



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

## ZONING BOARD OF APPEALS AGENDA

Thursday, September 15, 2022, 6:00 PM

Daniel DeLaus, Chairman presiding

Marie Cinti, Town Board Liaison

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- I. Call to Order
- II. Approval of Minutes – August 15, 2022 and August 18, 2022
- III. Work Session
- IV. Tabled Applications:
  1. Application #22Z-0019  
1838 Penfield Road  
Nixon Peabody LLP
  2. Application #22Z-0041  
2070 Empire Boulevard  
Christopher Keipper/Rochester Gas & Electric
- V. Public Hearing Applications. Opportunities for Public Participation and Board Deliberations Following Each Applicant Presentation.
  1. Application #22Z-0045  
12 Stone Hollow Drive  
Timothy W. Dieter
  2. Application #22Z-0048  
1801 & 1787 Fairport Nine Mile Point Road  
Betsy Brugg/Woods, Oviatt, Gilman, LLP
  3. Application #22Z-0049  
1651 Empire Boulevard  
Salvatore Fantauzzo
  4. Application #22Z-0050  
667 Panorama Trail West  
Betsy Brugg/Woods, Oviatt, Gilman, LLP
- VI. Executive Session
- VII. Next Meeting: Thursday, October 20, 2022
- 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 15, 2022, immediately following a work session meeting commencing at 6:00 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. Timothy W. Dieter, 12 Stone Hollow Drive, Penfield, NY, 14526 requests approval for an Area Variance under Section 250-14.3 of the Code to allow a shed with less setback than required under Section 250-5.1-F (12) (b) of the Code at 12 Stone Hollow Drive. The property is currently or formerly owned by Timothy & Susan Dieter and is zoned R-1-20. SBL #094.18-1-33.1. Application #22Z-0045.
2. Betsy Brugg/Woods, Oviatt, Gilman, LLP, 1900 Bausch & Lomb Place, Rochester, NY, 14604 on behalf of PathStone Development Corporation requests an interpretation and appeal under Section 250-14.5-A of the Code of the authorized official's determination that the hard-court flex area, dog park, and pedestrian spine features of the PathStone Mixed Use Development proposed for 1801 & 1787 Fairport Nine Mile Point Road do not qualify as non-residential uses for the purpose of meeting the requirements of Table 6.1 of the Town of Penfield Mixed Use Development Manual. The subject properties are currently or formerly owned by WRM Holdings III, LLC and William Wickham and are zoned MUD. SBL #125.01-1-3.111 & #125.01-1-33.11. Application #22Z-0048.
3. Salvatore Fantauzzo, 1651 Empire Boulevard, Webster, NY 14580 requests approval for a Special Use Permit for signage under Section 250-10.3-A of the Code to allow a larger freestanding sign than permitted under Section 250-10.12-B (1) of the Code with less setback than required under Section 250-10.12-D of the Code at 1651 Empire Boulevard. The property is currently or formerly owned by Fantauzzo Family Brands, Inc. and is zoned LB. SBL #093.19-1-22. Application #22Z-0049.
4. Betsy Brugg/Woods, Oviatt, Gilman, LLP, 1900 Bausch & Lomb Place, Rochester, NY, 14604 on behalf of Durst Image Technology US LLC requests approval for a Special Use under Section 250-14.3 and Section 250-5.5-B (2) of the Code to allow an office building use with loading dock at 667 Panorama Trail West. The property is currently or formerly owned by Hanford Health, LLC and is zoned BN-R. SBL #123.20-2-39.11. Application #22Z-0050.

Tabled Matters:

1. 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.

2. Christopher Keipper/Rochester Gas & Electric, 3 City Center, 180 South Clinton Avenue, Rochester, NY, 14604 requests approval for Area Variances under Section 250-14.3 of the Code to allow the construction of an electrical substation with greater lot coverage than allowed under Section 250-5.6-D (2) of the Code, less setbacks than required under Section 250-5.6-D (3) of the Code, taller fencing than allowed under Section 250-7.1-D of the Code, and less buffer than required under Section 250-7.2-A of the Code at 2070 Empire Boulevard. The property is currently or formerly owned by JJ & A Development, LLC and is zoned LB. SBL #093.02-1-1.121. Application #22Z-0041.

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

Amy Steklof  
Town Clerk, RMC/CMC