



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

ZONING BOARD OF APPEALS AGENDA

Thursday, May 19, 2022, 6:30 PM
Daniel DeLaus, Chairman presiding
Marie Cinti, Town Board Liaison

- I. Call to Order
- II. Approval of Minutes – April 21, 2022
- III. Work Session
- IV. Tabled Applications:
 1. Application 22Z-0018
153 Highledge Drive
Lisa Wehrle
 2. Application 22Z-0019
1838 Penfield Road
Nixon Peabody LLP
 3. Application 22Z-0025
1800 Empire Boulevard
Betsy Brugg/Woods Oviatt Gilman, LLP
- V. Public Hearing Applications. Opportunities for Public Participation and Board Deliberations Following Each Applicant Presentation.
 1. Application 22Z-0017
1402 Salt Road
Joseph Scofero
 2. Application 22Z-0026
1990 Brandt Point
Kevin Shoemaker
 3. Application 22Z-0027
55 Hilltop Drive
Michael A. Boccuzzi
 4. Application 22Z-0028
3446 Atlantic Avenue
David & Nancy Schillaci
 5. Application 22Z-0030
1800 Empire Boulevard
Betsy Brugg/Woods Oviatt Gilman, LLP
 6. Application 22Z-0031
100 Old Quarry Lane
David/ Brault - Rochester Institute of Technology
 7. Application 22Z-0032
1930 Empire Boulevard
Howard Hanna Real Estate Services

ZONING BOARD OF APPEALS AGENDA

8. Application 22Z-0033
1820 Fairport Nine Mile Point Road
SWBR
9. Application 22Z-0034
2730 Atlantic Avenue
Marathon Engineering – Heritage Christian Services
10. Application 22Z-0035
1900 Empire Boulevard
DiMarco Baytowne Associates

- VI. Executive Session
- VII. Next Meeting: Thursday, June 16, 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, May 19, 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. Joseph Scofero, 1402 Salt Road, Webster, NY, 14580, requests approval for an Area Variance 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 at 1402 Salt Road. The property is currently or formerly owned by Joseph & Kimberly Scofero and is zoned RA-2. SBL #096.03-1-69.21. Application #22Z-0017.
2. Kevin Shoemaker/American Promotional Events, 4003 Helton Drive, Florence, AL, 35630, requests a recommendation of approval for the issuance of an Itinerant Vendor License under Section 162-6-E (1) (b) and Section 162-E (2) of the Code to allow the sales of sparkling devices at 1990 Brandt Point Drive. The property is currently or formerly owned by DiMarco Brandt Point, LLC and is zoned GB. SBL #093.02-1-25.11. Application #22Z-0026.
3. Michael A. Boccuzzi, 55 Hilltop Drive, Penfield, NY, 14526, requests approval for an Area Variance under Section 250-14.3 of the Code to allow a covered patio with less setback than required under Section 250-5.1- F (1) of the Code at 55 Hilltop Drive. The property is currently or formerly owned by Michael A. Boccuzzi and is zoned R-1-15. SBL #139.11-3-17. Application #22Z-0027.
4. David & Nancy Schillaci, 3446 Atlantic Avenue, Penfield, NY, 14526, 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 the reconstruction and enlargement of an existing front porch with less front setback than required under Section 250-5.1-F (1) of the Code at 3446 Atlantic Avenue. The property is currently or formerly owned by David & Nancy Schillaci and is zoned RA-2. SBL #110.04-1-9. Application #22Z-0028.
5. Betsy Brugg/Woods Oviatt Gilman, LLP, 1900 Bausch & Lomb Place, Rochester, NY, 14604, on behalf of Fairlane Dr., LLC requests approval for a Special Use Permit for Signage under Section 250-10.3-A of the Code to allow three freestanding signs whereas a maximum of one freestanding sign is permitted under Section 250-10.12-C of the Code, two freestanding signs with less front setback than required under Section 250-10.12-D of the Code and a billboard sign whereas billboard signs are not permitted under Section 250-10.11-F of the Code at 1800 Empire Boulevard. The property is currently or formerly owned by E.C. Barton & Company and is zoned GB. SBL #093.15-1-57. Application #22Z-0030.
6. David Brault/Rochester Institute of Technology, 100 Old Quarry Lane, Rochester, NY, 14625, requests 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 100 Old Quarry Lane. The

property is currently or formerly owned by Rochester Institute of Technology and is zoned R-1-20. SBL #123.15-1-1. Application #22Z-0031.

7. Howard Hanna Real Estate Services, 217 West Main Street, Rochester, NY, 14614 requests approval for a Special Use Permit for Signage under Section 250-10.3-A of the Code to allow three building signs whereas a maximum of one building sign is permitted under Section 250-10.13-C of the Code with greater total sign area than permitted under Section 250-10.13-B of the Code at 1930 Empire Boulevard. The property is currently or formerly owned by 1930 Empire Blvd Holdings, LLC and is zoned GB. SBL #093.02-1-19. Application #22Z-0032.
8. SWBR, 387 East Main Street, Rochester, NY 14604, on behalf of Penfield Heights, LLC, requests approval for an Area Variance under Section 250.14.3 of the Code to allow a building with greater height than permitted under Section 250-5.12-I (1) of the Code and Table 6.1 of the Penfield Mixed Use Development Manual at 1820 Fairport Nine Mile Point Road. The property is currently or formerly owned by Penfield Heights, LLC and is zoned MUD. SBL #125.01-1-25.1. Application #22Z-0033.
9. Marathon Engineering, 39 Cascade Drive, Rochester, NY, 14614, on behalf of Heritage Christian Services, requests approval for an Area Variance under Section 250-14.3 of the Code to allow an existing detached garage with less setback than required under Section 250-5.1-F (1) of the Code at 2730 Atlantic Avenue. The property is currently or formerly owned by Heritage Christian Services and is zoned R-1-20. SBL #124.01-1-2. Application #22Z-0034.
10. DiMarco Baytowne Associates, LLC, 1950 Brighton-Henrietta Town Line Road, Rochester, NY, 14623, requests approval for a Conditional Use under Section 250-13.3 and Section 250-5.7-C (1) (k) of the Code to allow the operation of a public assembly venue at 1900 Empire Boulevard. The property is currently or formerly owned by DiMarco Baytowne Associates, LLC and is zoned GB. SBL #093.02-1-23.111. Application #22Z-0035.

Tabled Matters:

1. Lisa Wehrle, 153 Highledge Drive, Penfield, NY, 14526 requests approval for an Area Variance under Section 250-14.3 of the Code to allow a front porch roof/portico with less front setback than required under Section 250-5.1-F (1) of the Code at 153 Highledge Drive. The property is currently or formerly owned by Lisa A. Wehrle and is zoned R-1-15. SBL #139.10-3-23. Application #22Z-0018.
2. Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY, 14604, on behalf of Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless requests approval for a Use Variance under Section 250-14.3 of the Code to allow the construction and operation of a tower-based wireless communications facility (TBWCF) whereas Section 250-13.11-B (4) (i) of the Code prohibits TBWCFs within the Four Corners zoning district and an Area Variance under Section 250-14.3 of the Code to allow a TBWCF with less setback than required under Section 250-13.11-B (7) (e) (1) of the Code at 1838 Penfield Road. The property is currently or formerly owned by Penfield Fire District and is zoned FC. SBL #139.06-2-49.1. Application #22Z-0019.

3. Betsy Brugg/Woods Oviatt Gilman, LLP, 1900 Bausch & Lomb Place, Rochester, NY, 14604 on behalf of Fairlane Dr., LLC requests approval for a Special Permit for Signage under Section 250-10.3-A of the Code to allow signage with greater graphics, trademarks or logos than allowed under Section 250-10.11-E of the Code, larger traffic control signs than allowed under Section 250-10.17 of the Code, more building signs than allowed under Section 250-10.13-C of the Code, a larger freestanding sign than allowed under Section 250-10.12-B (1) of the Code with less front and side setback than required under Section 250-10.12-D of the Code at 1800 Empire Boulevard. The property is currently or formerly owned by E.C. Barton & Company and is zoned GB. SBL #093.15-1-57. Application #22Z-0025.

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

Amy Steklof
Town Clerk, RMC/CMC