



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

## ZONING BOARD OF APPEALS AGENDA

Thursday, September 16, 2021 6:30 PM

Daniel DeLaus, Chairman presiding

Tony LaFountain, Town Board Liaison

---

- I. Call to Order
- II. Approval of Minutes – August 19, 2021
- III. Work Session
- IV. Tabled Applications
  1. Application 21Z-0045  
1492 Sweets Corners Road  
McMahon LaRue Associates
- V. Public Hearing Applications. Opportunities for Public Participation and Board Deliberations Following Each Applicant Presentation.
  1. Application 21Z-0050  
1343 Fairport Nine Mile Point Road  
Gerald Testa
  2. Application 21Z-0051  
146 Tuscany Lane  
Silvio Fanatauzzo
  3. Application 21Z-0053  
1838 Empire Boulevard  
Kirk Wright/Sign & Lighting Services
- VI. Executive Session
- VII. Next Meeting: Thursday, October 21, 2021
- VIII. Adjournment

*This meeting will be video recorded and broadcast LIVE via the town's website [www.penfield.org](http://www.penfield.org) and the Town's Government Access Cable Channel 1303  
Questions regarding video coverage contact Penfield TV at (585) 340-8661.*

**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, September 16, 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.

Public Hearing Applications:

1. Gerald Testa, 700 Berg Road, Ontario, NY, 14519 requests approval for a Conditional Use under Section 250-13.3 and Section 250-5.6-C (1) (e) of the Code to allow the operation of a construction business and residential use and Area Variances under Section 250-14.3 of the Code to allow an addition with less side and rear setback than required under Section 250-5.6-D (3) of the Code with less buffer than required under Section 250-7.2-A of the Code at 1343 Fairport Nine Mile Point Road. The property is currently or formerly owned by Gerald & Peggy Testa and is zoned LB. SBL #095.03-1-32.2. Application #21Z-0050.
2. Silvio Fantauzzo, 146 Tuscany Lane, Webster, NY, 14580 requests an Area Variance under Section 250-14.3 of the Code to allow a swimming pool with less setback than required under Section 250-5.1-F (1) of the Code at 146 Tuscany Lane. The property is currently or formerly owned by Silvestro N. Fantauzzo & Angela B. Pietropaolo and is zoned RR-1. SBL #094.02-2-52. Application #21Z-0051.
3. Kirk Wright/Sign & Lighting Services, PO Box 597, Ontario, NY, 14519 on behalf of Chipotle Mexican Grill requests approval for a Special Use Permit for signage 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 1838 Empire Boulevard. The property is currently or formerly owned by Lord Stanley NY, LLC and is zoned GB. SBL #093.15-1-58. Application #21Z-0053.

Tabled Matters:

1. McMahon LaRue Associates, 822 Holt Road, Webster, NY, 14580 on behalf of Richard & Mary Montgomery requests an Area Variance under Section 250-14.3 of the Code to allow a larger storage building than permitted under Section 250-5.1-F (12) (a) of the Code at 1492 Sweets Corners Road. The property is currently or formerly owned by Richard & Mary Montgomery and is zoned RA-2. SBL #125.02-1-2.1. Application #21Z-0045.

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

Amy Steklof  
Town Clerk, RMC/CMC