

## **A NOTICE OF PUBLIC HEARING, PENFIELD ZONING BOARD OF APPEALS LEGAL NOTICE**

PLEASE TAKE NOTICE that a Public Hearing will be held on Thursday, July 15, 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 July 15, 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 July 5, 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. Gary & Lynn Pino, 39 Mt. View Crescent, Webster, NY, 14580 request an Area Variance 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 at 39 Mt. View Crescent. The property is

currently or formerly owned by Gary & Lynn Pino and is zoned R-1-20. SBL #093.20-1-54.3. Application #21Z-0032.

2. Evan Schutt/Schutt's Apple Mill and Country Store, Inc., 1063 Plank Road, Webster, NY 14580 requests a Conditional Use Permit under Section 250-13.3 and Section 250-5.1-E (1) (k) of the Code to allow a second agricultural events tent at 1068 Plank Road. The property is owned by Martin Schutt and is zoned RR-1. SBL #094.04-1-30.101. Application #21Z-0036.
3. Douglas McAvoy, 6 Katsura Court, Penfield, NY, 14526 requests Area Variances under Section 250-14.3 of the Code to allow two existing storage buildings whereas a maximum of one storage building is allowed under Section 250-5.1-D (4) of the Code and to allow an existing storage building with less setback than required under Section 250-5.1-F (12) (b) of the Code at 2515 Penfield Road. The property is currently or formerly owned by Douglas McAvoy & Vicki Henderson and is zoned RR-1. SBL #140.02-1-29.1. Application #21Z-0037.
4. David & Charcy Schultz, 1735 Gloria Drive, Fairport, NY, 14450 request an Area Variance under Section 250-14.3 of the Code to allow a storage building with less setback than required under Section 250-5.1-F (12) (b) of the Code at 1735 Gloria Drive. The property is currently or formerly owned by Charcy Shultz and is zoned RA-2. SBL #111.03-1-24. Application #21Z-0039.
5. Paul Colucci/DiMarco Baytowne Associates, LLC, 1950 Brighton-Henrietta Town Line Road, Rochester, NY, 14623 requests a Special Permit under Section 250-10.3-A of the Code to allow three building-mounted signs whereas a maximum of one building-mounted sign is allowed under Section 250-10.13-C of the Code 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 #21Z-0040.
6. Alan Rainbow/DiMarco Baytowne Associates, LLC, 1950 Brighton-Henrietta Town Line Road, Rochester, NY, 14623 requests a Conditional Use Permit under Section 250-5.7-C (1) (k) and Section 250-13.3 of the Code to allow outdoor community events at 1970 Empire Boulevard. The property is currently or formerly owned by DiMarco Family Empire, LLC and is zoned GB. SBL #093.02-1-13.1. Application #21Z-0042.
7. Larry DiFlorio, 94 Country Lane, Penfield, NY, 14526 requests 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 94 Country Lane. The property is currently or formerly owned by Larry DiFlorio and is zoned R-1-15. SBL #124.18-1-24. Application #21Z-0043.
8. Elisabeth Vella, 570 Culver Parkway, Rochester, NY, 14609 requests a Use Variance under Section 250-14.3 of the Code to allow a commercial use on single-family residentially zoned property at 44, 50 and 56 Wilbur Tract Road. The properties are currently or formerly owned by Elisabeth Vella and are zoned R-1-20. SBL #108.10-1-1.113, 108.10-1-1.2 and 108.10-1-1.112. Application #21Z-0041.

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

Amy Steklof  
Town Clerk, RMC/CMC