

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

PLEASE TAKE NOTICE that a Public Hearing was held on Thursday, January 19, 2023, 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. David Cox, P.E./Passero Associates, 242 West Main Street, Suite 100, Rochester, NY, 14614 on behalf of Royal Wash Development, LLC requests approval for Area Variances under Section 250-14.3 of the Code to allow the construction of a carwash facility with greater lot coverage than allowed under Section 250-5.7-D (2) of the Code, less setback than required under Section 250-5.7-D (3) 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 a freestanding sign with less setback than required under Section 250-10.12-D of the Code, and two building-mounted signs whereas a maximum of one building-mounted sign is allowed under Section 250-10.13-C of the Code at 1922 Empire Boulevard. The property is currently or formerly owned by 1922 Empire Boulevard, LLC and is zoned GB. SBL #093.02-1-20. Application #23Z-0001.

Decision: TABLED

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

2. Roger Langer/Greater Living Architecture, 3033 Brighton Henrietta Town Line Road, Rochester, NY, 14623 on behalf of Joshua & Olivia Jones requests approval for Area Variances under Section 250-14.3 of the Code to allow an existing residence and proposed additions with less setback than required under Section 250-5.1-F (1) of the Code at 2094 Baird Road. The property is currently or formerly owned by Joshua Jones & Olivia Klein and is zoned R-1-20. SBL #139.07-2-9.12. Application #23Z-0002.

Decision: APPROVED WITH CONDITIONS

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

3. Brian Beaird/E.C. Barton & Company, 2929 Brown's Lane, Jonesboro, AR, 72403 requests approval for a Special 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 allowed under Section 250-10.13-C of the Code at 1800 Empire Boulevard. The property is currently or formerly owned by E.C. Barton & Company and is zoned GB. SBL #093.15-1-57.2. Application #23Z-0003.

Decision: APPROVED WITH CONDITIONS

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

4. Valeriy Poprozhuk, 60 Hampstead Drive, Webster, NY, 14580 requests approval for Area Variances under Section 250-14.3 of the Code to allow an accessory storage building 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, and taller than allowed under Section 250-5.1-F (12) (c) of the Code at 60 Hampstead Drive. The property is currently or formerly owned by Valeriy Poprozhuk and is zoned RR-1. SBL #094.04-1-76. Application #23Z-0004.

Decision: TABLED

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

5. Christian Gascon, 1640 Kennedy Road, Webster, NY, 14580 requests approval for Area variances under Section 250-14.3 of the Code to allow an accessory storage building that is taller than allowed under Section 250-5.1-F (12) (c) of the Code with less setback than required under 250-5.1-F (12) (b) of the Code at 1640 Kennedy Road. The property is currently or formerly owned by Christian & Krista Gascon and is zoned RA-2. SBL #111.01-6-6.212. Application #23Z-0005.

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 Steklof
Town Clerk, RMC/CMC

FILED
PENFIELD, N.Y.
2023 JAN 20 PM 12:03
AMY M. STEKLOF
TOWN CLERK