

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

PLEASE TAKE NOTICE that a Public Hearing was held on Thursday, October 20, 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. Marathon Engineering, 39 Cascade Drive, Rochester, NY, 14614 on behalf of Blessed Hope Community Church requests approval for an Area Variance to allow the development of a property for a new church building and associated site improvements with less buffer than required under Section 250-7.2-A of the Code at 1280 Creek Street. The property is currently or formerly owned by Blessed Hope Community Church and is zoned LB. SBL #093.15-1-2.115. Application #22Z-0051.

Decision: APPROVED WITH CONDITIONS

Board Vote: DeLaus: Aye
Eichenseer: Aye
Flansburg: Aye
Piston: Aye
Silins: Aye

2. Brent Rothfuss, 1953 Salt Road, Fairport, NY, 14450 requests approval for Area Variances under Section 250-14.3 of the Code to allow an existing residence with less setback than required under Section 250-5.1-F (1) of the Code, and an existing barn that is larger than allowed under Section 250-5.1-F-12 (a) of the Code with less setback than required under Section 250-5.1-F (12) (b) of the Code at 1911 Salt Road. The property is currently or formerly owned by Brent and Floyd Rothfuss and is zoned RA-2. SBL #125.04-1-8.11. Application #22Z-0052.

Decision: APPROVED WITH CONDITIONS

Board Vote: DeLaus: Aye
Eichenseer: Aye
Flansburg: Aye
Piston: Aye
Silins: Aye

3. 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.

Decision: APPLICATION ADJOURN TO NOVEMBER 17, 2022 PUBLIC HEARING

4. Jordan Scharfe, 25 Meadow View Drive, Penfield, NY, 14526 requests approval for an Area Variance under Section 250-14.3 of the Code to allow a porch with less front setback than required under Section 250-5.1-F (1) of the Code at 25 Meadow View Drive. The property is currently or formerly owned by Jordan Alexander Scharfe & Amy Marie Spath and is zoned R-1-15. SBL #139.11-2-1. Application #22Z-0054.

Decision: APPROVED WITH CONDITIONS

Board Vote: DeLaus: Aye
Eichenseer: Aye
Flansburg: Aye
Piston: Aye
Silins: Aye

5. Mauricio Hernandez, 70 Attridge Road, Churchville, NY, 14428 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 (Don Pedro Cantina) 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-0055.

Decision: APPROVED WITH CONDITIONS

Board Vote: DeLaus: Aye
Eichenseer: Aye
Flansburg: Aye
Piston: Aye
Silins: Aye

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.

Decision: CONTINUED TABLED

Board Vote: DeLaus: Aye
Eichenseer: Aye
Flansburg: Aye
Piston: Aye
Silins: Aye

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.

Decision: CONTINUED TABLED

Board Vote:	DeLaus:	Aye
	Eichenseer:	Aye
	Flansburg:	Aye
	Piston:	Aye
	Silins:	Aye

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

Amy Steklolf
Town Clerk, RMC/CMC

FILED
PENFIELD, N.Y.
2022 OCT 21 AM 10:10
AMY M. STEKLOF
TOWN CLERK