

Thursday, February 17, 2022 6:30 PM Daniel DeLaus, Chairman presiding Marie Cinti, Town Board Liaison

- I. Call to Order
- II. Approval of Minutes January 20, 2022
- III. Work Session
- IV. Tabled Applications:
 - Application 21Z-0057
 2200 Penfield Road
 Amy Catalano/Vital Signs
 - Application 22Z-0005
 3825 Atlantic Avenue David Garritano
- V. Public Hearing Applications. Opportunities for Public Participation and Board Deliberations Following Each Applicant Presentation.
 - Application # 22Z-0007 1601 Penfield Road Donna DiMarzo
 - Application 22Z-0008
 1371 Penfield Center Road Steven LaFrance
 - Application 22Z-0009
 168 Valley Green Drive
 David and Sarah Song
 - Application 22Z-0010
 1698 Penfield Road
 Matthew Newcomb/Passero Associates
- VI. Executive Session
- VII. Next Meeting: Thursday, March 17, 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 WITH TABLED MATTERS

PLEASE TAKE NOTICE that a Public Hearing will be held on Thursday, February 17, 2022, 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. Donna DiMarzo, 282 Shiftsbury Road, Rochester, NY, 14610 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 (The Pizza Shoppe) at 1601 Penfield Road. The property is currently or formerly owned by Penfield TK Owner, LLC and is zoned GB. SBL #138.08-1-2./PLZA. Application #22Z-0007.
- 2. Steven LaFrance, 2604 Elmwood Avenue, Rochester, NY, 14618, on behalf of David Woodward, requests approval for an Expansion to a Nonconforming Structure under Section 250-7.13 of the Code and an Area Variance under Section 250-14.3 of the Code to allow additions to an existing residence with less front setback than required under Section 250-5.1-F (1) of the Code at 1371 Penfield Center Road. The property is currently or formerly owned by David Woodward and is zoned RA-2. SBL #110.03-1-9. Application #22Z-0008.
- 3. David & Sarah Song, 168 Valley Green Drive, Penfield, NY, 14526 request approval for an Area Variance under Section 250-14.3 of the Code to allow a taller fence than permitted under Section 250-7.1-D of the Code at 168 Valley Green Drive. The property is currently or formerly owned by David & Sarah Song and is zoned R-1-20. SBL #124.20-2-94. Application #22Z-0009.
- 4. Matthew Newcomb/Passero Associates, 242 West Main Street, Suite 100, Rochester, NY, 14614, on behalf of Eagle Cleaners, requests approval for an Area Variance under Section 250-14.3 of the Code to allow a building with less front setback than required under Section 250-5.6-D (3) of the Code and approval for a Special Use Permit for signage under Section 250-10.3-A of the Code to allow a freestanding sign with less setback then required under Section 250-10.12-D of the Code at 1698 Penfield Road. The property is currently or formerly owned by Town Club of Rochester, Inc. and is zoned LB. SBL #139.05-1-52. Application #22Z-0010.

<u>Tabled Matters:</u>

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. David Garritano, 3825 Atlantic Avenue, Fairport, NY, 14450 requests an Area Variance under Section 250-14.3 of the Code to allow a larger detached garage than permitted under Section 250-2.2 of the Code at 3825 Atlantic Avenue. The property is currently or formerly owned by David Garritano and is zoned RA-2. SBL #111.03-1-16. Application #22Z-0005.

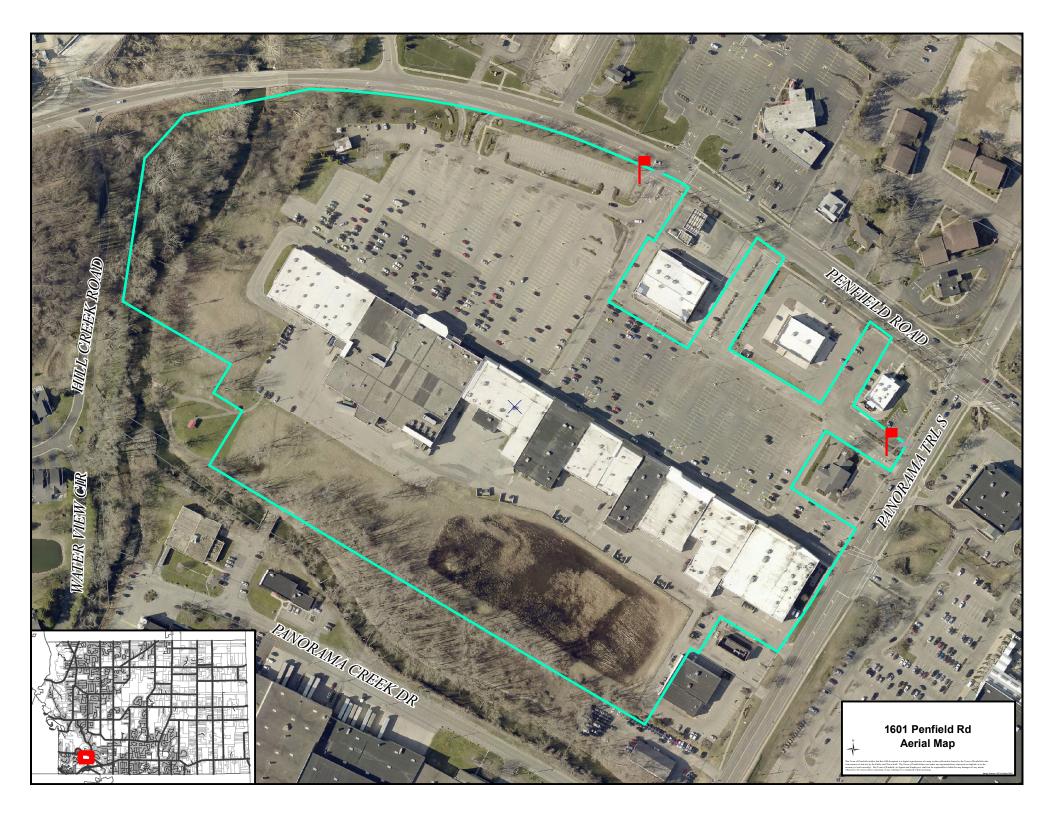
Please contact the Building and Zoning Department with any questions or concerns.

Amy Steklof Town Clerk, RMC/CMC

Public Hearing Application #1

Application # 22Z-0007 1601 Penfield Rd Donna DiMarzo – The Pizza Shoppe

TO WHOM IT MAY CONCERN, I Donna Dimanzo Am opening THE PIZZA SHOPPE IN the former Formo de Laura Location At 1601 PANARAMA PLAZA UNIT #19, It is move in READY SO there ARE NO Chambes OR ALTERATIONS to the PREMISES. THE MENU CONSISTS OF PIZZA, PASTA SALADS, SOUP, MIX. If YOU have ANY OUESHIONS I CAN BE REACHED AT 585. 355-3864 THANKYOU, Dona DiMARZO CONVERD



Public Hearing Application #2

Application # 22Z-0008 1371 Penfield Center Road Steven LaFrance





LETTER of INTENT

1 - 14 - 22

Town of Penfield 3100 Atlantic Avenue Penfield, NY 14526



The intent is to improve the house at 1371 Penfield Center Road by the addition of a covered open wrap-around porch on the north and east sides, and some enclosed finished space on the south side, most of which will be within the required front setback tor this property.

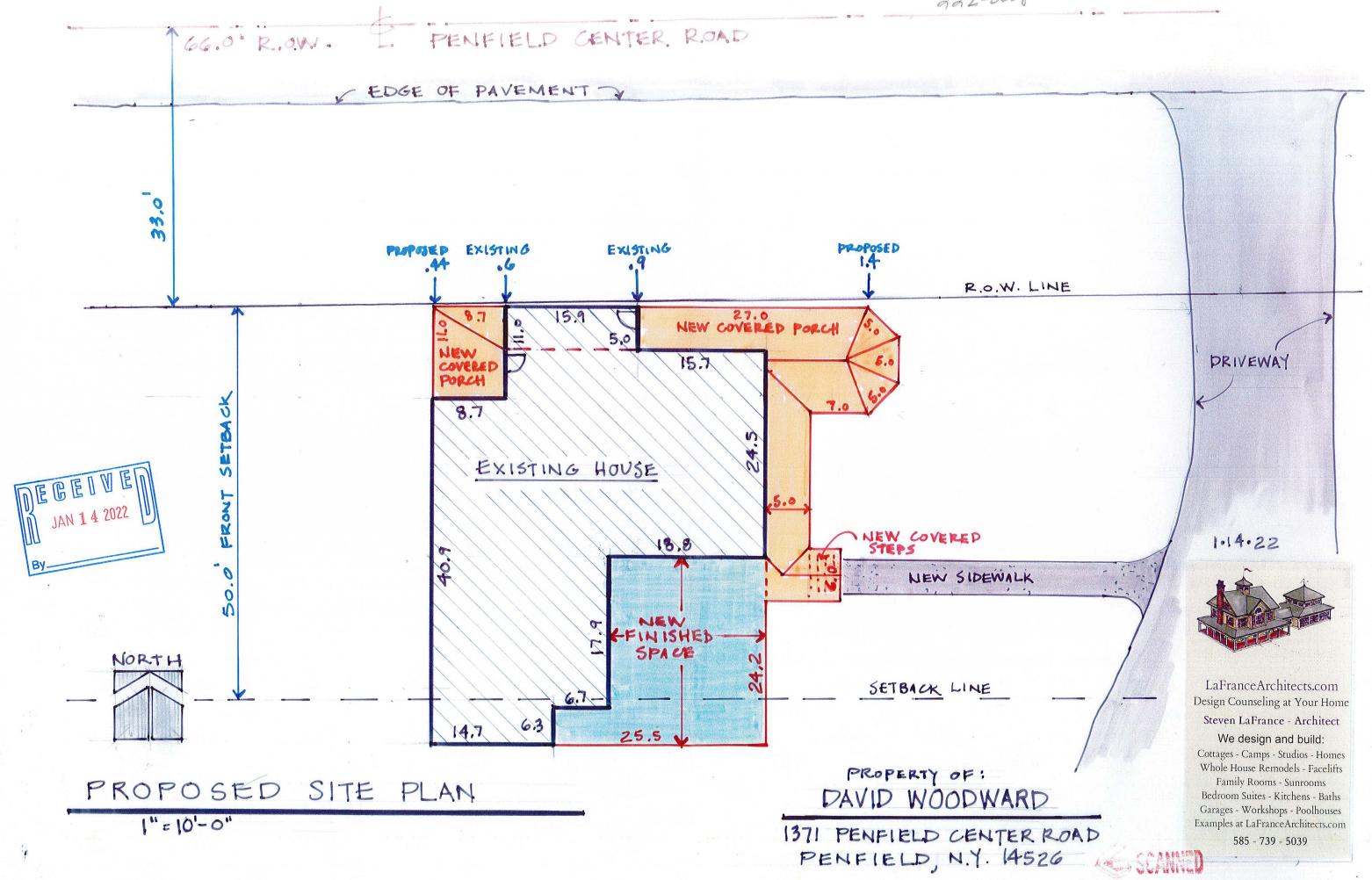
The existing house and adjacent barn are almost exactly on the southern right of way line of Penfield Center Road, and encroach on the front setback.

- 1) The additions will not only not change the character of the neighborhood, it will improve it.
- 2) The porch will provide a roof over the front door, which can't be achieved any other way.
- 3) The proposed area variance is not substantial, though it will substantially improve the looks of the house.
- 4) The proposed area variance won't adversely affect the neighborhood.
- 5) The desire to build the additions and improve the looks and functionality of the house creates the need for an area variance.

Thank you,

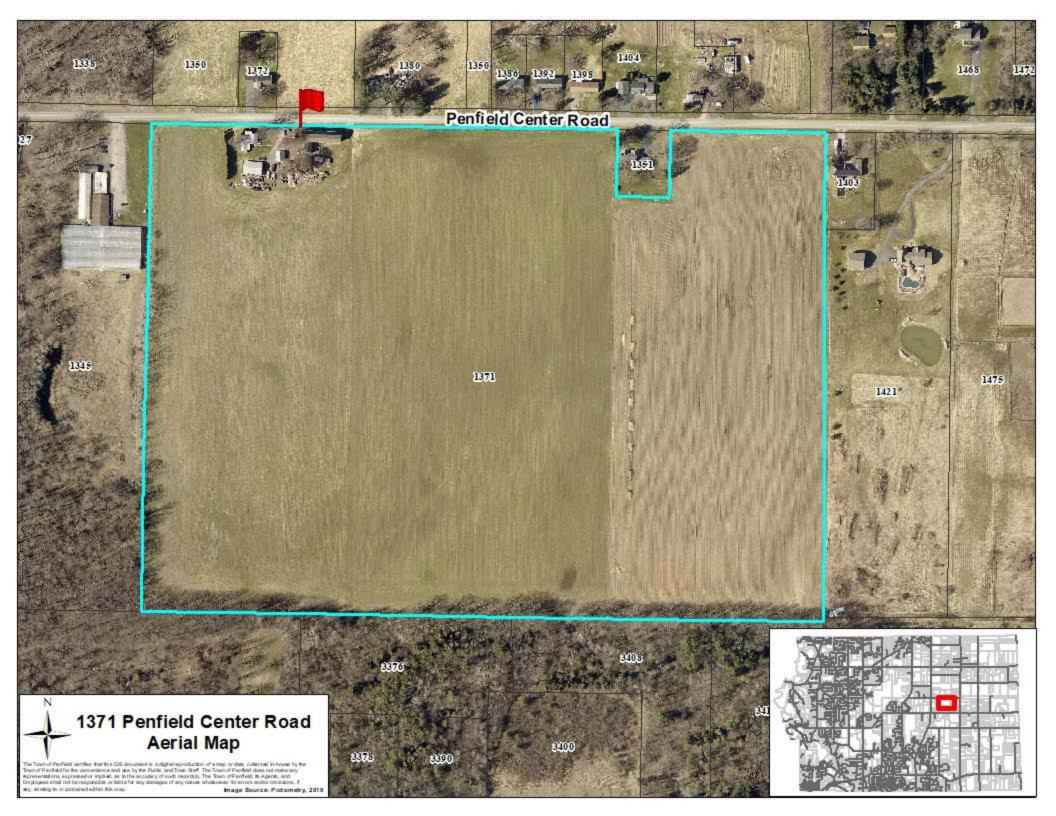
Steven LaFrance - architect











Public Hearing Application #3

Application # 22Z-0009 168 Valley Green Drive David and Sarah Song

David Song

168 Valley Green Dr Penfield, NY 14526 (585) 451-0699 dasong@gmail.com

13th January 2022



Zoning Board 3100 Atlantic Ave Penfield, NY 14526



To Whom It May Concern:

We are requesting a variance to install a 6' fence on the eastern side of our property right up to the easement (30' ft to the center of the street). We do not believe this will introduce a hazard to traffic/visibility as the fence will be far enough away from the near corner of the intersection. The majority of this fence will replace the many tall pine trees that were recently removed. The proposed fence will start at the northeastern corner of the lot and extend approx. 110" south where it will make a 90 degree turn to the garage.

Sincerely,

David Song

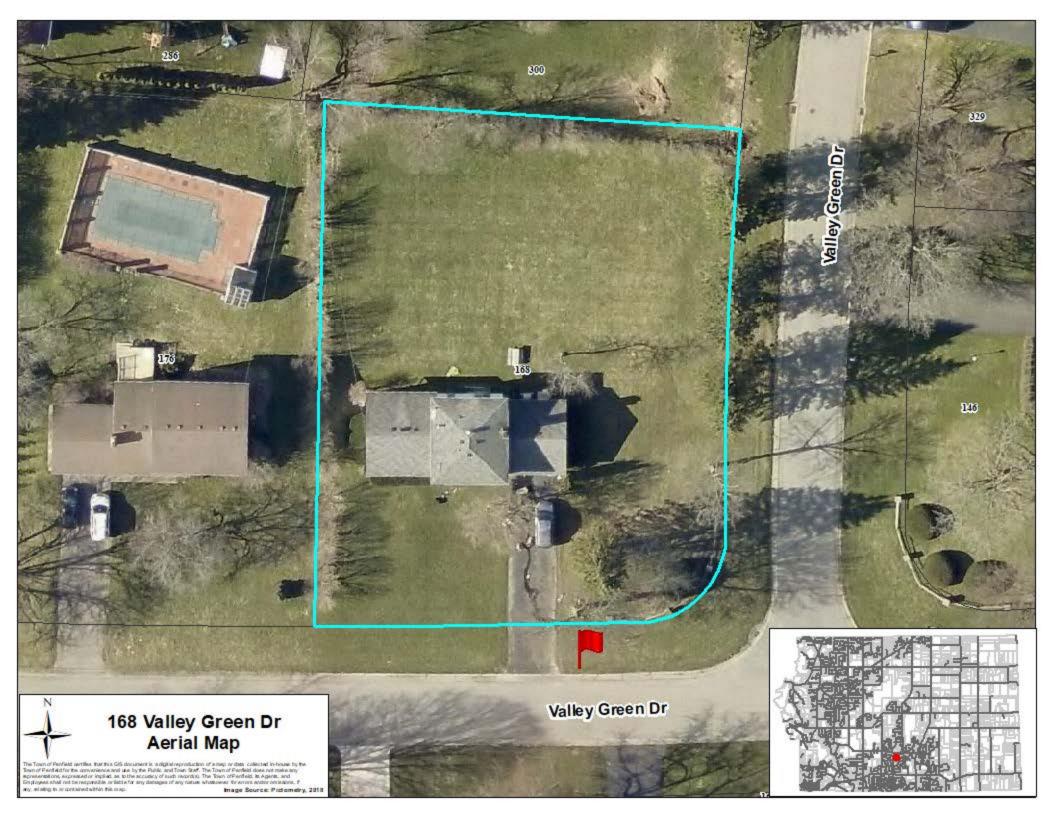


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Lot No. 28 Subdivision V	llag	e Green East, Section III
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Showing Frame, 1 & 2 Story Dwelling; Garage	(40t)	Attached.
Distance as Shown From	. Propo	rty Line Actually Measurod.
Monuments Used: YES NO		[] JAN 1 3 2022
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Rendering of proposed fence for 168 Velley7 Green Drive.







Public Hearing Application #4

Application # 22Z-0010 1698 Penfield Rd Matthew Newcomb/Passero Associates Eagle Cleaners



January 14, 2022

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

RE: Eagle Cleaners Site Redevelopment 1698 Penfield Road (Tax ID: 139.05-1-52) Letter of Intent – Zoning Board Application – Area Variance (Revised)

Dear Zoning Board of Appeals:

On behalf of our client, Eagle Cleaners, we respectfully submit an Area Variance Application for review at the February 17, 2022, meeting of the Penfield Zoning Board of Appeals in consideration of two (2) Area Variance request to:

- Permit a front yard setback of 62.6' instead of the 80' minimum setback required in accordance section 250-5.6D(3).
- Permit a pole sign setback of 4.2' instead of the 20' minimum setback for freestanding business signage and is only 5.9' from the adjacent commercial property, instead of the 25' minimum requirement, in accordance with section 250-10.12D.

Existing Conditions

The existing site is 0.69 acres in size and is located along the north side of Penfield Road between Panorama Trail S. and County Route 441 in the LB – Limited Business Zoning District. This area is characterized primarily by suburban shopping plaza's, suburban offices, and multi-family housing developments. The existing project site includes a +/-3,000-sf suburban commercial building, and 15 vehicle parking lot.

Project Proposal

The proposal is to construct a 5,400-sf, single-story building for a drycleaner. The site includes a parking lot with 25 parking spaces, a refuse containment area, a 20sf and 13.5' tall freestanding business sign, and a building drive-through entry canopy for pick-ups and drop-offs. The existing +/- 3,000-sf, single-story commercial building is not large enough to meet the needs of Eagle Cleaners, and is not outfitted to accommodate their equipment., therefore, the existing building will need to be demolished. Existing site paving and curb cuts will be retained, and an additional area of the site will be paved to create a refuse areas and additional parking spaces for the larger building.

The proposed building has a setback of 80-feet meeting the requirement for building setbacks on this site. The entry canopy protrudes in the minimum setback area by 17.4' requiring an Area Variance in accordance with section 250-5.6D(3). The proposed freestanding business sign is located 4.2' and 5.9' from the property frontage and adjacent commercial property, respectively, not meeting the 20' and 25' setbacks in accordance

with 250.10.12D. Traffic control signage is exempted from permitting in accordance with section 250-10.24, therefore, there are no review requirements for the enter/exit signage proposed at the project site.

Review Considerations

(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 existing neighborhood is defined by commercial strip mall plazas, and suburban retail and office establishments as well as suburban multi-family housing. The existing building and site exhibit the same massing and overall design as other strip retail buildings in the area.

There are 9 properties located in the LB District along Penfield Road. A front yard setback analysis was conducted on all 9 properties located within this zoning district. The Monroe County Parcel Viewer, Google Maps and a visit to the project site were used to calculate approximate front yard setback distances for each building located within the district. Existing properties in this zoning district that do not meet the current zoning setback requirements are highlighted in yellow on the analysis chart below.

#	Address	Tax ID	Property Use	Front Yard Building	Signage Location Setback		Distance from Subject
				Setback	Front*	Adjacent*	property
1	1694 Penfield Rd	139.05-1-53	Retail Plaza	80'	+/- 0'	25'+	23'
2	1675 Penfield Rd	138.08-1-32	Restaurant	86.5'	+/- 5 '	25'+	580'
3	1676 Penfield Rd	139.05-1-56	Tailor Shop	25.5'	+/- 0'	25'+	480'
4	1671 Penfield Rd	138.08-1-33	Wellness Center	86.5'	+/- 18'	25'+	660'
5	1672 Penfield Rd	139.05-1-57	Veterinary Hospital	62'	+/- 5 '	25'+	600'
6	1669 Penfield Rd	138.08-1-34	Retail Plaza	51.5'	N/A	N/A	840'
7	1670 Penfield Rd	138.08-1-30.1	Retail Plaza	72.5'	+/- 15 ′	25'+	800'
8	1660 Penfield Rd	138.08-1-26.1	Car Wash/Gas Station	35'	+/- 60 '	25′+	990'
9	1650 Penfield Rd	138.08-1-24	Restaurant	100'	N/A	N/A	1,350'

^{*}Numbers are a visual approximation based on Google Maps and visitation of the project site.

These findings demonstrate that 5 of the 9 existing properties within the LB District area do not meet the minimum front yard setback of 80-feet. The average front yard setback of buildings within the LB Zoning District along Penfield Road is 66.6-feet. Additionally, 6 of the 7 applicable properties within the district do not meet signage street setback requirements in section 250-10.12D of the Town Code. All other applicable properties were found to meet the commercial property

Eagle Cleaners Site Redevelopment 1698 Penfield Road (Tax ID: 139.05-1-52) Letter of Intent – Area Variance Application (Revised)

distance requirements. In our analysis we determined that a central placement of the proposed sign poses a safety concern. Our team determined that the safest and most logical location for signage with this consideration in mind is at the west side frontage of the property, rather than a central placement between the entry and exit curb cuts. This is a necessary deviation from the code requirements to preserve traffic sight lines in entering and exiting the property.

Since the existing character of the zoning district shows a variation in setback design and a variety of building types and designs it is reasonable to conclude that the proposed building, minor canopy appurtenance, and proposed signage fit within the existing characteristics of the neighborhood and would be compatible with nearby properties

(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.

As part of the due diligence investigation for this project alternatives were considered for the purposes of compliance with the zoning code requirements. Our team determined that pushing the building further back would encroach into the rear yard setback of the building, and that steeper grades at the rear of the building would create engineering challenges leading to project costs that would pose an unreasonable hardship for the applicant. The canopy cannot be changed in size or dimensions as it is functionality of accommodating vehicle idling, circulation, and pedestrian traffic entering and exiting the building requires the proposed size, dimensions and placement. The proposed canopy is an extremely important building asset to the operator and is a feature of the building consistent with their mission of offering the highest quality of service to their patrons.

To make the most efficient use of space, to meet the needs of Eagle Cleaners and create and efficient and safe parking lot for customers, the proposed location of the freestanding business sign is the most logical location for signage. This is echoed on other properties in the area which have placed freestanding signage at similar locations on their properties (listed in the table in the previous section).

(3) Whether the requested variance is substantial.

This Area Variance request is not substantial in terms of the scale of this redevelopment project, existing neighborhood setback considerations, and the design of the building and project site. The entry canopy proposed is not a primary segment of the proposed building, and functions as an accessory feature of the building to serve parking and pedestrian circulation on site. This request is minor in relation to the benefits to the applicant – furthering their ability to offer exceptional service to their customers by supplying a weather protected area to pick-up and drop-off clothing for dry cleaning.

When considering that all properties within the LB District have signage that is similar in setback, location and design to the signage proposed by Eagle Cleaners it is clear to see that the proposed signage is *typical* of the area, rather than an exception. Therefore, an area variance related to signage is not a substantial request.

Eagle Cleaners Site Redevelopment 1698 Penfield Road (Tax ID: 139.05-1-52) Letter of Intent – Area Variance Application (Revised)

The Town of Penfield and its residents will benefit from this project by filling an existing vacant building site with a community-oriented service business that meets all other code requirements and is a permitted use in the LB – Limited Business Zoning District.

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

Penfield Road is a suburban, vehicle-oriented corridor that serves several types of commercial businesses from strip malls, shopping plazas, and individual commercial business sites each having either monument or pole mounted freestanding business signs directly adjacent to the property lot lines. The proposed redevelopment is compatible with the existing physical environment and will not create any adverse physical disturbance to this area.

The construction of a building canopy, not meeting front setback requirements, has no impact on the natural environment. The existing site has previously been developed and is +/-1,000 feet from Irondequoit Creek and a freshwater pond, located south and west of the site, and identified by the New York State Department of Environmental Conservation (DEC) as wetlands or waterbodies in the area. There are no other environmentally significant areas within the vicinity of the project site in accordance with available data from the DEC and further site investigation as part of this proposal.

(5) Whether the alleged difficulty was self-created. Finding that the difficulty was self-created shall not in and of itself preclude the granting of the area variance).

While the front yard setback requirements were considered as part of the design of this project, we believe that the addition of a canopy not meeting the required front yard setback requirements would increase the attractiveness of the building and site and improve internal circulation on site while also meeting the quality-of-service needs of Eagle Cleaners. Additionally, the proposed signage is characteristic of the area and is integrated with the existing suburban streetscape.

The proposed site design is a self-created hardship, but due to the minor scale of the variance requests and the analysis and considerations listed in this report, we believe that a waiver of the setback requirements, as requested, would benefit the business operator, patrons, neighborhood, and the overall design of the site without having any adverse impact to the Town of Penfield or the greater community.

In support of our application, we have enclosed the following:

- (1) Letter of Intent
- (1) Area Variance Application
- (1) Short EAF
- (1) Site Plan
- (1) Building Elevation
- (1) Check for: \$110.00
- (1) PDF of Submission

Eagle Cleaners Site Redevelopment 1698 Penfield Road (Tax ID: 139.05-1-52) Letter of Intent – Area Variance Application (Revised)

We look forward to presenting this application to the Zoning Board at their February 17, 2022, meeting. Thank you for your consideration.

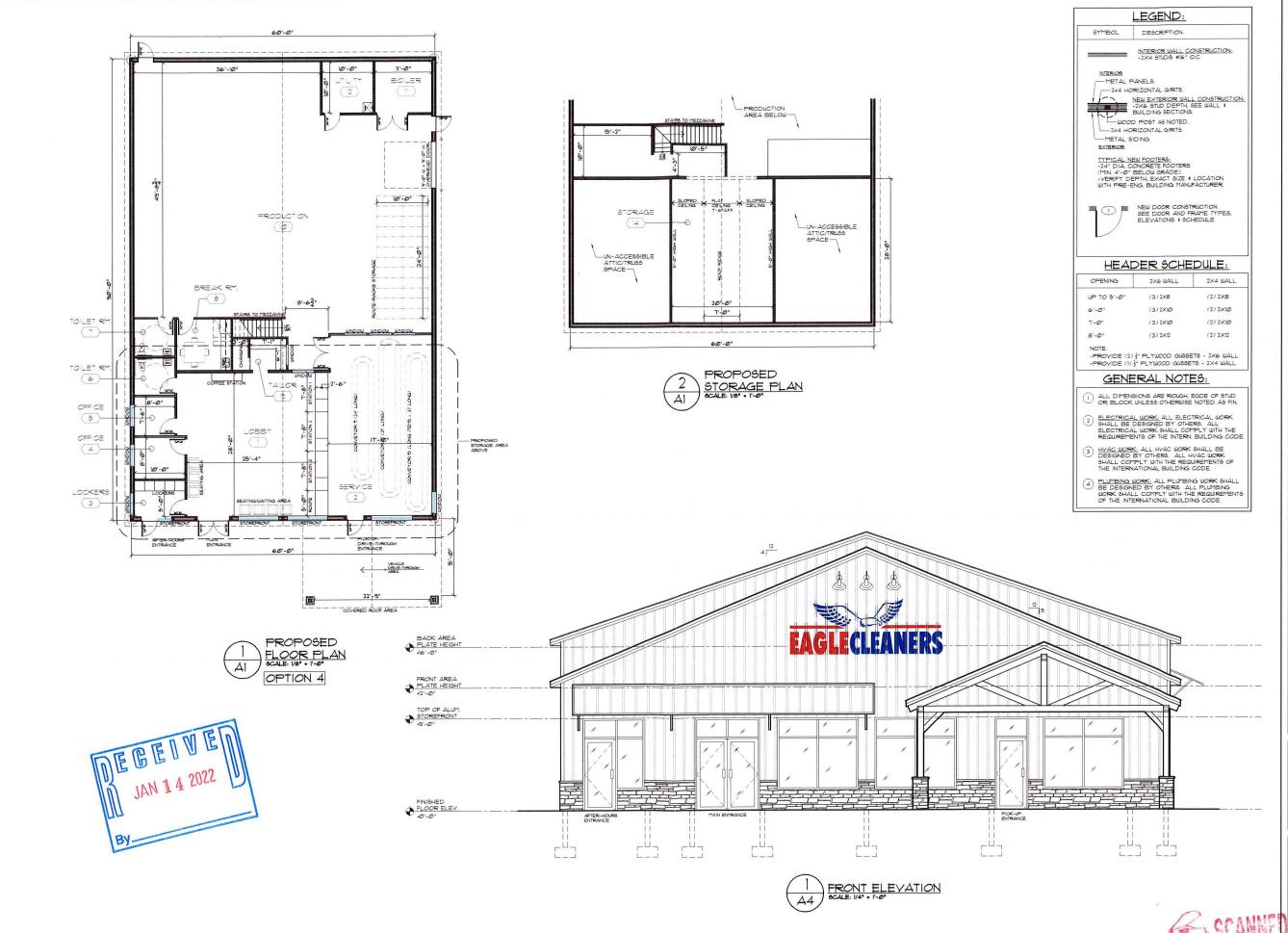
Sincerely,

Matthew Newcomb Project Manager

MNpaf Encs:

CC: File

Eagle Cleaners



HEVISIONS
NO. DATE BY CHED DESCRIPTION



EAGLE CLEANERS

NEW BUILDING
PENFIELD ROAD
PENFIELD, NEW YORK 14526

DATE DRAWN CHECKED III22 GA GA
SCALE AS NOTED
SHEET ITILE
PROPOSED
FLOOR PLAN



Double sided 33"h x 87"w illuminated pole sign, 12" deep cabinet, LED internal illumination, white lexan faces with high performance transulcent vinyl graphics, extruded aluminum framed cabinet painted black. 8" diameter 10'-9"h steel pole set in concrete base per engineered requirements with 0.080 formed aluminum surround.

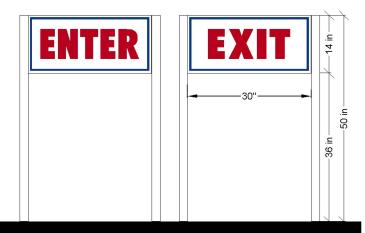


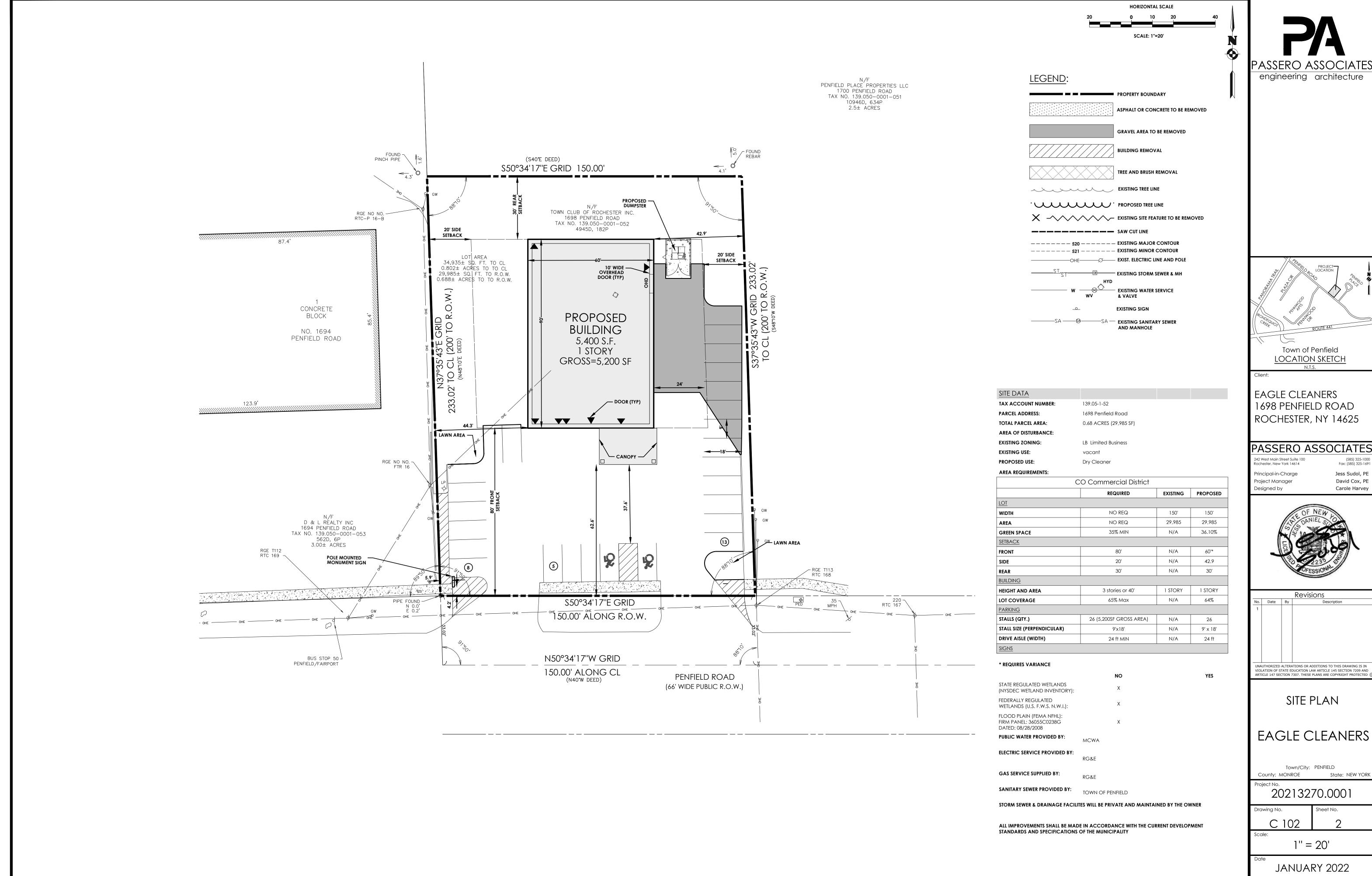
sign area of 33" x 87" equals 20 sf 1698

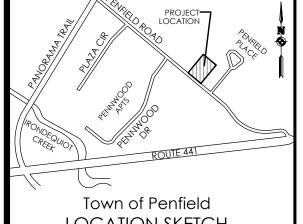
Comparable signs



14"h x 30"w double sided post and panel directional signs. 2.25" square extruded aluminum posts with matching aluminum frame ansd sign panels and vinyl applied graphics







PASSERO ASSOCIATES

State: NEW YORK

