

**PENFIELD ZONING BOARD OF APPEALS
NOTICE OF DECISIONS**

PLEASE TAKE NOTICE that a Public Hearing was held on Thursday, August 18, 2022, immediately following a work session meeting commencing at 6:00 PM local time by the Penfield Zoning Board of Appeals to consider each of the following applications. The Board's decisions are as follows:

Public Hearing Applications:

1. Robert Bartz, 6 Hilltop 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 6 Hilltop Drive. The property is currently or formerly owned by Robert John Bartz and is zoned R-1-15. SBL #139.07-3-72. Application #22Z-0043.

APPROVED WITH CONDITIONS

2. Kathleen & Ronald Roncinske, 2196 Carter Road, Fairport, NY, 14450 request approval for an Area Variance under Section 250-14.3 of the Code to allow a front porch with less setback than required under Section 250-5.1-F (1) of the Code at 2196 Carter Road. The property is currently or formerly owned by Ronald & Kathleen Roncinske and is zoned RR-1. SBL #141.01-1-45. Application #22Z-0044.

APPROVED WITH CONDITIONS

3. 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.

RESCHEDULED FOR PUBLIC HEARING ON SEPTEMBER 15, 2022

4. David R. Everett/Whiteman, Osterman & Hanna, LLP, 1 Commerce Plaza, Albany, NY, 12260 on behalf of Chick-Fil-A requests approval for Area Variances under Section 250-14.3 of the Code to allow a building canopy with less setback than required under Section 250- 5.7-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 four building signs whereas a maximum of one building sign is permitted under Section 250-10.13-C of the Code, greater total building sign area than permitted under Section 250-10.13-B of the Code, and signage with greater graphics, trademarks or logos than permitted under Section 250-10.11-E of the Code at 2130 Fairport Nine Mile Point Road. The property is currently or formerly owned by Kerry Ventures Fairport Nine Mile Point Road LLC and is zoned GB. SBL #140.01-2-4.1/PERK. Application #22Z-0046.

APPROVED WITH CONDITIONS

5. David A. Waldarek, 1049 Gravel Road, Webster, NY, 14580 on behalf of Eric & Julia Henrichs requests approval for an Area Variance under Section 250-14.3 of the Code to allow a front porch with less setback then required under Section 250-5.1-F (1) of the Code at 281 Valley Green Drive. The property is currently or formerly owned by Eric & Julia Henrichs and is zoned R-1-20. SBL #124.16-1-51. Application #22Z-0047.

APPROVED WITH CONDITIONS

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.

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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.

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Amy Steklof
Town Clerk, RMC/CMC