mixed-Use area, it supports that development should be the "most dense portions of the district..." (p. 69 Mixed-Use Design Manual). As such, the requested 7.5% variance request, or the request of 14 additional residential units within this parcel does not seem substantial.

4. *Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

This will not occur as the proposed additional residential units will be located on the upper two floors of the proposed buildings; thus, no increase in site disturbance or physical alteration to the site will occur. The buildings are proposed for two approved and developed lots within the Penfield Square mixed-use development. At three stories, the proposed buildings are below the M.U.D. zoning allowed height maximum of 4-stories or 55'. The proposal for these new buildings to be three stories to accommodate the addition of the residential floors are consistent

with the built environment when compared to the YMCA building to the south and the Penfield Square 4-story apartment building on lot 1 to the north. The Mixed-Use Design Manual encourages multi-story mixed-use buildings within Zone 'A' of the M.U.D.

5. *Whether the alleged difficulty was self-created.*

The need for the area variance to allow for the development of additional residential units on the 9.2-acre Penfield Square site is self-created as the need is the result of the applicant wishing to develop mixed-use buildings on lots 3 and 4 in lieu of non-residential use only buildings. The Penfield Square developer/owner envisioned lots 3 and 4 to be stand-alone commercial building outparcels and lots 1 and 2 to be resident centric buildings. However, the applicant who will be purchasing lots 3 and 4 from the owner/developer proposes to develop the two lots more consistent with the M.U.D. Design Manual. The commercial development market of 2021 is much different than 2019 when the project was developed, and thus the applicant desires the stability of mixed-use buildings with the addition of the requested residential units.

The above information provides the reasoning and rationale for the variance request. It also illustrates that the benefit will not be at the expense of the health, safety, or welfare of the community, nor to the detriment to the neighborhood.

The proposed action is an Unlisted Action pursuant to New York SEQRA. We have prepared Part 1 of the Short Form EAF for your use.

We request to appear at the ZBA's November 18, 2021 meeting. We will also request that the Planning Board review the request at their October 28th workshop session to provide a recommendation to the ZBA.

If you require any additional information prior to your November 18th meeting, please contact our office.

Sincerely,
BME ASSOCIATES



Peter G. Vars, P.E.

PGV:blr

Encl.

c: Luis Ribeiro
Erik Reynolds; SWBR

SCANNED



4 PARCEL 3 - WEST ELEVATION
1/8" = 1'-0"



3 PARCEL 3 - NORTH ELEVATION
1/8" = 1'-0"

2 PARCEL 3 - SOUTH ELEVATION
1/8" = 1'-0"



1 PARCEL 3 - EAST ELEVATION
1/8" = 1'-0"

Drawn By: ESR
Checked By: ESR
Project Manager: ESR

These documents and all fixtures, instruments, plans and other related items are prepared, issued and verified by the professional engineer of record for the project. They shall not be used for any other project without the written consent of SWBR, NY. All rights reserved. ©

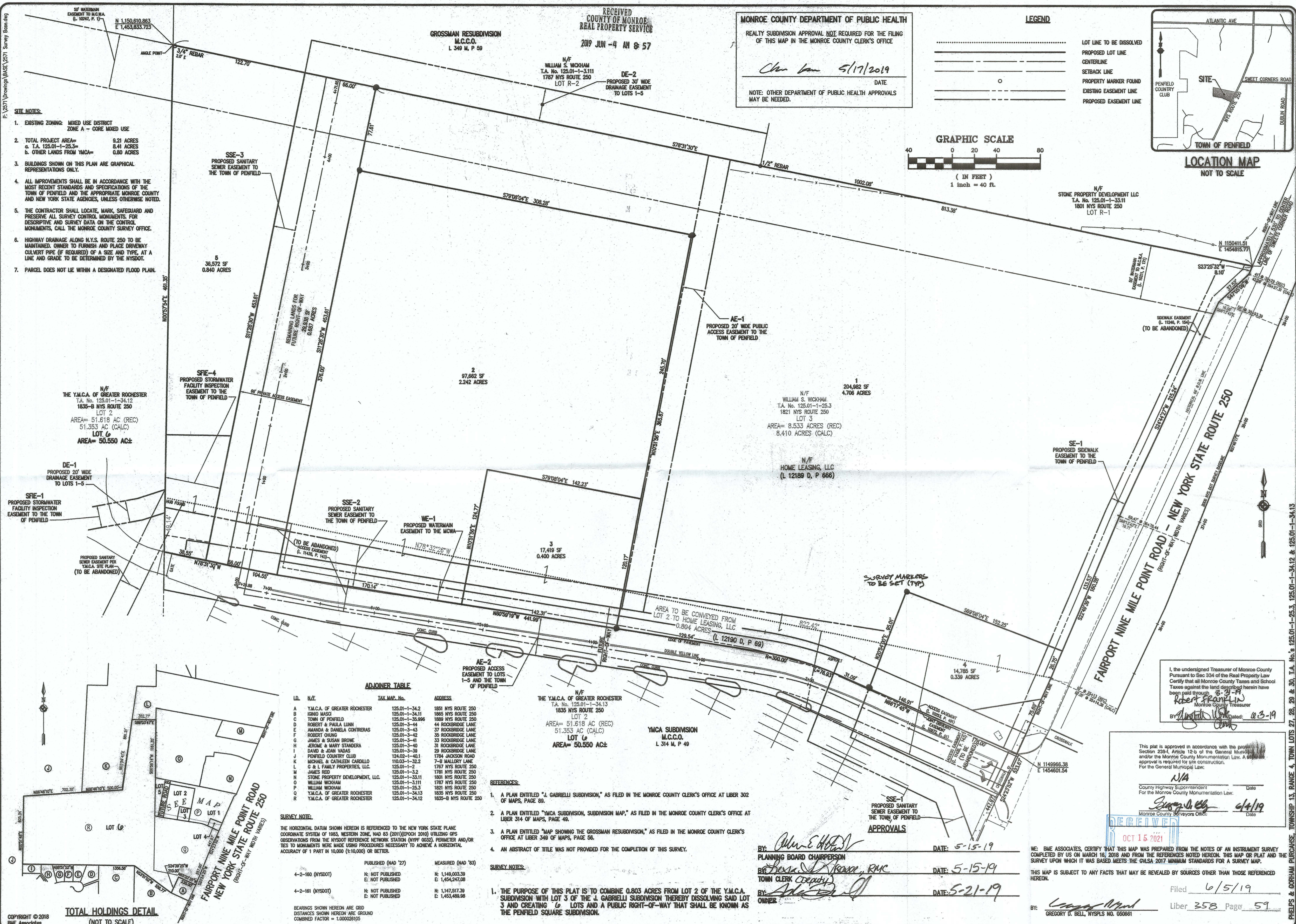
Revisions

Perfield Square Outparcel Buildings
SWBR Project Number: Z1186.00

Luis Ribario
966 West Linden Ave
East Rochester NY 14645

A3-201
Parcel 3
Conceptual Elevations

10/15/2021
Zoning Board Meeting



- SITE NOTES:**
- EXISTING ZONING: MIXED USE DISTRICT ZONE A - CORE MIXED USE
 - TOTAL PROJECT AREA= 0.21 ACRES
a. T.A. 125.01-1-25.3= 8.41 ACRES
b. OTHER LANDS FROM YMCA= 0.80 ACRES
 - BUILDINGS SHOWN ON THIS PLAN ARE GRAPHICAL REPRESENTATIONS ONLY.
 - ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE MOST RECENT STANDARDS AND SPECIFICATIONS OF THE TOWN OF PENFIELD AND THE APPROPRIATE MONROE COUNTY AND NEW YORK STATE AGENCIES, UNLESS OTHERWISE NOTED.
 - THE CONTRACTOR SHALL LOCATE, MARK, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS. FOR DESCRIPTIVE AND SURVEY DATA ON THE CONTROL MONUMENTS, CALL THE MONROE COUNTY SURVEY OFFICE.
 - HIGHWAY DRAINAGE ALONG N.Y.S. ROUTE 250 TO BE MAINTAINED. OWNER TO FURNISH AND PLACE DRIVEWAY CULVERT PIPE (IF REQUIRED) OF A SIZE AND TYPE, AT A LINE AND GRADE TO BE DETERMINED BY THE NYS/DOT.
 - PARCEL DOES NOT LIE WITHIN A DESIGNATED FLOOD PLAIN.

RECEIVED
COUNTY OF MONROE
REAL PROPERTY SERVICE
2019 JUN -4 AM 8:57

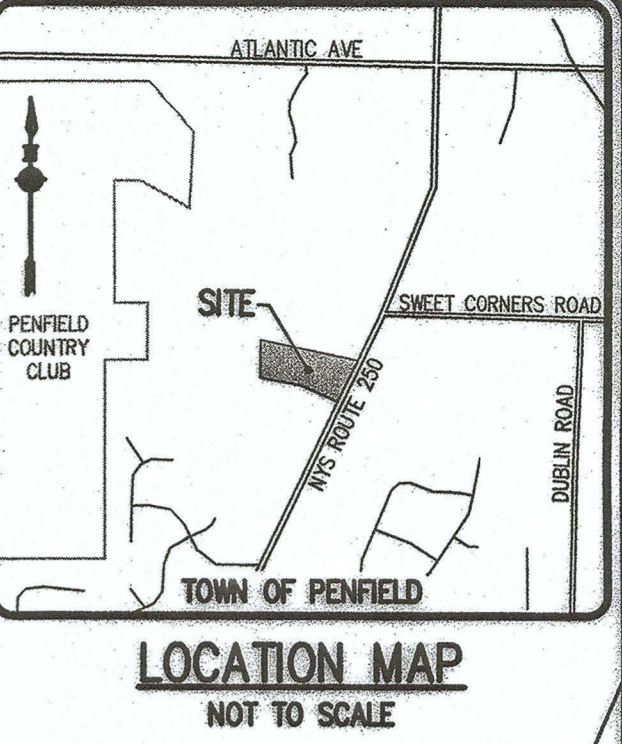
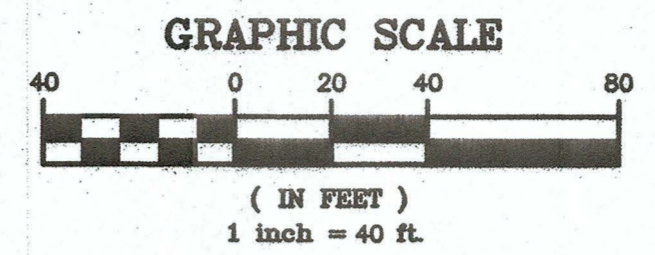
MONROE COUNTY DEPARTMENT OF PUBLIC HEALTH
REALTY SUBDIVISION APPROVAL NOT REQUIRED FOR THE FILING OF THIS MAP IN THE MONROE COUNTY CLERK'S OFFICE

Chen 5/17/2019
DATE

NOTE: OTHER DEPARTMENT OF PUBLIC HEALTH APPROVALS MAY BE NEEDED.

LEGEND

- LOT LINE TO BE DISSOLVED
- PROPOSED LOT LINE
- CENTERLINE
- SETBACK LINE
- PROPERTY MARKER FOUND
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE



Drawing Alteration
This drawing is an alteration of a drawing previously filed with the County Clerk's Office. It is a violation of this law for any person, unless he is acting under the direction of a licensed professional engineer or land surveyor to alter any item in any way. If an item bearing the seal of an engineer or land surveyor is altered, the altering engineer or land surveyor shall file with the County Clerk's Office a separate drawing showing the alteration, and the date of such alteration, and a specific description of the alteration.

NO.	DATE	REVISIONS
7	5/15/19	ADDED COORDINATE LABELS & RE-DISTANCE
6	5/9/19	REVISED DISTANCES ALONG ROAD "X"
5	4/15/19	REVISED PER ARCHITECT COORDINATION
4	2/17/19	REVISED PER TOWN AND AGENCY COMMENTS
3	12/16/18	REVISED PER TOWN AND AGENCY COMMENTS
2	9/5/18	REVISED LAYOUT
1	5/7/18	ADDED SSE-1

BME ASSOCIATES
ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

10 LIFT BRIDGE LANE EAST
FAIRPORT, NEW YORK 14450
WWW.BMEPCOM

PHONE: 565-577-7660
FAX: 565-577-7309



PENFIELD SQUARE
TOWN OF PENFIELD, MONROE COUNTY, NEW YORK

HOME LEASING LLC
180 CLAYTON SQUARE
ROCHESTER, NY 14604

BENJ. A. RESUBDIVISION OF LOT 3 OF THE J. GABRIELLI SUBDIVISION & LOT 2 OF THE YMCA SUBDIVISION

PROJECT: PENFIELD SQUARE
LOCATION: TOWN OF PENFIELD, MONROE COUNTY, NEW YORK
CLIENT: HOME LEASING LLC, 180 CLAYTON SQUARE, ROCHESTER, NY 14604

PROJECT MANAGER: DATE
PC VARS: DATE
PROJECT SURVEYOR: DATE
GD BELL: DATE
DRAIN BY: DATE
KA MOTT: DATE
SCALE: DATE ISSUED
1"=40' JUNE 2018
PROJECT NO.: 2571
DRAWING NO.: 04

N/F
THE YMCA OF GREATER ROCHESTER
T.A. No. 125.01-1-34.12
1835-B NYS ROUTE 250
LOT 2
AREA= 51.618 AC (REC)
51.353 AC (CALC)
LOT 6
AREA= 50.550 AC

N/F
WILLIAM S. WICKHAM
T.A. No. 125.01-1-25.3
1821 NYS ROUTE 250
LOT 3
AREA= 8.533 ACRES (REC)
8.410 ACRES (CALC)

N/F
HOME LEASING, LLC
(L 12189 D, P 666)

ADJOINER TABLE

L.D.	N/E	TAX MAP No.	ADDRESS
A	Y.M.C.A. OF GREATER ROCHESTER	125.01-1-34.2	1851 NYS ROUTE 250
B	IGNIO MASCI	125.01-1-34.11	1855 NYS ROUTE 250
C	TOWN OF PENFIELD	125.01-1-35.996	1889 NYS ROUTE 250
D	ROBERT & PAULA LUNN	125.01-3-44	44 ROCKBRIDGE LANE
E	AMANDA & DANIELA CONTRERAS	125.01-3-43	37 ROCKBRIDGE LANE
F	ROBERT OHLINS	125.01-3-42	35 ROCKBRIDGE LANE
G	JAMES & SUSAN BRONE	125.01-41	33 ROCKBRIDGE LANE
H	JEROME & MARY STANDERA	125.01-3-40	31 ROCKBRIDGE LANE
I	DAVID & JOAN VADAS	125.01-3-39	29 ROCKBRIDGE LANE
J	PENFIELD COUNTRY CLUB	124.02-1-40.1	174 JACKSON ROAD
K	MICHAEL & CATHLEEN CAROILLO	110.03-1-32.2	7-B MALLORY LANE
L	G & L FAMILY PROPERTIES, LLC	125.01-1-2	1787 NYS ROUTE 250
M	JAMES RED	125.01-1-3.2	1781 NYS ROUTE 250
N	STONE PROPERTY DEVELOPMENT, LLC	125.01-1-33.11	1801 NYS ROUTE 250
O	WILLIAM WICKHAM	125.01-1-3.111	1787 NYS ROUTE 250
P	WILLIAM WICKHAM	125.01-1-25.3	1821 NYS ROUTE 250
Q	Y.M.C.A. OF GREATER ROCHESTER	125.01-1-34.13	1835 NYS ROUTE 250
R	Y.M.C.A. OF GREATER ROCHESTER	125.01-1-34.12	1835-B NYS ROUTE 250

N/F
THE YMCA OF GREATER ROCHESTER
T.A. No. 125.01-1-34.13
1835 NYS ROUTE 250
LOT 2
AREA= 51.618 AC (REC)
51.353 AC (CALC)
LOT 6
AREA= 50.550 AC

YMCA SUBDIVISION
M.C.C.O.
L 314 M, P 49

- REFERENCES:**
- A PLAN ENTITLED "J. GABRIELLI SUBDIVISION," AS FILED IN THE MONROE COUNTY CLERK'S OFFICE AT LIBER 302 OF MAPS, PAGE 89.
 - A PLAN ENTITLED "YMCA SUBDIVISION, SUBDIVISION MAP," AS FILED IN THE MONROE COUNTY CLERK'S OFFICE AT LIBER 314 OF MAPS, PAGE 48.
 - A PLAN ENTITLED "MAP SHOWING THE GROSSMAN RESUBDIVISION," AS FILED IN THE MONROE COUNTY CLERK'S OFFICE AT LIBER 349 OF MAPS, PAGE 56.
 - AN ABSTRACT OF TITLE WAS NOT PROVIDED FOR THE COMPLETION OF THIS SURVEY.

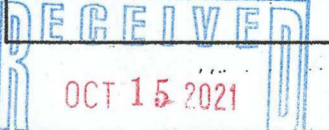
- SURVEY NOTES:**
- THE PURPOSE OF THIS PLAT IS TO COMBINE 0.803 ACRES FROM LOT 2 OF THE Y.M.C.A. SUBDIVISION WITH LOT 3 OF THE J. GABRIELLI SUBDIVISION THEREBY DISSOLVING SAID LOT 3 AND CREATING 6 LOTS AND A PUBLIC RIGHT-OF-WAY THAT SHALL BE KNOWN AS THE PENFIELD SQUARE SUBDIVISION.

I, the undersigned Treasurer of Monroe County Pursuant to Sec 334 of the Real Property Law Certify that all Monroe County Taxes and School Taxes against the land described herein have been paid through 6-30-19

Robert Franklin
Monroe County Treasurer

This plat is approved in accordance with the provisions of Section 239-4, Article 12-b of the General Municipal Law and the Monroe County Monumentation Law. A separate approval is required for site construction. For the General Municipal Law:

N/A
County Highway Superintendent
Date: 6/4/19
Monroe County Surveyors Office

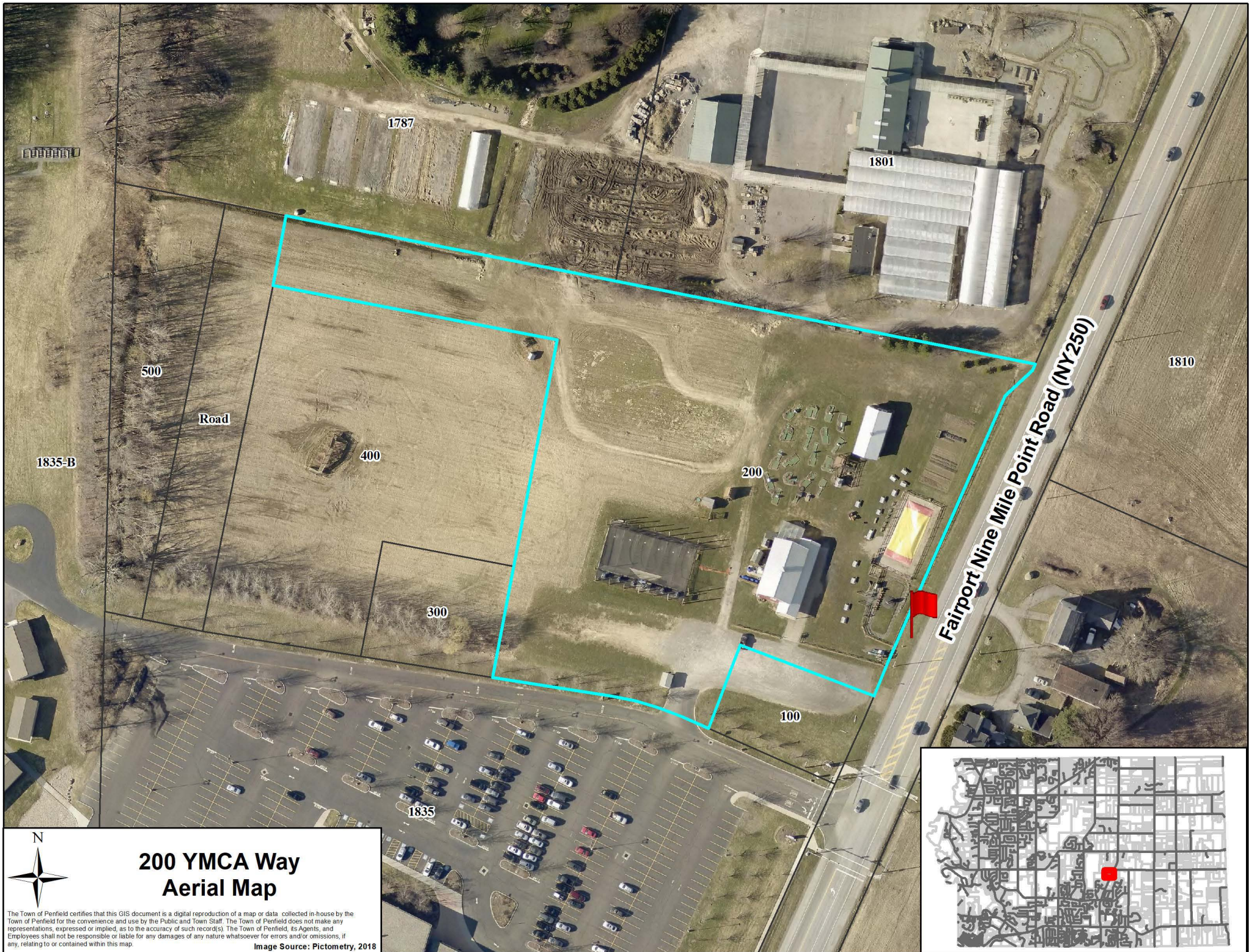


WE, BME ASSOCIATES, CERTIFY THAT THIS MAP WAS PREPARED FROM THE NOTES OF AN INSTRUMENT SURVEY COMPLETED BY US ON MARCH 16, 2018 AND FROM THE REFERENCES NOTED HEREON. THIS MAP OR PLAT AND THE SURVEY UPON WHICH IT WAS BASED MEETS THE G.S.A. 2017 MINIMUM STANDARDS FOR A SURVEY MAP.

THIS MAP IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY SOURCES OTHER THAN THOSE REFERENCED HEREON.

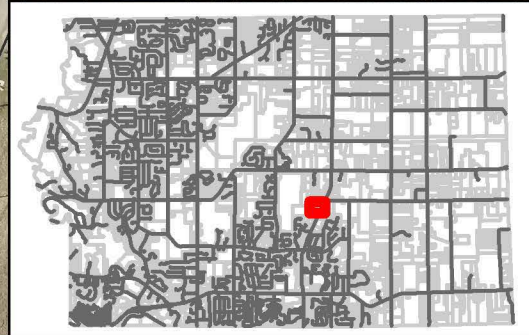
Filed: 6/5/19
Liber 358 Page 59

BY: Gregory D. Bell
GREGORY D. BELL, NYSPLS NO. 050661



200 YMCA Way Aerial Map

The Town of Penfield certifies that this GIS document is a digital reproduction of a map or data collected in-house by the Town of Penfield for the convenience and use by the Public and Town Staff. The Town of Penfield does not make any representations, expressed or implied, as to the accuracy of such record(s). The Town of Penfield, 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 this map. **Image Source: Pictometry, 2018**



ZONING BOARD OF APPEALS AGENDA

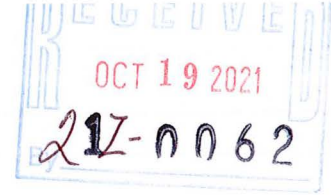
Public Hearing Application # 6

Application # 21Z-0062
Jessica Rapach
1620 Qualtrough Road and
1617 Scribner Road

See Pages to Follow

Jessica M. Rapach

Representative of Piccadilly Park Neighborhood
8 Scarborough Park Rochester, NY 14625
jmrapach@gmail.com
585.880.9028



To: Town of Penfield Zoning Board of Appeals

SUBJECT: Letter of Intent (Application for Special Permit for Signage)

I, Jessica Rapach, am representing the residents of Piccadilly Park neighborhood (Scarborough Pk/Dundas Dr/Piccadilly Pk). We are requesting a permit to replace our neighborhood entrance signs on both ends of the neighborhood. The original signs were installed by the home builders, Fedyk Builders Inc.

The entrance sign located on the Scribner Rd/Dundas Dr side of the neighborhood is still standing but unsightly. It has been re-painted multiple times and will fall over from rot any day. The builders did not provide any landscape around the bottom of the sign, which was poorly thought out. Our plan is to replace this sign with a double-sided monument sign and have a low maintenance landscape around the posts for protection. The sign that we have selected is only slightly bigger than the existing sign and will be located in the same footprint (with the exception of the width, which is about 2ft larger). The orientation will also be the same, with the sign parallel with Dundas Dr. Additionally, the materials that the company uses now are designed for longevity.

The entrance sign located on the Qualtrough Rd/Scarborough Pk side of the neighborhood fell over a few years ago. Once again, the builders did not place any landscape around the posts to protect them. The sign was placed on the side of the street where the telephone post and street sign are located. We are proposing the new sign be placed on the opposite side of the road because the area is more spacious and easier to spot from the road. The sign will be placed in the exact same layout as the other entrance sign, with the sign parallel to Scarborough Park. We will have the same low maintenance landscape around the bottom to protect the posts.

ACTION TAKEN TO DATE:

Prior to beginning the Town approval process, I researched entrance sign options. I went to three (3) different companies and received three (3) quotes for three (3) different sign options: Monument style, 2" double-sided post sign and 1" double-sided post sign. Our neighborhood took a vote and I received votes from 96 out of 100 houses. 92 of 96 wanted to replace the entrance signs and 70% wanted a monument style sign. The remaining 30% liked the double-sided design of the post sign. Therefore, we all agreed on a double-sided monument sign that is slightly smaller than a traditional monument. We have selected Southpaw to make and install the sign and are ready to place our order. Southpaw placed the original signs over 20 years ago. Our neighborhood will be covering 100% of the cost. Once we receive approval, we are eager to get the signs ordered and placed before the ground freezes (if able).

I submitted our entrance sign proposal on Sept 28th, 2021 and have been working with the Town Rep, Andy, to complete all of the necessary steps to get this proposal approved. I met Andy on site to review where the signs will be located and we completed measurements.

SCANNED

Jessica M. Rapach

Representative of Piccadilly Park Neighborhood

8 Scarborough Park Rochester, NY 14625

jmrapach@gmail.com

585.880.9028



MAINTENANCE:

Due to the signs falling in the Town right of way, I will be signing a document taking responsibility for the signs (damage and maintenance). Along with the neighborhood vote, we also had a call for a maintenance team. We have multiple families who have volunteered to help maintain the signs. I will work a rotation to ensure the signs are well taken care of.

CONCLUSION:

Our neighborhood has had a lot of turn over from original owners to young families over the past few years; our families are eager to improve the aesthetics of the place that we call home. Entrance signs are the first thing you see when turning into a neighborhood and the last thing you see when leaving; we'd love for visitors and families to view our neighborhood as a well-kept, beautiful atmosphere. There have been signs for over 20 years and they have not caused any hazards or interfered in any way. You will also find monument or large post signs for all surrounding neighborhoods. We respectfully request your approval for our proposal.

Signed,

Jessica Rapach



48.00 in



96.00 in



16.99 in

48.00 in

12.00 in



98.00 in

stone

Piccadilly
Park

stone

35.86 in

65.26 in

12.00 in

Google Maps 1617 Scribner Rd

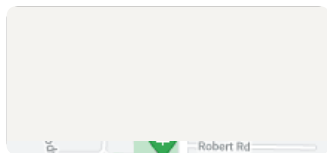


Image capture: Oct 2018 © 2021 Google

Penfield, New York



Street View - Oct 2018



Google Maps 1622 Qualtrough Rd

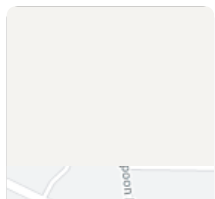


Image capture: Jun 2012 © 2021 Google

Rochester, New York



Street View - Jun 2012



ZONING BOARD OF APPEALS AGENDA

Public Hearing Application # 7

Application # 21Z-0063
Jerry A. Goldman
1855 Empire Boulevard

See Pages to Follow

1900 Bausch and Lomb Place
Rochester, New York 14604
P 585-987-2800 F 585.454.3968



1900 Main Place Tower
Buffalo, New York 14202
P 716.248.3200 F 716-854-5100

Writer's Direct Dial Number: 585.987.2901
Writer's Direct Fax Number: 585.362.4602
Email: jgoldman@woodsoviatt.com
Admitted to practice in New York and Florida

www.woodsoviatt.com

October 21, 2021

Town of Penfield Zoning Board of Appeals
3100 Atlantic Avenue
Penfield, NY 14526-9798

Re: Application of WOVE LLC- Baytowne Square Plaza
Conditional Use Permit – Avis Car Rental location
LETTER OF INTENT

Dear Board Members:

This office has been retained by WOVE LLC, the owner of Baytowne Square Plaza, located on the southwest corner of Bay Road and Empire Boulevard to assist in obtaining Conditional Use Permit approval to allow the establishment of an Avis Car Rental office in the 1,300 square foot space in the Plaza formerly occupied by T-Mobile. The property is zoned GB General Business.

Baytowne Square Plaza contains 40,000 square feet of retail space occupied by such diverse tenants as Dunn Tire and Zoom Tan. As a part of its lease, Avis requires designation of 10 parking spaces in the 97-space front-parking field and 30 parking spaces in the 153 rear-parking field. A site sketch depicting the leased space and representative designated spaces is enclosed with this application.

While the proposed use could be deemed retail sales and hence a permitted use in the GB district, Town staff has determined that the proposed use should be classified as a Conditionally Permitted Use. Accordingly, we are making this application.

In consideration of Conditional Uses, Town Code §250-13.4(A) sets forth findings to be made by the Zoning Board of Appeals:

- (1) **The use is in harmony with the general purposes and intent of the Zoning chapter of the Code and the zoning district in which it is proposed.** The subject use is akin to retail outlets (a permitted use in the GB District) and automotive sales (which are Conditionally permitted in the GB District). It is a low intensity, low traffic generating use, which is in harmony with the rest of the Plaza.

(2) The use is not detrimental to adjacent properties because of its :

- (a) Means of ingress and egress.** Ingress and egress will be through existing curb cuts for the Plaza.
- (b) Adequacy of parking facilities.** There is ample parking in both the front and the rear of the plaza, with primary usage of parking in the rear.
- (c) Potential impact to both present or future uses.** There is no perceived impact of this use on any present or future uses. It is basically a storefront.
- (d) Compatibility with the general area in which it is located.** This use is in a Plaza with a variety of types and sizes of use and this use will be compatible.
- (e) Type and amount of signage.** It is anticipated that signage will comply with Code. If the tenant seeks any sign relief, that would come through an application to this Board.
- (f) Potential noise level.** This is not a noise generating use above the normal levels for cars in a parking lot.
- (g) Clear sight distance.** There are no sight distance issues for this in-line Plaza tenant.
- (h) Existing or proposed buffering.** The existing Plaza provides ample buffering.
- (i) Proposed generation of noxious odors.** There are no noxious odors from this use.
- (j) Exterior lighting.** No additional lighting to the existing plaza lighting is contemplated.
- (k) Proposed hours of operation.** The anticipated hours of operations are Monday through Friday 8 am to 6 pm, Saturday 8 am to 3 pm and Sunday 9 am to 2 pm.

(3) The use is not detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town. This 1,300 tenancy will not have any of those negative impacts.

We look forward to presenting this application to the Zoning Board of Appeals at your November 18 meeting. If any Board member has any questions in the interim, please do not hesitate to contact me.

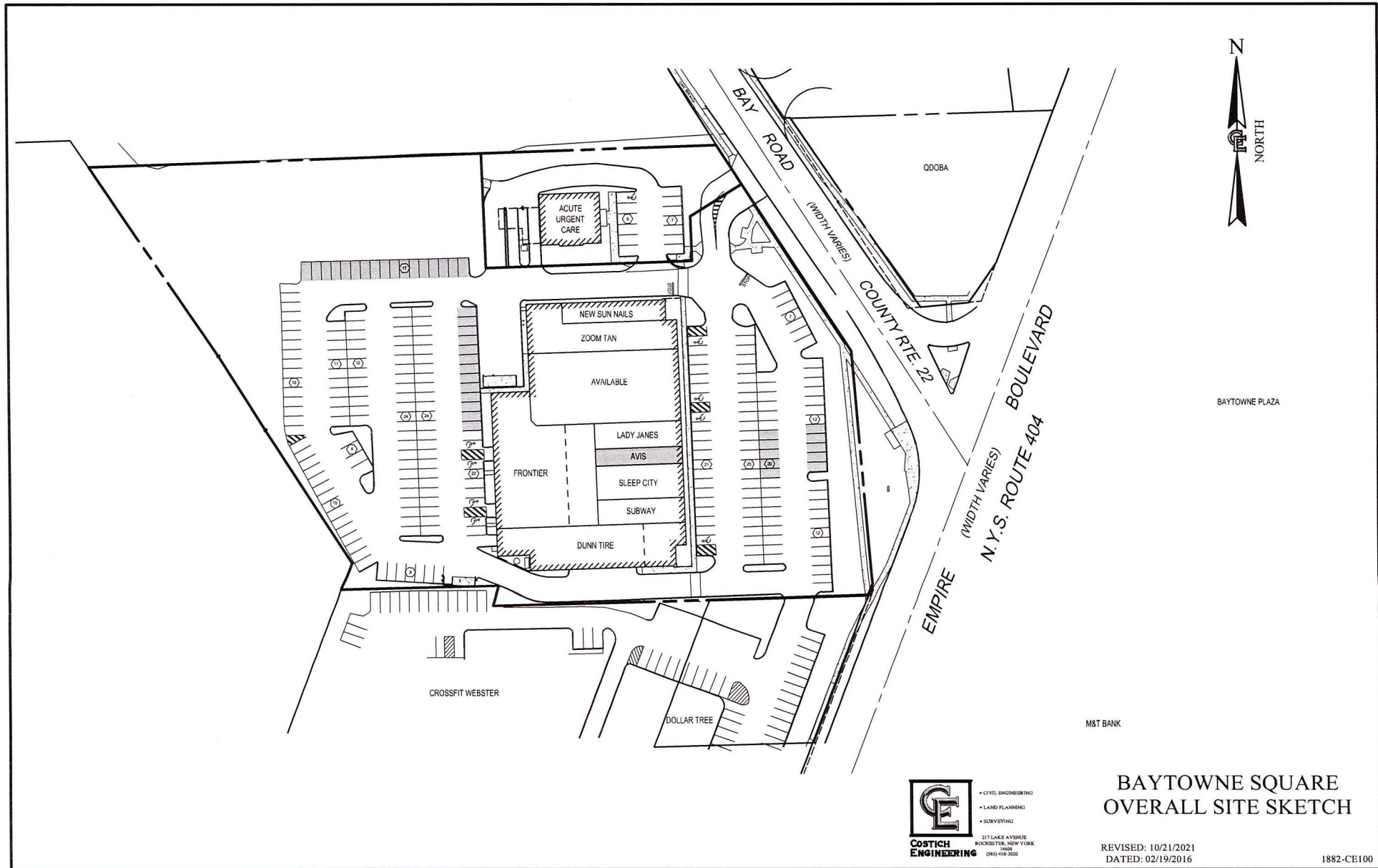
Respectfully submitted,

WOODS OVIATT GILMAN LLP



Jerry A. Goldman

cc: WOWE LLC

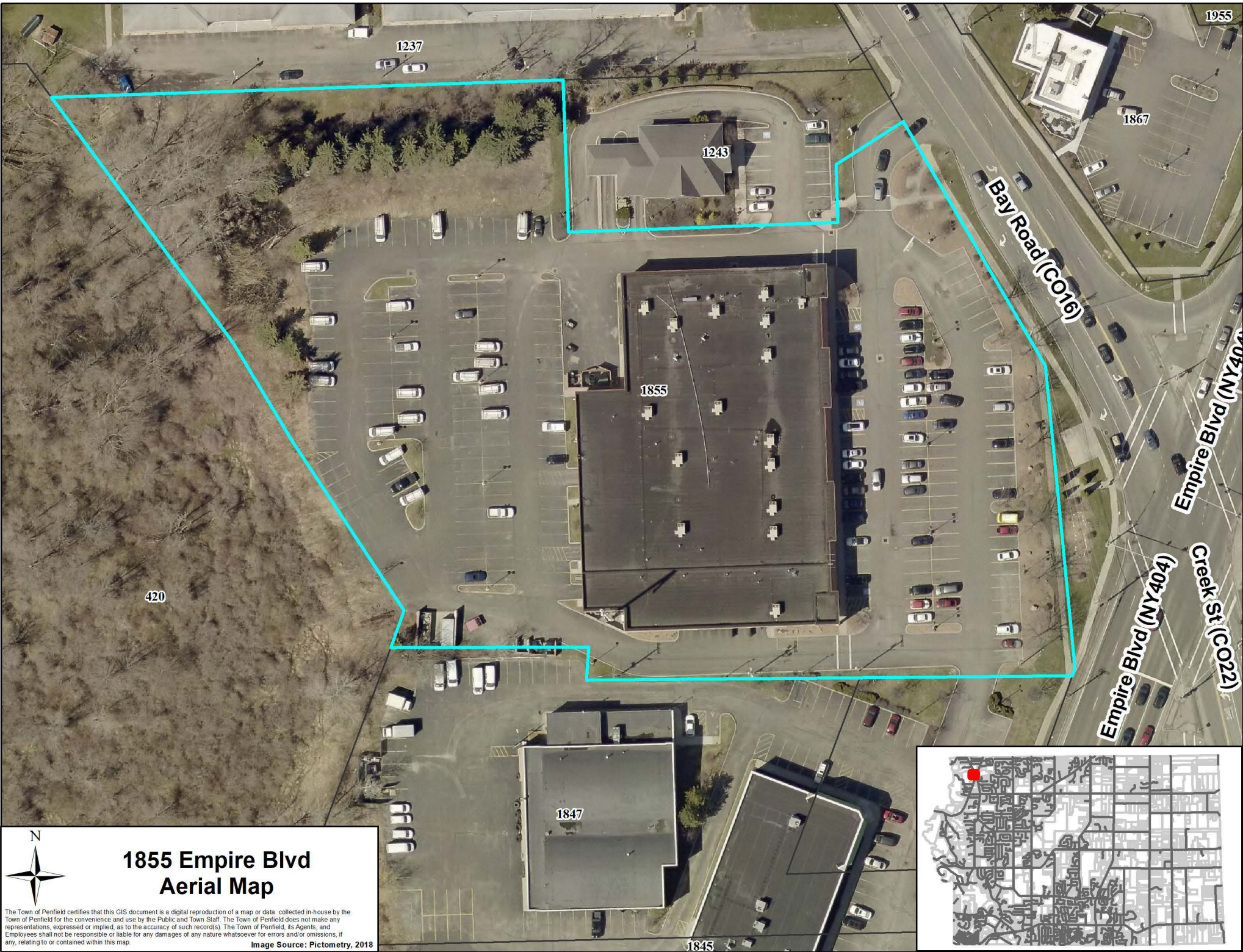


CE
COSTICH
ENGINEERING
 • CIVIL ENGINEERING
 • LAND PLANNING
 • SURVEYING
 217 LAKE AVENUE
 ROCHESTER, NEW YORK
 14620
 (585) 458-3020

**BAYTOWNE SQUARE
 OVERALL SITE SKETCH**

REVISED: 10/21/2021
 DATED: 02/19/2016

1882-CE100



1855 Empire Blvd Aerial Map

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Image Source: Pictometry, 2018

