

**A NOTICE OF PUBLIC HEARING, PENFIELD ZONING BOARD OF APPEALS  
LEGAL NOTICE WITH TABLED MATTERS**

PLEASE TAKE NOTICE that a Public Hearing will be held on Thursday, March 18, 2021, 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.

Unless permitted to take place remotely, the hearing will be held at the Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526.

However, if permitted to do so in accordance with the Governor's Executive Orders, including Executive Order 202.1, which suspended certain provisions of the Open Meetings Law to address the state of emergency related to COVID-19, the March 18, 2021 Zoning Board of Appeals meeting will be held remotely, and in-person public access to the Town Hall facility will not be permitted. As of the date of this public notice, remote meetings are permitted only through March 16, 2021, however, it is anticipated that this date will be extended by further Executive Order. A determination whether the public hearing will take place with in-person participation or only remotely will be posted on the town's website [www.penfield.org](http://www.penfield.org), and will be available by contacting the Building & Zoning Department at (585) 340-8636.

Regardless of whether the public hearing takes place with in-person participation or remotely, this meeting will be video recorded and broadcast LIVE via the town's website [www.penfield.org](http://www.penfield.org), on the Town's Government Access Cable Channel 1303, and on streaming media device: ROKU, Apple TV, and Amazon Fire. Search "Penfield TV" in your device's app store, it is free. If required, the meeting will be later transcribed. For questions regarding video coverage please contact Penfield TV at (585) 340-8661.

For a remote meeting, there will be "public participation" opportunities for each public hearing application listed below. The chairman of the board will announce the appropriate time for public participation for each application. To address the board during the public participation portion of the meeting please call (585) 340-8771 to be connected with Penfield TV, or complete an electronic submission form that will be available on the town's website [www.penfield.org](http://www.penfield.org) the day of the meeting.

Prior to the meeting, the Building & Zoning Department will also accept public comments via email at [building@penfield.org](mailto:building@penfield.org). All public comments sent via email must include name and address for the record, and reference the application number.

Public Hearing Applications:

1. Scott Banister, 10 Fernstone Lane, Penfield, NY, 14526 requests an Area Variance under Section 250-14.3 of the Code to allow an above ground swimming pool with less setback than required under Section 250-5.1-F (13) of the Code at 10 Fernstone Lane. The property is

currently or formerly owned by Scott Banister and Rachel Hochadel and is zoned R-1-20. SBL #124.01-2-10.3. Application #21Z-0005.

2. Kevin Shoemaker/American Promotional Events, 4003 Helton Drive, Florence, AL, 35630 requests a recommendation of approval for the issuance of an Itinerant Vendor License under Section 162-6-E (1) (b) and Section 162-E (2) of the Code to allow the sales of sparkling devices at 1990 Brandt Point Drive. The property is owned by DiMarco Brandt Point, LLC and is zoned GB. SBL #093.02-1-25.11. Application #21Z-0006.
3. Vasilios Trakosis, 657 Kayleigh Drive, Webster, NY, 14580 requests approval for a Conditional Use under Section 250-13.3 and Section 250-5.6-C (1) (a) of the Code to allow the operation of a restaurant at 2014 Empire Boulevard. The property is currently or formerly owned by Joseph Boccuzzi and is zoned LB. SBL #093.02-1-9. Application #21Z-0007.
4. Phil Caldwell/ID Sign Systems, 410 Atlantic Avenue, Rochester, NY, 14609 requests approval for a Special Permit under Section 250-10.3-A of the Code to allow a second building sign whereas a maximum of one building sign is permitted under Section 250-10.13-C of the Code at 75 Panorama Creek Drive. The property is currently or formerly owned by Nalge Nunc International Corporation and is zoned LI. SBL #138.08-1-56.11. Application #21Z-0008.
5. Albert Pelusio/Aveline Properties, LLC, 360 Jefferson Road, Rochester, NY, 14623 requests approval for a Conditional Use under Section 250-13.3 and Section 250-5.7-C (1) (k) of the Code to allow a combination residential/business use at 27 Terrel Drive. The property is currently or formerly owned by Aveline Properties, LLC and is zoned GB. SBL #093.11-1-31. Application 21Z-0009.
6. Daniel Brocht/LaBella Associates, 300 State Street, Suite 201, Rochester, NY, 14614 on behalf of Rochester Institute of Technology requests 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 and approval for a Special Permit under Section 250-10.3-A of the Code to allow larger “No Trespassing” signs than permitted under Section 250-10.22 of the Code at 100 Old Quarry Lane. The property is currently or formerly owned by Rochester Institute of Technology and is zoned R-1-20. SBL #123.15-1-1. Application #21Z-0010.

Tabled Matters:

1. Daniel Safee/Danwins, LLC, 2186 Empire Boulevard, Webster, NY, 14580 on behalf of Southeast Bible Baptist Church requests a Special Permit under Section 250-10.3-A of the Code to allow a freestanding sign with an electronic message reader board which is not permitted under Section 250-10.11-A of the Code at 1850 Fairport Nine Mile Point Road. The property is currently or formerly owned by Southeast Bible Baptist Church, Inc. and is zoned MUD. SBL #125.01-2-59. Application #21Z-0003.

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

Amy Steklof  
Town Clerk, RMC/CMC