



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

ZONING BOARD OF APPEALS AGENDA

Thursday, April 21, 2022 6:30 PM
Daniel DeLaus, Chairman presiding
Marie Cinti, Town Board Liaison

- I. Call to Order
- II. Approval of Minutes – March 17, 2022
- III. Work Session
- IV. Tabled Applications:
- V. Public Hearing Applications. Opportunities for Public Participation and Board Deliberations Following Each Applicant Presentation.
 1. Application 22Z-0014
1766 Empire Boulevard
Amira Smajlovic
 2. Application 22Z-0018
153 Highledge Drive
Lisa Wehrle
 3. Application 22Z-0019
1838 Penfield Road
Nixon Peabody LLP
 4. Application 22Z-0020
38 Sunleaf Drive
Kevin Flanagan
 5. Application 22Z-0021
1694 Penfield Road
Aaron Raymer/Upstate Bottle Return, Inc.
 6. Application 22Z-0022
71 Brougham Drive
Todd & Lauren Harrison
 7. Application 22Z-0024
1800 Empire Boulevard
Betsy Brugg/Woods Oviatt Gilman, LLP
 8. Application 22Z-0025
1800 Empire Boulevard
Betsy Brugg/Woods Oviatt Gilman, LLP
- VI. Executive Session
- VII. Next Meeting: Thursday, May 19, 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**

PLEASE TAKE NOTICE that a Public Hearing will be held on Thursday, April 21, 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. Amira Smajlovic, 21 Black Duck Trail, Rochester, NY, 14626, 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 (Billy's Homestead) at 1766 Empire Boulevard. The property is currently or formerly owned by Ranchick Corp and is zoned GB. SBL #093.15-1-54. Application #22Z-0014.
2. 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.
3. 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.
4. Kevin Flanagan, 38 Sunleaf Drive, Penfield, NY, 14526 requests approval for an Area Variance under Section 250-14.3 of the Code to allow a garage addition with less side setback than required under Section 250-5.1-F (1) of the Code at 38 Sunleaf Drive. The property is currently or formerly owned by owned by Kevin & Sara Flanagan and is zoned R-1-20. SBL #109.01-2-121. Application #22Z-0020.
5. Aaron Raymer/Upstate Bottle Return, Inc, 1694 Penfield Road, Rochester, NY, 14625 requests approval for a Special Use Permit under Section 250-14.3 and Section 250-7.20-B (1) of the Code to allow exterior storage containers at 1694 Penfield Road. The property is currently or formerly owned by D & L Realty, Inc. and is zoned LB. SBL #139.05-1-53. Application #22Z-0021.

6. Todd & Lauren Harrison, 71 Brougham Drive, Penfield, NY, 14526 request approval for an Area Variance under Section 250-14.3 of the Code to allow an addition with less front setback than required under Section 250-5.1-F (1) of the Code at 71 Brougham Drive. The property is currently or formerly owned by Todd & Lauren Harrison and is zoned R-1-20. SBL #124.08-1-25. Application #22Z-0022.
7. Betsy Brugg/Woods Oviatt Gilman, LLP, 1900 Bausch & Lomb Place, Rochester, NY, 14604 on behalf of Fairlane Dr., LLC requests approval for Area Variances under Section 250-14.3 of the Code to allow greater lot coverage than allowed under Section 250-5.7-D (2) of the Code and less parking than required under Section 250-7.7-D of the Code. The applicant is also requesting approval for a Special Use Permit for Signage under Section 250-10.3-A of the Code to allow an existing freestanding sign with less 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-0024.
8. Betsy Brugg/Woods Oviatt Gilman, LLP, 1900 Bausch & Lomb Place, Rochester, NY, 14604 on behalf of Fairlane Dr., LLC requests approval for Area Variances under Section 250-14.3 of the Code to allow a building with less front setback than required under Section 250-5.7-D (3) of the Code, greater lot coverage than allowed under Section 250-5.7-D (2) of the Code and less parking than required under Section 250-7.7-D of the Code. The applicant is also requesting 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 Steklouf
Town Clerk, RMC/CMC