

Penfield Zoning Board of Appeals

February 17, 2022 Meeting Minutes

The Zoning Board Work session was held at 6:30 p.m. local time with the meeting immediately following on Thursday, February 17, 2022 in the Auditorium to discuss, in a meeting open to the public, tabled matters and other business that may be before it.

I. Call to Order:

ZBA MEMBER	PRESENT	ABSENT
Daniel DeLaus, Chairperson	X	
Laura Eichenseer	X	
George Flansburg	X	
Matthew Piston	X	
Andris Silins	X	

ADDITIONAL STAFF	PRESENT	ABSENT
Peter Weishaar, Legal Counsel	X	
Endre Suveges, Building Inspector	X	
Kristine Shaw, Secretary to the Board	X	

II. Regarding Minutes from Zoning Board Meeting on January 20, 2022

Motion made by:	To:	Second by:	Board Vote	Y	N
DeLaus		DeLaus	DeLaus	X	
Eichenseer		Eichenseer	Eichenseer	X	
Flansburg		Flansburg	Flansburg	X	
Piston		Piston	X	Piston	X
Silins	X	Approved	Silins	Silins	X

PUBLIC HEARING:

The Chairperson briefly explained the procedures that the Zoning Board would follow during the public hearing, also guidelines to applicants and those members of the audience wishing to speak at the public hearing.

The Chairperson further went on to inform the audience that the Board may deliberate on the applications following the hearing and/or at a future work session. Those applicants and interested persons who wished to stay for the remaining portion of the meeting to listen to any deliberation on each matter are then welcomed to do so.

The Zoning Board Administrator was directed to read the agenda.

NOTE: The following is meant to outline the major topics for discussion during the Zoning Board public hearings. For more detailed information, the reader should ask to listen to the recorded tape of the February 17, 2022 Zoning Board of Appeals public hearing, which is available at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 during regular business hours or listen to the meeting on our website at www.penfield.org.

* As a matter of space saving in writing the minutes let it be known that Chairman DeLaus repeatedly asks before during and after the applications for the public to write or call in their comments. I will enter when there are some and note the comments. K. Shaw-Secretary

Chairman DeLaus welcomed our new board member Laura Eichenseer – recently appointed by the Town Board.

Tabled Item # 1:

1. Amy Catalano/Vital Signs, 764 Ridge Road, Webster, NY, 14580 on behalf of Genesee Valley Physical Therapy requests approval for a Special Use Permit for signage under Section 250-10.3-A of the Code to allow a second building-mounted sign whereas a maximum of one building-mounted sign is permitted under Section 250-10.13-C of the Code at 2200 Penfield Road. The property is currently or formerly owned by Penn Fair Plaza, LLC and is zoned GB. SBL #140.01-1-3.1. Application #21Z-0057.

Continued Tabled

Application Vote:

Motion made by Chairman DeLaus to Table and Second by Board Member Piston

Vote: All Ayes

Tabled Item # 2:

2. David Garritano, 3825 Atlantic Avenue, Fairport, NY, 14450 requests an Area Variance under Section 250-14.3 of the Code to allow a larger detached garage than permitted under Section 250-2.2 of the Code at 3825 Atlantic Avenue. The property is currently or formerly owned by David Garritano and is zoned RA-2. SBL #111.03-1-16. Application #22Z-0005.

Continued Tabled

Application Vote:

Motion made by Chairman DeLaus to Table and Second by Board Member Piston

Vote: All Ayes

1. Donna DiMarzo, 282 Shiftsbury Road, Rochester, NY, 14610 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 (The Pizza Shoppe) 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-0007.

Appearances by:

Donna DiMarzo

Board / Presenter Comments / Questions / Statements:

Board Member Piston summarized that they are going to move a new pizza shop into an existing pizza shop down in Panorama Plaza.

There is adequate parking, ingress, egress.

No live music or entertainment. Hours of operation will be Tuesday through Saturday 11:00 am to 8:00 pm.

The shop is not making any significant changes to the restaurant. They will sell pizza, fresh pasta, and sandwiches.

At this time alcohol will not be sold. There will be interior seating but no wait staff.

SEQRA Determination:

Motion Made by: Board Member Piston and Second by Board Member Silins

Type I Action. Further Action _____

Type II Action, not subject to further review under SEQRA.

Unlisted Action:

Negative Declaration (Action will not result in any significant adverse environmental impacts).

Further Action _____

SEQRA Vote: All Ayes

Application Vote:

Motion made by Board Member Piston to Approve and Second by Board Member Flansburg

Vote: All Ayes

2. Steven LaFrance, 2604 Elmwood Avenue, Rochester, NY, 14618, on behalf of David Woodward, requests approval for an Expansion to a Nonconforming Structure under Section 250-7.13 of the Code and an Area Variance under Section 250-14.3 of the Code to allow additions to an existing residence with less front setback than required under Section 250-5.1-F (1) of the Code at 1371 Penfield Center Road. The property is currently or formerly owned by David Woodward and is zoned RA-2. SBL #110.03-1-9. Application #22Z-0008.

Appearances by:

Steven LaFrance - Architect

David Woodward – 1530 Harris Road, Penfield, NY 14526

Board / Presenter Comments / Questions / Statements:

Board Member Silins went over the application and summarized that the home predates zoning. Mr. Woodward would like to add a new front porch and an addition in the rear of the house which would also require a variance.

Mr. Silins asked about the aesthetics of the addition and home i.e., will he side the addition porch and to match the home? Mr. Woodward stated that over time the whole house will be re-sided. Very little of the porch will expand past the home, just the corner. They will continue the house line and keep it behind the right of way line.

Mr. Silins asked if there was any way to put the addition to the rear and it was explained that the reason for putting it in front is because there is a front entrance in the porch, and delivery people drop things at this door that is not used. They are trying to refocus the house entrance and move the sidewalk, so it becomes obvious as to which door to go to. They want to unify the front of the house with the side, and this will tie everything together. They will not put any lighting that would impede drivers on the street.

They will add more living space with the rear addition. There is no set plan yet for its use. They will still have access from the living room to the area of the porch via the door, but it won't be a focus door.

Board Member Silins noted that no matter what they do, they would need a variance all around the house. The year of this house is approximately 1850.

SEQRA Determination:

Motion Made by: Board Member Silins and Second by Board Member Piston

Type I Action. Further Action _____

Type II Action, not subject to further review under SEQRA.

Unlisted Action:

Negative Declaration (Action will not result in any significant adverse environmental impacts).

Further Action _____

SEQRA Vote: All Ayes

Application Vote:

Motion made by Board Member Silins to Approve and Second by Chairman DeLaus

Vote: All Ayes

3. David & Sarah Song, 168 Valley Green Drive, Penfield, NY, 14526 request 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 168 Valley Green Drive. The property is currently or formerly owned by David & Sarah Song and is zoned R-1-20. SBL #124.20-2-94. Application #22Z-0009.

Appearances by:

David and Sarah Song

Board / Presenter Comments / Questions / Statements:

Board Member Flansburg summarized they would like to put a six (6) foot fence to replace pine trees.

Mr. Flansburg asked why they need a six (6) foot versus a three (3) foot that is allowed.

Mr. Song said that when they moved in to the house one draw to the property was the very tall pine trees. The trees were great for privacy but now they are dying. Two (2) trees were removed last year and six (6) have been taken down this year. They would like to put a six (6) foot fence up to provide the privacy that was lost.

Board Member Flansburg asked if the photo of the fence they have chosen will be like fences already in the neighborhood and asked if they have spoken to their neighbors about the project.

Mr. Song said yes to the fence being similar and they have not had a chance to talk to their neighbors.

Board Member Silins asked if they would be using a survey map. Mr. Song said they do not have one but will get one done if needed.

Chairman DeLaus wanted more information on the placement of the fence due to the house being a corner lot and possible traffic-site distances for drivers.

Mr. Suveges, (ZBA Administrator for Town of Penfield) confirmed the right of way being sixty (60) feet back and if they place the fence in a foot further it will be in far enough.

Mr. Song reminded the Board there used to be the huge pine trees in the same spot and there were no issues with line of site when they were up.

Board Member Flansburg drove out there himself and noted the line of site is sufficient.

SEQRA Determination:

Motion Made by: Board Member Flansburg and Second by Board Member Silins

Type I Action. Further Action _____

Type II Action, not subject to further review under SEQRA.

Unlisted Action:

Negative Declaration (Action will not result in any significant adverse environmental impacts).

Further Action _____

SEQRA Vote: All Ayes

Application Vote:

Motion made by: Board Member Flansburg to Approve with conditions and Second by Board Member Silins

Vote: All Ayes

4. Matthew Newcomb/Passero Associates, 242 West Main Street, Suite 100, Rochester, NY, 14614, on behalf of Eagle Cleaners, requests approval for an Area Variance under Section 250-14.3 of the Code to allow a building with less front setback than required under Section 250-5.6-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 a freestanding sign with less setback than required under Section 250-10.12-D of the Code at 1698 Penfield Road. The property is currently or formerly owned by Town Club of Rochester, Inc. and is zoned LB. SBL #139.05-1-52. Application #22Z-0010.

Appearances by via ZOOM:

Michael and Darlene Nitschke – 259 Lasalle Drive, Webster, NY 14580

Matthew Newcomb - Passero Associates 242 West Main Street, Rochester, NY 14614

Tony Snow – 773 Daventry Circle, Webster, NY 14580

Board / Presenter Comments / Questions / Statements:

Chairman DeLaus summarized that the applicants plan is to move down the street and redevelop and reconstruct the new dry-cleaning facility and the variance is for the awing and a free-standing sign.

Matthew Newcomb – Mr. Nitschke came to them saying they need more space for the cleaners. They had a challenge for the front canopy, but it is within the set back.

They did an analysis of the different businesses, and it is consistent with most of businesses on Penfield Road.

They will use the canopy for a drive up - drive thru scenario, you don't have to get out of vehicle. The height and distance from the right of way is like other businesses in area.

Chairman DeLaus question is are there any issues that need to be addressed regarding safety with the canopy and or the sign?

Mr. Newcomb's opinion is no. They do not want to disturb more property or green space; from a safety perspective he feels there are no concerns.

Board Member Eichenseer had a question about the signs and asked about the free standing and the one on the building. Mr. Snow said the variance is only for the free-standing sign due to the setback.

Board Member Silins asked about the placement. Mr. Newcomb said they are trying to repurpose the existing pavement. If they placed it in the center, there is a sidewalk, and they would have to eliminate a parking space (handicapped).

SEQRA Determination:

Motion Made by: Chairman DeLaus and Second by Board Member Silins

Type I Action. Further Action _____

Type II Action, not subject to further review under SEQRA.

Unlisted Action:

Negative Declaration (Action will not result in any significant adverse environmental impacts).

Further Action _____

SEQRA Vote: All Ayes

Application Vote:

Motion made by: Chairman DeLaus to Approve and Second by Board Member Silins

Mr. Suveges added there is an application in front of the Planning Board which will be a condition for this applications approval.

Vote: All Ayes

There being no further business the Board adjourned this meeting 7:30 pm.
These minutes were adopted on March 17, 2022.