

TOWN OF PENFIELD
 DEVELOPMENTAL SERVICES DEPARTMENT APPLICATION
 340-8642

FOR OFFICE USE ONLY			
Application #	<u>21T-0014</u>	Date Received	<u>10/5/21</u>
Prior #	<u>PT-104</u>		
Application Type	<u>SPECIAL PERMIT</u>	Meeting Date	<u>10/20/21</u>
Jurisdiction	<u>TOWN BOARD</u>	Outcome	_____
SEQR Classification	<u>TYPE II</u>		

PROJECT NAME: OGRE & Friends LLC Special Permit to transfer ownership of 2567 Brauncroft Blvd

PROJECT DESCRIPTION: Request for change of ownership of historic landmark with special permit

LOCATION (Address, Distance & Direction From Nearest Intersection): 2567 Brauncroft Blvd

SBL#: 123.08-1-30 ZONING: R-1-20

APPLICANT: OGRE & Friends LLC

Address: Po Box 528 Fairport NY 14450

Phone: 585-678-6473 Email: Chris@ogrellc.co

AGENT: Chris Ogden

Address: Po Box 528 Fairport NY 14450

Phone: 585 678 6473 Email: Chris@ogrellc.co

PROPERTY OWNER: WYMANE FAMILY WEALTH TRUST, ROBERT WYMANE

Address: 2565 BROWNCROFT BLVD., ROCHESTER, N.Y. 14605

Phone: _____ Email: _____

SIZE OF PROPERTY (in acres): 1.02 ACRES

APPLICATION FOR	AMOUNT	CHECK #
<input type="checkbox"/> Administrative Review		
<input type="checkbox"/> Conditional Use Permit		
<input type="checkbox"/> Incentive Zoning		
<input type="checkbox"/> Site Plan		
<input type="checkbox"/> Subdivision		
<input checked="" type="checkbox"/> Special Permit for Historic Site	<u>\$ 110.00</u>	<u>001002</u>
		Application Fee _____
		Engineering Fees _____
		Development Review Fee _____
		Other _____

DATE: 10/5/21 APPLICANT'S SIGNATURE: Chris Ogden

OGRE & Friends, LLC
c/o Christopher Ogden
PO Box 528
Fairport NY 14450

October 13th 2021

Town Of Penfield
c/o Mr. Costello
3100 Atlantic Ave
Penfield NY 14526

To Town of Penfield,

It is my intention to purchase 2567 Browncroft Blvd, Penfield NY 14526. I am the manager of OGRE & Friends, LLC that has a purchase contract with Mary Wynne as the owner of said property. I plan to continue to operate the property under the currently approved special use conditions as an 11-apartment building. The goal is to continue to be good stewards of the property and neighbor in the Town of Penfield.

I look forward to the opportunity to work with the town through the required processes and am available for questions or concerns.

Christopher Ogden
Member/Manager
OGRE & Friends, LLC
585-678-6473
chris@ogrellc.co

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: OGRE & Friends LLC Special Permit to transfer ownership of 2567 Browncroft Blvd.							
Project Location (describe, and attach a location map): 2567 Browncroft Blvd., Rochester, New York 14625							
Brief Description of Proposed Action: Action involves transferring ownership and operatorship of 2567 Browncroft Blvd. to allow new owner to operate an eleven unit dwelling with a Special Permit from the Town Board.							
Name of Applicant or Sponsor: OGRE & Friends LLC		Telephone: (585) 678-6473 E-Mail: chris@ogrellc.co					
Address: PO 528							
City/PO: Fairport		State: NY	Zip Code: 14450				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">NO</th> <th style="width: 50%; text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">NO</th> <th style="width: 50%; text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		1.2 acres					
b. Total acreage to be physically disturbed?		0 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.2 acres					
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____		NO	YES
		<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Chris Ogden/OGRE & Friends LLC Date: October 5, 2021</p> <p>Signature: <u><i>Chris Ogden</i> Manager OGRE & Friends LLC</u></p>		

NEW BUSINESS

PENFIELD TOWN BOARD RESOLUTION NO. 21T-184

DATE September 22, 2021

BY Councilman Moore

Law & Finance COMMITTEE

NAME Setting a Public Hearing for a Special Permit to Allow the New

Ownership and Operatorship of 2567 Browncroft Blvd. - SBL# 123.08-1-30

- OGRE LLC

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Chapter 250-6.2-1 of the Code, and Town Board Resolution 19T-104 of 2019, to allow for new ownership and operatorship of the historically designated property located at 2567 Browncroft Blvd, located in the R-1-20 zoning district;

NOW, THEREFORE, BE IT

RESOLVED, that the Penfield Town Board is best suited to act as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as "lead agency" pursuant to SEQRA; and be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to the requirements of the State Environmental Quality Review Law; and be it further

RESOLVED, that the Town Board of the said Town of Penfield shall hold a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on October 20, 2021, at 7:00 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Special Permit to allow the change in ownership and operatorship of the historically designated property at 2567 Browncroft Blvd., located in the R-1-20 zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the town as prescribed by Law.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

LaFountain _____

Moore _____

Ockenden _____

BY Councilman Moore

Law & Finance Committee

NAME Approval of Issuance of a Special Permit to Allow the Conversion of a Three (3) Family Residence into Eleven (11) Studio Units Within a Penfield Landmark and Construction of Accessory Garages at 2567 Browncroft Blvd. – SBL# 123.08-1-30 – Mary and Robert Wynne

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Chapter 250-6.2-I of the Code to allow the conversion of an approved three (3) family residence into eleven (11) studio units within a Penfield landmark and construction of accessory garages at 2567 Browncroft Blvd., located in the R-1-20 zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held a public hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 6, 2018 at 7:00 PM on said date, to consider the said application and hear all persons interested on the question of the issuance of a Special Permit to allow the conversion of an approved three (3) family residence into eleven (11) studio units within a Penfield landmark and construction of accessory garages at 2567 Browncroft Blvd, in the R-1-20 zoning district and the public hearing was closed and decision was reserved.

NOW, THEREFORE BE IT

RESOLVED, that the applicant's request for a SPECIAL PERMIT to allow the conversion of an approved three (3) family residence into eleven (11) studio units within a Penfield landmark and construction of no more than twelve (12) accessory garages at 2567 Browncroft Blvd, is hereby GRANTED subject to the following conditions:

1. The applicants shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee; Said Special Permit shall be non-transferable and any future owner shall be responsible for obtaining a Special Permit from the Town Board to continue to use the site for the approved eleven (11) studio units or any other use proposed for the site.

2. The applicants shall be permitted to construct no more than eleven (11) studio units within the residence. Any intent to increase the scope of this proposal shall require modification of the Special Permit approval from the Town Board.

3. The applicants have been granted site plan approval by the Planning Board to construct up to twelve (12) garage units on the site under the premise that the site would support twelve (12) studio units. Since the applicants have modified their building plans to accommodate eleven (11) units, they shall be permitted to construct no more than twelve (12) garage units on site. Three (3) of the units will be constructed in the location where the previous three (3) garage units were removed in 2018, which were attached to the residence. The remaining nine (9) units may be constructed in the location approved by the Planning Board on April 26, 2018. The twelfth unit

will be devoted to storage of personal items supporting the site, such as lawn maintenance equipment, winter maintenance equipment, patio furniture, etc. It shall not be used for tenant storage at any time. Further, since the applicants will utilize the twelfth garage for storage, there will be no need for a storage shed on the premises and none shall be permitted. There shall be no other storage structures permitted on the site in the future. The applicants shall provide adequate on-site parking for all visitors to the site as shown on the approved site plan. All conditions of approval required by the Planning Board shall be in compliance prior to the issuance of a Certificate of Compliance for the proposed garages. In addition, the Historic Preservation Board must grant a Certificate of Appropriateness for the architectural details of the proposed garage units, as well as all remaining exterior improvements that are pending before that Board.

4. The applicants shall be required to install a fence along their southerly property line, as there is currently fencing on the east and west sides of the property. They shall confer with both the Town Board and Historic Preservation Board to determine the most appropriate fence. Said fence shall be approved by the Town Board and Historic Preservation Board prior to the issuance of a Certificate of Occupancy and Certificate of Appropriateness for the residence.

5. The applicants have prepared a lease for the site that places limitation on renters that the Board believes will ensure that the renters will properly maintain and protect the residence and the character of the neighborhood. Any future owners of the subject property will be responsible for maintaining the standards in their leasing arrangements as those that the applicants have proposed in obtaining this approval. A copy of the proposed lease is attached hereto and made a part of this resolution, known as Schedule "A". The applicants, and their successors shall make this Board aware of any intent to lessen the conditions of the attached lease.

6. The applicants propose to install a sign to identify the property as the "Ross Farm". The applicants shall submit a sign package for review and approval by the Town Board and Historic Preservation Board and shall obtain a sign permit from the Building Department upon receiving approval from both boards.

7. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER

RESOLVED, that the applicant's proposal is classified as an Unlisted action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA), and the Town Board, acting as lead agency, has determined that this action will not have a significant effect on the environment based on its findings and conditions of approval.

The Town Board, in granting the Special Permit, does so based on its following findings:

1. The applicants purchased the subject property, which was in pre-foreclosure, on October 11, 2017 and live immediately to the west of the site. They purchased the site to protect the value of their residence, and the general neighborhood, as the property had been vacant and unmaintained for an extended period of time.

2. The applicants invited the Town Board, Historic Preservation Board and town staff to the site on September 21, 2017 to propose the idea of requesting local landmark status for the purpose of requesting the conversion of the three (3) family dwelling to individual studio apartments.
3. The applicants requested and received local landmark status from the Historic Preservation Board on November 2, 2017, and subsequently requested a Special Permit from the Town Board to allow the conversion to twelve (12) studio units. The Historic Preservation submitted a memo to the Town Board on April 12, 2018 expressing its support for the applicants' efforts to preserve the historic structure. The Town Board held a public hearing to address the applicants' proposal on June 6, 2018.
4. The Town Board tabled the matter and had numerous discussions in subsequent work sessions to address the rationale and potential impacts to the neighborhood and the preservation of the historic structure and property. The Board also tabled the matter to allow the applicants to request and obtain site plan approval from the Planning Board for the proposed twelve (12) garages and associated drainage improvements to accommodate the increase in impervious surface on the site. The Planning Board granted site plan approval subject to conditions on April 26, 2018.
5. The Town Board initially supported maintaining the status of the three (3) family dwelling, however, has come to realize that it is not realistic to expect three (3) families to lease the site as it would require leasing one area with six bedrooms, one area with five bedrooms and the third area with one bedroom. The Board determined at its February 27, 2019 work session that it is more logical to allow the applicant to lease individual studio units with restrictive safeguards that will protect the quality of life of each of the tenants, and the neighbors adjacent to, and in close proximity to the site.
6. The applicants had originally proposed twelve (12) studio units in their application, however, at the February 27, 2019 work session, revised the request to eleven (11) units. Their rationale was that the elimination of one unit would provide a common area on the first floor that would allow for access through the building from the front to the rear for the tenants convenience and safety as well as efficient access for emergency response.
7. The Town Board is comfortable with the standards and conditions that the applicants have installed in their leasing agreement for the site (see attached Schedule "A"). They will provide fully furnished units and will not permit smoking, vaping or illegal drugs on the site nor will they permit the use of candles or other flammables. All proposed tenants will be background screened to ensure that they will be acceptable tenants and will not create a nuisance to other tenants or area residents.
8. The applicants will be required to finalize the site plan review process and the Certificate of Appropriateness process for the proposed garages and other proposed exterior improvements currently pending before the Historic Preservation Board prior to the issuance of a Certificate of Occupancy for the residence.

9. The Town Board has granted a non-transferable Special Permit to ensure that any modification of the scope of the applicants' business plan be required to be reviewed by the Town Board and Historic Preservation Board to ensure that any such modification protects the residential and historic character of the subject property and the neighborhood.
10. The proposed use of eleven (11) studio units being installed in the structure, which currently has twelve (12) bedrooms in it, will not be detrimental to adjacent properties as the Town Board, Planning Board and Historic Preservation Board have placed conditions on the applicants to minimize impacts to adjacent property owners and the neighborhood in general. The Town Board, recognizing that the neighbors to the east have fencing along their property line and the applicants have installed fencing along their westerly property line have required buffering (either in the form of fencing or vegetation) on the southerly property line. The Planning Board has required the applicant to install a drainage system on the site to accommodate the proposed increase in impervious surface with the construction of the propose garages and paved access to ensure that no drainage impacts occur to adjacent property owners of the Town's drainage system. The Historic Preservation Board has ensured that the applicants proposed modifications to the residence and the addition of the proposed garages will maintain and not diminish the historic character of the residence or the property, but rather will result in the restoration of the residence prior to its abandonment.
11. The proposed use does not interfere with the lawful enjoyment of adjacent properties and will serve to better buffer them from the property as the proposed garages will be constructed on the east side of the property, buffering the residents to the east from activity on the site. The residents to the south will be buffered from the site either by fencing or landscaping.
12. The proposed use does not diminish the historic character of the structure, but rather provides the applicants with income necessary to assist them to restore, maintain, and preserve its character. To date, the applicants have repointed the basement walls, the chimney, restored all windows to their original condition, have repaired staircases and porches and have repainted all trim on the site to bring the residence to its original condition.
13. The subject property, in both its abandoned state and its restored state have not had an adverse effect on property values in the neighborhood. The Town Board believes that preserving the residence and its property will assist in maintaining property values on a long term basis.

Moved: Metzler

Seconded: Kohl

Vote: Kohl	<u>Aye</u>
LaFountain	<u>Absent</u>
Metzler	<u>Aye</u>
Moore	<u>Aye</u>
Quinn	<u>Aye</u>

JIM M. STERLING
TOWN CLERK

2019 MAR 29 AM 10:56

FILED
PENFIELD, N.Y.

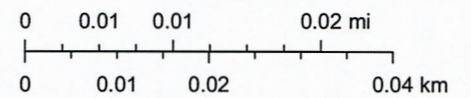
Town of Penfield GIS Map



10/15/2021, 12:32:26 PM

 Parcels

1:1,128



Map data © OpenStreetMap contributors, Microsoft, Esri Community Maps

Town of Penfield
2020, Town of Penfield