

Penfield Zoning Board of Appeals

October 21, 2021 Meeting Minutes

The Zoning Board Work session was held at 6:30 p.m. local time with the meeting immediately following on Thursday, October 21, 2021 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 Order:

ZBA MEMBER	PRESENT	ABSENT
Daniel DeLaus, Chairperson	X	
Marie Cinti	X	
Mike Belgiorno	X	
Matthew Piston	X	
Andris Silins	X	

ADDITIONAL STAFF	PRESENT	ABSENT
Peter Weishaar, Legal Counsel	X	
Endre Suveges, Building Inspector	X	
Kristine Shaw, Secretary to the Board	X	

II. Regarding Minutes from Zoning Board Meeting on September 16, 2021

Motion made by:		To:	Second by:	Board Vote	Y	N
DeLaus			DeLaus	DeLaus	X	
Belgiorno			Belgiorno	X	X	
Cinti			Cinti	Cinti	X	
Piston	X	Approve	Piston	Piston	X	
Silins			Silins	Silins	X	

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 October 21, 2021 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.

* As a matter of space saving in writing the minutes let it be known that Chairman DeLaus repeatedly asks before during and after the applications for the public to write or call in their comments. I will enter when there are some and note the comments. K. Shaw-Secretary

Announcement:

This is the last meeting after five (5) years for Board Member Marie Cinti. Chairman DeLaus thanked her for her hard work, dedication, friendship and the way she professionally handled all the applications. Ms. Cinti shows concern and compassion for the residents and the Town and we wish her well on her next endeavor as she will be our next Penfield Town Supervisor. Congratulations Marie!

1. Carolyn F. Schlageter, 2 Highland Drive, Penfield, NY, 14526 requests an Area Variance under Section 250-14.3 of the Code to allow an addition with less setback than required under Section 250-5.1-F (1) of the Code at 2 Highland Drive. The property is currently or formerly owned by Carolyn F. Schlageter and is zoned R-1-15. SBL #139.05-1-17. Application #21Z-0054.

Appearances by ZOOM:

Carolyn F. Schlageter, 2 Highland Drive, Penfield, NY, 14526

Board / Presenter Comments / Questions / Statements:

Board Member Silins went over the application of the addition, which is to be one hundred sixty (160) square feet and go off the front of the garage. He went over the plans. He stated that according to her application she did consider putting the addition on the back and asked her to explain what happened with that.

Ms. Schlageter says it will be sixteen (16) by ten (10), and everything will match. Her contractor not only will build the extension but will be re-siding the whole house including the addition. Ms. Schlageter says if she were to build in the back and not need a variance the expense was huge compared to the value of the house. The quote received was seventy five thousand (\$75,000.00) and more, the house value is at one hundred seventy (\$170,000.00) thousand so it didn't seem worth it or feasible.

The difference for putting the addition on the front versus the back is approximately forty two thousand (\$42,000.00) dollars and Board Member Silins notes that she may not get a decent return if she sells the house.

Ms. Schlageter states the addition will allow for an upstairs laundry and a full bathroom which will allow her a second bathroom in the house. She has letters of support from the neighbors. Board Member Silins notes she included photos of other houses in the neighborhood that had more 'forward' garages.

SEQRA Determination:

Motion Made by: Board Member Silins 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: All Ayes

Application Vote:

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

Vote: All Ayes

2. Joe Stafferi, 1100 Jefferson Road, Rochester, NY, 14623 requests approval for a Conditional Use under Section 250-13.3 and Section 250-5.7-C (1) (a) of the Code to allow the operation of a restaurant (Joe's Brooklyn Pizza) at 1766 Empire Boulevard. The property is currently or formerly owned by Ranchick Corp and is zoned GB. SBL #093.15-1-54. Application #21Z-0055

Appearances by:

Richard Dale – JBP Webster, Inc., 6922 Rush Lima Road, Honeoye Falls, NY 14472

Board / Presenter Comments / Questions / Statements:

Board Member Cinti went over the application and notes he will be in the Sunrise plaza in a previously designated pizza restaurant and asked about changes inside and out.

Mr. Dale said they have painted and will be installing a sneeze guard to be compliance with Monroe County Health Department requirements and the Fire Marshal has been out with some suggestions which Mr. Dale has put in place. There will be no changes to the exterior other than a sign and the permit will be submitted pending the outcome of the Zoning Board meeting.

Ms. Cinti asked about other details i.e. outdoor seating, hours, number of employees and if parking was sufficient.

Mr. Dale said they anticipate maybe next year they would have put two (2) picnic tables outside. He expects to have ten (10) employees with three (3) to six (6) working at any given time depending on how busy they are. The hours will be twelve (12) p.m. to eight (8) p.m. on Sunday, (11) a.m. to eight (8) p.m. Monday through Thursday, and Friday, Saturday eleven (11) to nine (9) p.m. As far as the parking there was a pizza place before so he thinks there will be sufficient parking for them as well. He intends to utilize Door Dash, and Grub Hub services.

Board Member Belgiorno said there has to be room for pedestrians on the sidewalk once outdoor tables are in place.

SEQRA Determination:

Motion Made by: Board Member Cinti and Second by Board Member Belgiorno

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: All Ayes

Application Vote:

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

Vote: All Ayes

3. Kirk Wright/Sign & Lighting Services, PO Box 597, Ontario, NY, 14519 on behalf of Chipotle Mexican Grill requests a determination by the Zoning Board of Appeals under Section 250-15.5 of the Code that new evidence/conditions relating to a previously denied application have significantly changed to an extent that warrants further consideration, and, provided that the Board determines further considerations is warranted, the applicant requests approval for a Special Use Permit for signage under Section 250-10.3-A of the Code to allow a third building-mounted sign 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-0056.

Appearances by ZOOM:

Kirk Wright / Sign & Lighting Services, 530 Route 104, Ontario, NY, 14519
Dan Radman / AIA Design Manager with Chipotle

Board / Presenter Comments / Questions / Statements:

Chairman DeLaus spoke first to reiterate - first the applicant was here last month asking for certain number of signs on their building which was denied. The applicant asked to come back tonight with a change for consideration.

Chairman DeLaus said an applicant cannot come back with same application or one that is only slightly different until one year.

Counsel for the Zoning Board, Pete Weishaar stated that the question the board should consider tonight is:

1. Is there new evidence or have the conditions significantly changed to warrant a new application.

Chairman DeLaus said we will hear the applicant out and give the public opportunity to speak. He asked Mr. Wright to start with why the application tonight is significantly different than last month's application. He asked what the sign is for, if different than last month.

Mr. Radman summed up the differences: the size is reduced by half, original was thirty eight (38) square feet, now it is nineteen point six (19.6) square feet which is half of the proposal from last month. They are using a different sign format from a rectangle to a medallion style which is discreet and smaller but still part of the branding package. There are three (3) differences, it is smaller, it is in a different location and has a different purpose in that it is an identifier for the door, and not for advertisement purposes.

Mr. Radman says the other two signs will identify the restaurant from the main roads, this sign is to identify front door.

Board Member Belgiorno said it was only a month ago, the thrust of original application, we said no to three (3) signs. He feels this is a very visible location and that this request is still for three (3) signs. You can allow anyone to come in to change the size of the sign and they can keep coming back.

Discussion ensued between Board Members.

SEQRA Determination for the whole action:

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: All Ayes

Application Vote:

Motion made by: Chairman DeLaus for the first issue made a motion, that yes, it is significantly different than last months' application for consideration, and Second by Board Member Cinti

Vote:

Chairman DeLaus and Board Members Cinti, Silins - Aye

Board Members Belgiorno and Piston – Nay

Motion made by Chairman DeLaus motion to Approve the second application, and second by Board Member Cinti

Vote:

Chairman DeLaus and Board Members Cinti, Silins, - Aye

Board Members Belgiorno and Piston – Nay

There being no further business the Board adjourned this meeting 7:30 pm.
These minutes were adopted on November 18, 2021.