



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

ZONING BOARD OF APPEALS AGENDA

Thursday, November 17, 2022, 6:00 PM

Daniel DeLaus, Chairman presiding

Marie Cinti, Town Board Liaison

- I. Call to Order
- II. Approval of Minutes – October 20, 2022
- III. Work Session
- IV. Tabled Applications:
 1. Application #22Z-0041
2070 Empire Boulevard
Christopher Keipper/Rochester Gas & Electric
 2. Application #22Z-0048
1801 & 1787 Fairport Nine Mile Point Road
Betsy Brugg/Woods, Oviatt, Gilman, LLP
- V. Public Hearing Applications. Opportunities for Public Participation and Board Deliberations Following Each Applicant Presentation.
 1. Application #22Z-0053
51 Woodfield Drive
Eric Caron
 2. Application #22Z-0056
8 Sunleaf Drive
John Nersinger
 3. Application #22Z-0057
1601 Penfield Road
Alan Shechter
 4. Application #22Z-0058
2157 Penfield Road
Cutty & Feder LLP
 5. Application 22Z-0059
5 Skimore Lane
James DiBella
- VI. Executive Session
- VII. Next Meeting: Thursday, December 15, 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, November 17, 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. Eric Caron, 51 Woodfield Drive, Webster, NY, 14580 requests approval for an Area Variance under Section 250-14.3 of the Code to allow a private athletic court (batting cage) with less setback than required under Section 250-5.1-F (1) of the Code at 51 Woodfield Drive. The property is currently or formerly owned by Eric Caron and is zoned R-1-20. SBL #108.08-1-1.025. Application #22Z-0053.
2. John Nersinger, 8 Sunleaf Drive, Penfield, NY, 14526 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 8 Sunleaf Drive. The property is currently or formerly owned by John & Carmen Nersinger and is zoned R-1-20. SBL #109.01-2-136. Application #22Z-0056.
3. Alan Shechter, 41 Pebble Hill Road, Fairport, NY, 14450 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 an immersive art experience business 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-0057.
4. Cutty & Feder, LLP, 445 Hamilton Avenue, 14th Floor, White Plains, NY, 10601 on behalf of Volta Charging, LLC requests approval for a Special Use Permit for signage under Section 250-10.3-A of the Code to allow non-static illuminated signage which is not otherwise permitted under Section 250-10.11-A of the Code and billboard signage which is not otherwise permitted under Section 250-10.11-F of the Code at 2157 Penfield Road. The property is currently or formerly owned by Wegmans Food Markets, Inc. and is zoned GB. SBL #139.02-1-2.3. Application #22Z-0058.

WITHDRAWN BY APPLICANT

5. James DiBella, 5 Skimore Lane, Penfield, NY, 14526 requests approval for an Area Variance under Section 250-14.3 of the Code to allow an existing storage building with less setback than required under Section 250-5.1-F (12) (b) of the Code at 5 Skimore Lane. The property is currently or formerly owned by James & Nancy DiBella and is zoned RR-1. SBL #140.02-1-2.1. Application #22Z-0059.

Tabled Matters:

1. 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.

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.

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

Amy Steklof
Town Clerk, RMC/CMC