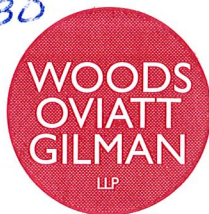




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April 18, 2022

Zoning Board of Appeals
Town of Penfield
3100 Atlantic Avenue
Penfield, New York 14526

**Re: Applications for Area Variances required for site and signage for Proposed Taco Bell and Existing Home Outlet at 1800 Empire Boulevard
ADDITIONAL FREE-STANDING SIGN & SPECIAL USE PERMIT**

Dear Board Members:

This office represents Hospitality Syracuse and its affiliate Fairlane Dr. LLC, the contract purchaser, in connection with the municipal approval process for the proposed development of a Taco Bell restaurant on a portion of the existing Home Outlet property located at 1800 Empire Boulevard in the Town of Penfield. We recently submitted two applications to you in connection with the proposed development of a Taco Bell store on the vacant portion of the existing Home Outlet parcel. The property will be subdivided into two parcels such that one application has been submitted regarding the Taco Bell parcel, and a second application was submitted for the remaining existing Home Outlet. This letter is submitted to supplement the prior submission by adding a third application to propose one additional free-standing for the project that was added to the site plan after the earlier submission, and to make a correction to the earlier two applications.

This letter is forwarded to make a correction to the earlier applications with respect to the proposed signage as the earlier applications addressed signage as requiring area variances. It has been brought to our attention that the signage actually requires special use permit approval in accordance with Town Code Section 250-10.3, not area variances, an important legal distinction. As a result, the number of area variances required for the project is significantly reduced. The proposed signage, including all three applications, satisfies the applicable considerations set forth in the Town Code for the granting of the required special permit approval signs.

As the Board may know, special use permits carry a favorable legal presumption of being permitted, in contrast to a variance, such that the Courts have held that the "...inclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood..." *Retail Property Trust v. Board of Zoning Appeals of Town of Hempstead*, 98 N.Y.2d 190 at 195 (2002). *Matter of North Shore Steak House v Board of Appeals of the Inc. Vil. of Thomaston*, 30 NY2d 238 [1972]; *Gordon & Jack v. Peterson* 230 A.D. 2d 856 (2d Dept. 1996).

The property at issue is a unique in its location and configuration, with fronts on both Empire Boulevard and Creek Street, where the two streets are converging towards a point of their intersection. It sits opposite the Delta Sonic in the area approaching the busy commercial intersection of Empire Boulevard and Creek Street and Baytown Plaza. The site sits between the Tim Hortons and Chipotle developments. The property is visible to fast moving traffic in multiple directions in the busy commercial area. The area is a commercial center with area businesses having extensive commercial signage, such as the Delta Sonic opposite the site on Empire Boulevard.

For Home Outlet, the existing site orientation and layout present the back of the building and a solid fence concealing outside storage along Creek Street, such that the business has an awkward presence and is not identifiable from Creek Street. At the same time, to provide safe and appropriate access to the proposed Taco Bell, the two businesses will share a driveway entrance on the Home Outlet parcel on Creek Street. Taco Bell requires signage at the Creek Street driveway to identify the off-site driveway and help customers navigate and safely access their site from the remote driveway. The Taco Bell is a small four-sided building designed to accommodate a double drive through. The building entrance is on the side of the building. The business is visible from multiple directions.

In addition to the signage described in the earlier applications submitted, we are now proposing a shared free-standing sign to address the challenges of both Home Outlet and Taco Bell with respect to identification from Creek Street. The proposed free-standing sign is 33.1 square ft. in size (where Code allows 20 square ft. for a sign per Section 250-10.12(B)(1)). The Home Outlet parcel will, together with the existing free-standing sign on Empire Boulevard, have two free-standing signs, one on each frontage (where Code allows one on the lot per Section 250-10.12(C)). The Taco Bell will then also have a second sign located on the adjacent Home Outlet parcel, to coincide with the driveway location which is on a separate parcel from the Taco Bell. Finally, the sign will have a front setback of 8 ft. (where Code requires 20 ft. per Section 250-10.12(D)).

As corrected, we are requesting special use permit approval for all the signage requiring approval and described in the three applications submitted. We are confident that the signage satisfies the criteria for the granting of special use permit approval, as addressed below.

SPECIAL USE PERMIT STANDARDS

The applicant satisfies the standards for the granting of the required special use permit as set forth in Town Code Section 250-10.3.

(1) The proposed sign is in harmony with the standards for permitted signs and within the spirit of this article.

The signage proposed for the project is consistent with the standards in large part and spirit of the sign regulations, in that the signs serve the purposes intended by the signage regulations. The deviations are described in the three-applications, and all serve the purpose of properly identifying the two uses given the unique location and configuration of the properties, providing information to assist drivers in making timely and safe driving decisions while on the road traveling the busy commercial area and intersection. Comparable commercial signage has been approved in the area, such as at Delta Sonic, Baytown Plaza, McDonalds, Citizen's Bank, etc...

Approval is required to allow a second free-standing sign on the Home Outlet parcel, for the proposed front setback on Creek Street, and for the size of the sign. All of these elements are appropriate and discreet in nature given the context and specific conditions of the site. The additional free-standing sign on Creek Street is consistent with other signage in the area, including Baytown Plaza and appropriate for a site with two uses- one of which has its back on Creek Street and is screened by a solid fence, having two frontages and shared access. The proposed sign is in the appropriate location that functions to serve the driving public and provide useful information to drivers making decisions on the road, to identify the Home Outlet and the off-site entrance to the adjacent Taco Bell parcel.

Having a second free-standing sign, its size, location at the Creek Street curb cut and its setback are appropriate for the unique conditions of the property and the uses of the property, while also being consistent with the character and nature of retail signage throughout the area. The setback and location do not obstruct driver views, and is the optimal location to identify the driveway while also not interfering with the needed parking on site.

Approval was requested in two previously submitted applications for certain site signage incorrectly identified as variances and now addressed in this letter as special use permits, including the north side setback of the existing Home Outlet sign on Empire Boulevard (resulting from the proposed subdivision), the size, and front and side setbacks of a proposed free-standing sign for the Taco Bell on Empire Boulevard, the number of on-building signs (to be 5 where Code provides for 1), to allow the sign on the south façade to be a Taco Bell logo graphic (exceeding the Code maximum of 50% logo on a sign), and to allow the traffic control/directional signs to be 4 square ft. (where Code allows 2 square ft.), to include the identifying Taco Bell logo.

The existing Home Outlet sign requires approval only because of the subdivision of the lot into two, creating a non-compliant side setback to an "invisible" property line. The front and side setback for the proposed Taco Bell sign is consistent with the Home Outlet sign and is in an appropriate location that does not interfere with traffic or any neighboring property. The size is consistent with other commercial signage in the area. The ability for passing drivers to read the proposed text on the sign is important to the business operation and sales. The on-building signs

identify the business from multiple directions on the four-sided building and complements the architectural features of the building. The logos are recognizable to drivers and help drivers to find and not miss the site while approaching in traffic, and to maneuver the drive-through once on-site.

Taco Bell will have a four-sided building visible from vehicles around the site and from multiple streets and directions. The building is not a standard prototype, lacking the identifiable branding, such that the signage and logos provide important brand identification that informs traffic as drivers swiftly travel the area. The signage is placed on the walls to fit with the architectural design and tower elements, identify the entrance, and provide visibility for traffic from on and off-site. Similar signage has been approved for other businesses in the surrounding area.

(2) The proposed sign shall be compatible with and not be detrimental to neighborhood properties.

The property is in a commercial area characterized by comparable signage, such that the signage proposed will blend into and not dominate the area. The proposed signage is not excessive for the commercial neighborhood context or for the specific property, which has two frontages and two uses sharing an access point on Creek Street. The second free-standing sign on Creek Street will assist drivers to safely identify and access both the Home Outlet and Taco Bell sites without any detrimental impact.

The setback for the existing Home Outlet sign is discreet in nature in that the property line from which it is measured is not visible to the public. The proposed free-standing Taco Bell sign also fits and is consistent with signage in the neighborhood, including the existing Home Outlet, and it helps to identify the site without detriment to any property. If anything, the ability to identify the Taco Bell location easily will enhance traffic safety.

The proposed wall signs and the use of logos are compatible with other signage in the area and will not be detrimental in any way. The type and amount of signage is consistent with signage throughout the area, which includes Delta Sonic- with more signage- and McDonalds. The brand identification helps drivers to make decisions while driving and to locate the Taco Bell given the size and location of the store, the pace of traffic, and number of other area restaurants. The directional signage, including logos, advances on-site traffic circulation.

(3) The proposed sign does not, by reason of its location, create a hazard of any nature to the public in general or to any owner or occupant of neighborhood properties.

The location of the free-standing sign as proposed on Creek Street does not create any such hazard whatsoever. The sign benefits traffic safety, identifying the shared driveway entrance, informing the public that the Taco Bell entrance is on the adjacent parcel, and

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identifying the Home Outlet which backs to and is otherwise screened from view on Creek Street. The setback is appropriate for the site location and configuration.

The existence and location of the existing free-standing sign for Home Outlet and the proposed free-standing sign for Taco Bell on Empire Boulevard are similarly helpful to travelers on fast paced Empire Boulevard while being consistent with the character of the neighborhood.

The location of the wall signs and logos also will have no hazardous impact. The wall signs are part of the aesthetic of the architecture. Directional signage is intended to help customers access and maneuver the site and drive through safely and improve traffic circulation.

(4) The proposed sign does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties.

None of the proposed signage interferes with the use or enjoyment of any highway or neighboring property. The signage is designed for the unique location, configuration, and orientation of the site, as well as the Taco Bell architecture, use and drive through requirements. The proposed free-standing sign on the Creek Street frontage serves a traffic safety function to identify the access to the site and serves needs of both businesses, identifying the off-site entrance to the Taco Bell and providing needed identification for the existing Home Outlet site.

The existing Home Outlet free-standing sign and proposed Taco Bell free-standing sign will similarly not interfere with any use of the public highway or any neighboring property in any way. The Home Outlet sign is existing and not changing. The Taco Bell sign is appropriate for the site and will not impact neighboring property. The signage is consistent with the neighborhood character.

The wall signs and logos similarly will not interfere with the lawful use or enjoyment of any highway or neighboring property. The number and placement complement the architecture and allow identification from multiple directions given the unique location and access to the site. The logo is well-known and effectively identifies the building entrance to customers. The logos on the direction signs support the drive through operation and traffic circulation.

(5) Where applicable, the proposed sign is necessary to adequately identify the business(es).

The signage proposed is needed to identify the businesses from multiple directions, to assist drivers on the road in accessing the sites and for traffic circulation on-site, and for aesthetics. The shared Creek Street sign is needed to address the challenges of both Home Outlet and Taco Bell. Home Outlet is not easily recognized or identified from Creek Street because of its orientation and conditions along Creek Street. The store has outside storage and a solid fence along Creek Street, such that the business is largely screened from view. A sign is also needed

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Zoning Board of Appeals

Town of Penfield

ZBA Applications-1800 Empire Boulevard-SUPPLEMENT TO LETTER OF INTENT
ADDITIONAL FREE STANDING SIGN & SPECIAL USE PERMIT

Page 6

help drivers identify the off-site entrance for the Taco Bell site, and to make safe and timely decisions while driving the busy commercial area.

The free-standing signs for Home Outlet and Taco Bell are important to providing identification to passing traffic, as they support the ability of drivers to identify the businesses and available services, and to make timely decisions while driving. The setbacks have no adverse impact and fit the site plans.

The wall signs and logos are also necessary. The store fronts on two streets and has wider visibility from multiple directions both on and off-site. The building is also four-sided, such that that signage and brand logos complement the corner towers, identify the building to traffic on the roads from multiple directions and identify the building entrance. Directional signage advances traffic circulation and safety.

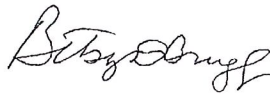
We respectfully request that the Board grant approval of the signage proposed in all three applications submitted in connection with the Taco Bell & Home Outlet.

We look forward to presenting the project and all three applications to you at your next Zoning Board of Appeals meeting. In the interim, should you have any questions or require any additional information, please do not hesitate to contact me at any time.

Thank you very much for your consideration.

Very Truly Yours,

WOODS OVIATT GILMAN LLP



Betsy D. Brugg

Enclosures

c: Mike McCracken, Hospitality Syracuse
Stephanie Albright, APD Engineering & Architecture

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RECEIVED
 APR 18 2022
 By 222-0030



Issued:	Date:
A) Town of Penfield	03/01/22
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Revisions:	Date:
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FOR APPROVAL
 ONLY NOT FOR
 CONSTRUCTION

Seal Seal
 CIVIL ENGINEER OF RECORD
 Name: Stephanie L. Albright
 New York License No.: 087051
 Exp. Date: December 31, 2023
 Firm Reg. No.: 0014815
 Exp. Date: December 31, 2023

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 A P D Engineering & Architecture PLLC
 615 Fishers Run Victor, NY 14564
 585.742.2222
 Drawing Alteration
 It is a violation of law for any person, unless acting under the direction of licensed Architect, Professional Engineer, Landscape Architect, or Land Surveyor to alter any item on this document in any way. Any licensee who alters this document is required by law to affix his or her seal and to add the notation "Altered By" followed by his or her signature and the specific description of the alteration or revision.
DO NOT SCALE PLANS
 Copying, Printing, Software and other processes required to produce these prints can stretch or shrink the actual paper or layout. Therefore, scaling of this drawing may be inaccurate. Contact Engineer of Record with any need for additional dimensions or clarifications.

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Hospitality Syracuse, Inc.
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 315-481-7625

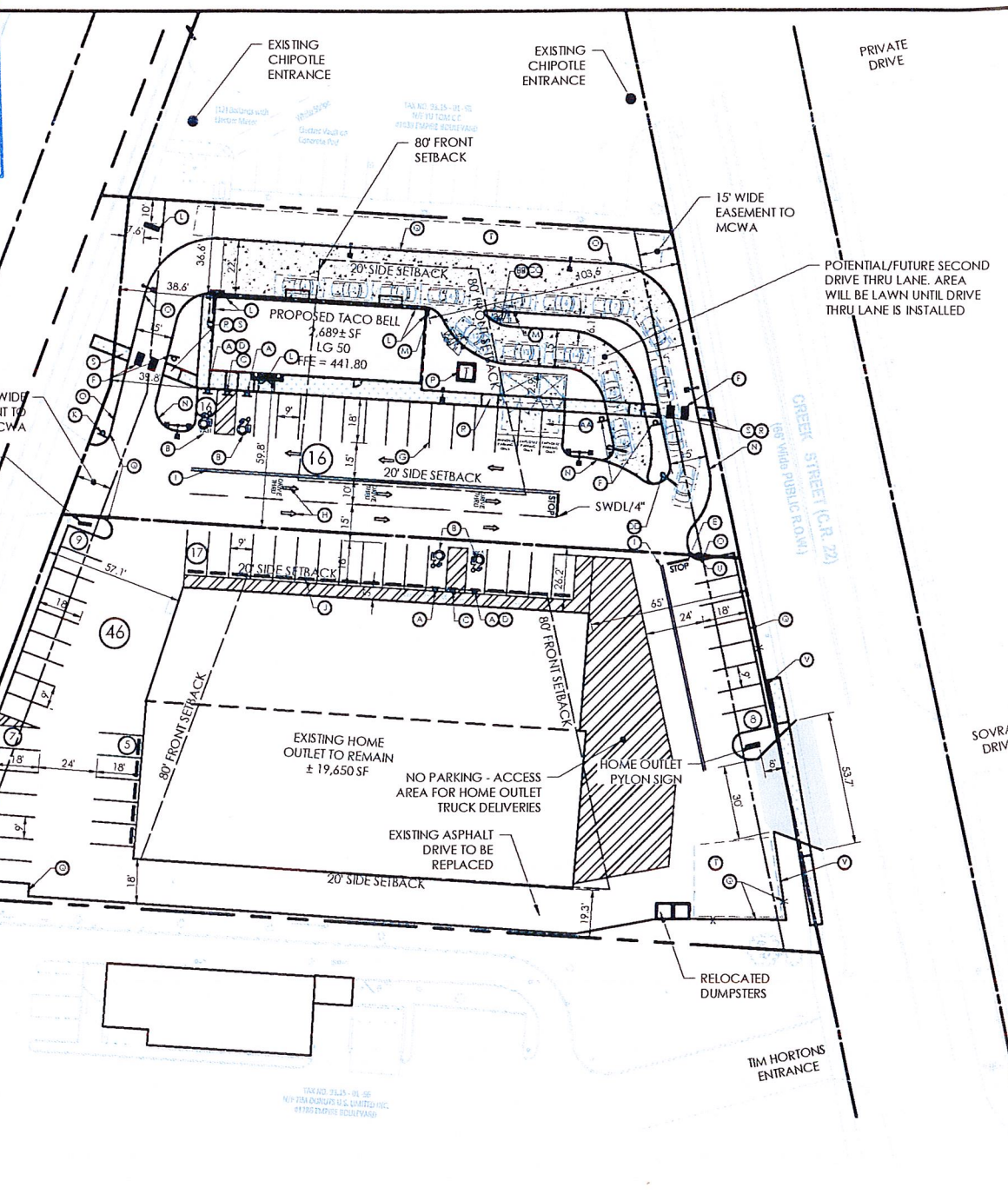
Taco Bell - Penfield, NY
 Empire Blvd, Webster NY 14580
 Town of Penfield, NY
 Monroe County
 Project Name & Location:

Details Sheet
 (Sheet 5 of 5)
 Drawing Name:

Date: 12/13/21	Project No.
Type: LG 50	19-0124
Drawn By: SLA	C10
Scale: N.T.S.	Drawing No.

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 APR 18 2022
 By 222-0030



- SITE LEGEND:**
- (A) ACCESSIBLE PARKING SIGN, POST & BOLLARD (REFER TO DETAIL)
 - (B) PAINTED ACCESSIBLE PARKING SYMBOL (REFER TO DETAIL)
 - (C) "NO PARKING ANY TIME" SIGN, POST & BOLLARD (REFER TO DETAIL)
 - (D) "VAN ACCESSIBLE" SIGN (REFER TO DETAIL)
 - (E) STOP SIGN, PAINTED STOP BAR, & "STOP" LETTERING (REFER TO DETAIL)
 - (F) PEDESTRIAN CROSSWALK & CROSSING SIGNS (REFER TO DETAIL)
 - (G) SYSL/4" PARKING STALL STRIPING
 - (H) PAVEMENT MARKINGS - ARROWS (REFER TO DETAIL)
 - (I) PAVEMENT MARKINGS - CENTERLINE (DYSL/4")
 - (J) WHEEL STOPS (REFER TO DETAIL)
 - (K) TACO BELL EXIT SIGN (PROVIDED BY SIGN VENDOR)
 - (L) TACO BELL LOGO SIGN (PROVIDED BY SIGN VENDOR)
 - (M) BOLLARDS (REFER TO ARCH. PLAN DETAIL)
 - (N) CONCRETE CURB (REFER TO DETAIL)
 - (O) TRANSITION CURB (REFER TO DETAIL)
 - (P) TRANSFORMER PAD, INSTALL PER ELECTRIC COMPANY REQUIREMENTS. INCLUDE BOLLARDS AS NECESSARY.
 - (Q) EDGE OF PAVEMENT
 - (R) ADA RAMP (REFER TO DETAIL)
 - (S) DETECTABLE WARNING (REFER TO DETAIL)
 - (T) SNOW STORAGE AREA
 - (U) "DO NOT BLOCK INTERSECTION" SIGN (REFER TO DETAIL)
 - (V) BOARD ON BOARD FENCE (REFER TO DETAIL)
 - (AA) CONCRETE DUMPSTER PAD (REFER TO ARCH. PLANS)
 - (BB) MENU BOARD (REFER TO DETAIL)
 - (CC) SPEAKER BOX (REFER TO DETAIL)
 - (DD) CLEARANCE BAR (REFER TO DETAIL)

- ABBREVIATIONS:**
- 1. SWDL/4" - SINGLE WHITE DASHED LINE / 4" WIDE
 - 2. DYSL/4" - DOUBLE YELLOW SOLID LINE / 4" WIDE EACH
 - 3. TYP. - TYPICAL
 - 4. P.D.C. - PROTECT DURING CONSTRUCTION
 - 5. SF - SQUARE FEET

- REFERENCE:**
1. 1343-16BASE.DWG, PRELIMINARY ALTA-NSPS LAND TITLE SURVEY, LAST REVISED ON DECEMBER 10, 2021, PREPARED BY MCMAHON LARUE ASSOCIATES, P.C.
 2. CONNECTEXPLORER ONLINE ORTHOGRAPHIC HI-RES IMAGERY BY EAGLEVIEW.

Graphic Scale: 1"=30'

AS REQUIRED BY NEW YORK STATE LAW, CONTRACTOR SHALL CONTACT "DIG SAFELY NEW YORK" (UFO) @ 1-800-962-7962 FOR LOCATION STAKE-OUT OF ALL UTILITIES, AT LEAST 2 FULL WORKING DAYS PRIOR TO ANY EXCAVATION.

LEGEND OF EXISTING FEATURES
 REFER TO THE SURVEY PREPARED BY MCMAHON LARUE ASSOCIATES, P.C.

LEGEND OF IMPROVEMENTS

- BACK OF CURB / FACE OF CURB
- FACE OF CURB/BACK OF CURB
- SUBJECT PARCEL PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- PROPOSED BUILDING
- TRANSFORMER PAD
- HEAVY DUTY ASPHALT (REFER TO DETAIL)
- HEAVY DUTY CONCRETE (REFER TO DETAIL)
- SIDEWALK (REFER TO DETAIL)
- PAINTED PARKING AREA TO BE STRIPED WITH 4" SYSL @ 2' O.C. AND 45° TO PARKING SPACE
- PEDESTRIAN CROSSWALK (REFER TO DETAIL)
- LIGHT POLES
- SITE SIGN, PAINTED STOP BAR & "STOP" LETTERING
- WHEEL STOPS (REFER TO DETAIL)

PLANNING BOARD CHAIRPERSON	DATE
ENGINEERING AND PLANNING	DATE
DIRECTOR OF PUBLIC WORKS	DATE
TOWN CLERK	DATE
FIRE MARSHAL	DATE

GENERAL NOTES:

1. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE MOST RECENT STANDARDS AND SPECIFICATIONS OF THE TOWN OF PENFIELD AND/OR THE APPROPRIATE WATER, SEWER AND/OR DRAINAGE DISTRICTS, AND/OR OTHER AUTHORITIES HAVING JURISDICTION.
2. ALL EXISTING BUILDING(S), SITE, ROADWAY, UTILITY, BOUNDARY, AND TOPOGRAPHY INFORMATION SHOWN ON THIS PLAN IS REPRESENTED BASED ON USE OF THE LISTED REFERENCES. CONTRACTOR TO VERIFY LOCATION AND LIMITS OF WORK PRIOR TO STARTING. ANY CHANGES OR CONFLICTS DISCOVERED SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER. IF CONTRACTOR DOES NOT ACCEPT EXISTING TOPOGRAPHY AS SHOWN ON THE PLANS, WITHOUT EXCEPTION, HE SHALL HAVE MADE, AT HIS EXPENSE, A TOPOGRAPHIC SURVEY BY A REGISTERED LAND SURVEYOR AND SUBMIT IT TO THE OWNER FOR REVIEW.
3. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULE, SLOPED PAVING, EXIT PORCHES, RAMPS, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS. ALL PAVING, CURBING, FLATWORK, SIDEWALKS, FENCING, BOLLARDS, ETC., WHICH CONFLICT WITH NEW CONSTRUCTION ARE TO BE DEMOLISHED AND DISPOSED OF IN ACCORDANCE WITH ANY LOCAL, STATE, OR FEDERAL REGULATIONS.
5. APD ENGINEERING AND ARCHITECTURE, PLLC (APD) IS ONLY RESPONSIBLE FOR THE PROPOSED SITE IMPROVEMENTS RELATED TO THIS TACO BELL CONSTRUCTION AND MINOR MODIFICATIONS TO THE HOME OUTLET PARKING LOT, AS SHOWN ON THE PLANS. APD DID NOT PERFORM THE ORIGINAL SITE DESIGN OR SURVEY AND ACCEPTS NO RESPONSIBILITY FOR EXISTING SITE CONDITIONS OR FEATURES THAT WERE DESIGNED AND BUILT PREVIOUS TO THE PREPARATION OF THESE PLANS. CONTRACTOR SHALL REVIEW EXISTING SITE FEATURES PRIOR TO PREPARATION OF BID.

SITE NOTES:

6. CONTRACTOR MUST PROTECT THE PUBLIC AT ALL TIMES WITH FENCING, BARRICADES, ENCLOSURES, ETC. CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING, SIDEWALKS, DRIVES, ETC. OUTSIDE OF WORK LIMITS CLEAR AND FREE FROM ANY CONSTRUCTION ACTIVITY AND/OR MATERIAL TO ENSURE EASY AND SAFE PEDESTRIAN AND VEHICULAR TRAFFIC TO AND FROM THE SITE. CONTRACTOR SHALL COORDINATE/PHASE ALL CONSTRUCTION ACTIVITY WITHIN PROXIMITY OF THE HOME OUTLET BUILDING AND UTILITY INTERRUPTIONS WITH THE STORE MANAGER A MINIMUM OF 48 HOURS PRIOR TO ANY CONSTRUCTION TO ESTABLISH CUSTOMER ACCESS AND TRAFFIC FLOW DURING ALL PHASES OF WORK TO MINIMIZE DISTURBANCE AND INCONVENIENCE TO THE HOME OUTLET STORE. THE HOME OUTLET SHALL REMAIN IN OPERATION DURING CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH ALL APPLICABLE AGENCIES TO MAINTAIN EMERGENCY ACCESS TO THEIR SATISFACTION. ALL WORK THAT WILL IMPACT TRUCK DELIVERIES, ACCESS, AND/OR PARKING SHALL BE PHASED IN SUCH A WAY AS TO MAINTAIN OPERATION AND ACCESS TO THE STORE.
7. APD ENGINEERING AND ARCHITECTURE, PLLC (APD) IS ONLY RESPONSIBLE FOR THE PROPOSED SITE IMPROVEMENTS RELATED TO THIS TACO BELL CONSTRUCTION AND MINOR MODIFICATIONS TO THE HOME OUTLET PARKING LOT, AS SHOWN ON THE PLANS. APD DID NOT PERFORM THE ORIGINAL SITE DESIGN OR SURVEY AND ACCEPTS NO RESPONSIBILITY FOR EXISTING SITE CONDITIONS OR FEATURES THAT WERE DESIGNED AND BUILT PREVIOUS TO THE PREPARATION OF THESE PLANS. CONTRACTOR SHALL REVIEW EXISTING SITE FEATURES PRIOR TO PREPARATION OF BID.
8. ANY EXISTING STRIPING WHICH IS TO REMAIN IN PLACE AND WHICH MAY BECOME OBLSCURED OR DAMAGED DUE TO THE CONSTRUCTION OF IMPROVEMENTS SHALL BE REPLACED AND/OR REPAINTED AS NECESSARY.
9. REFER TO THE SURVEY FOR THE PROPERTY BOUNDARY INFORMATION (E.G. LOT AREA, BEARINGS, DISTANCES, ETC.).

SITE NOTES:

1. ALL NEW PAINTED PAVEMENT MARKINGS SUCH AS DIRECTIONAL ARROWS AND LETTERING SHALL BE PAINTED USING TEMPLATES.
2. CONTRACTOR SHALL PROVIDE TOUCH-UP PAINT FOR ALL FIRE HYDRANTS, BOLLARDS, LIGHT POLE BASES, VALVE COVERS, AND CURBS WHICH ARE CURRENTLY PAINTED WITHIN THE PROJECT LIMITS. CONTRACTOR SHALL REVIEW EXISTING SITE FEATURES PRIOR TO PREPARATION OF BID. COST SHALL BE INCLUDED IN THE BASE BID.
3. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
4. THE SETBACK LINES AND NOTES RELATED TO SETBACKS SHOWN HEREIN ARE INTENDED TO SHOW APPLICABLE ZONING REQUIREMENTS OF THE TOWN OF PENFIELD AS OF THE DATE OF THIS PLAN AND ARE NOT INTENDED TO IMPOSE ANY ADDITIONAL RESTRICTIONS OTHER THAN SAID ZONING REQUIREMENTS.
5. REFER TO LIGHTING PLAN, SHEET C5, FOR LIGHT POLE AND BUILDING MOUNTED LIGHT LOCATIONS, AND FIXTURE TYPE. REFER TO PLAN BY ISI LIGHTING UNDER SEPARATE COVER FOR PHOTOMETRIC LAYOUT.
6. PYLON SIGNS SHALL BE CONSTRUCTED BY OTHERS, BUT ELECTRIC SERVICE TO THE PYLON SIGN SHALL BE INCLUDED IN THE CONTRACT.

SIGN DATA:

BULK REQUIREMENTS	ALLOWED	HOME OUTLET PARCEL	TACO BELL PARCEL	SPECIAL USE PERMIT
BUILDING SIGN - AREA	2 SF PER LINEAR FOOT OF BUSINESS FRONTAGE (85 FT 11 IN BUILDING FRONTAGE) = 138.94 SF ALLOWED	NO CHANGE	(4' * 27.26) + 13.58 = 122.62 SF	NO
SIGNS - GRAPHICS/LOGOS	GRAPHICS, TRADEMARKS, AND LOGOS SHALL NOT EXCEED 50% OF THE FACE AREA OF ANY SIGN.	NO CHANGE	TOWER SIGNS = 44%, MAIN DOOR = 100%, PYLON SIGN = 49%, DIRECTIONAL SIGN = 49%	YES (TB)
TRAFFIC CONTROL SIGNAGE	2 SF FOR TRAFFIC CONTROL ONLY AND NOT IDENTIFICATION OF USE	N/A	4 SF WITH TACO BELL LOGO	YES (TB)
BUILDING SIGN - NUMBER	ONE SIGN PER BUSINESS	NO CHANGE	5 SIGNS	YES (TB)
FREESTANDING SIGN - NUMBER	ONE SIGN PER PROPERTY	2	1	YES (HOC)
FREESTANDING SIGN - AREA	20 SF	33.1 SF (SHARED PYLON-CREEK ST)	53.4 SF	YES (BOTH)
FREESTANDING SIGN - HEIGHT	20'	15'	20'	NO
FREESTANDING SIGN - FRONT SETBACK	20'	7.6' (EX. EMP'WRE); 8' (SHARED - CREEK ST)	7.4'	YES (BOTH)
FREESTANDING SIGN - SIDE SETBACK	25'	3' (EX. EMP'WRE); 8' (SHARED - CREEK ST)	10'	YES

SITE DATA:

LOCAL JURISDICTION:	Town of Penfield
ZONING CLASSIFICATION:	General Business (GB)
PERMITTED USES:	RESTAURANT (CONDITIONAL USE PERMIT REQUIRED)
CURRENT OWNER:	E.C. BARTON & COMPANY (TO RETAIN HOME OUTLET PORTION OF SITE)
PROPOSED OWNER:	FAIRLANE DRIVE LLC (TO PURCHASE TACO BELL PARCEL AFTER SUBDIVISION)
SUBDIVISION:	
PARCEL # 1 (TACO BELL)	0.73 AC
PARCEL # 2 (BARGAIN OUTLET)	1.17 AC
TOTAL PROPERTY	1.9 AC

BULK REQUIREMENTS	REQUIRED	EXISTING	HOME OUTLET	TACO BELL	Variance Required
FRONT YARD (E/W)	80 FT	N/A	65.0 FT (EAST) 57.1 FT (WEST)	103.6 FT (EAST) 36.6 FT (WEST)	YES
REAR YARD	30 FT	N/A	N/A	N/A	NO
SIDE YARD (N/S)	20 FT	N/A	26.2' (NORTH) 19.3' (SOUTH)	35.6' (NORTH) 59.8' (SOUTH)	NO
MAXIMUM LOT COVERAGE (BUILDINGS AND PARKING LOT)	65%	95%	93%	77%	YES
MAXIMUM BUILDING HEIGHT	40 FT	25 FT	25 FT	23 FT	NO
PARKING REQUIREMENT FOR TACO BELL	1.5 FOR EACH 2 PERSON OF LEGAL OCCUPANCY PLUS 1 FOR EACH EMPLOYEE (68 OCCUPANCY AND 7 EMPLOYEES = 58 SPACES)	N/A	N/A	16 SPACES	YES
PARKING REQUIREMENT FOR HOME OUTLET	5 PARKING SPACE FOR 1000 SF 19,650 SF = 99 SPACES	42 SPACES	46 SPACES	N/A	YES
PARKING STALL WIDTH	9 FT	9 FT	9 FT	9 FT	NO
PARKING STALL LENGTH	18 FT	18.5 FT	18 FT	18 FT	NO

NOTE: ITEMS IN BOLD ASSUME A VARIANCE IS REQUIRED. IT'S ASSUMED THAT HOME OUTLET NON-CONFORMING ITEMS THAT ARE NOT RESULTING IN A MORE RESTRICTIVE CHANGE WILL NOT REQUIRE A VARIANCE.

Issued:	Date:
A Town of Penfield	03/01/22
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Revisions:	Date:
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 Exp. Date: December 31, 2023
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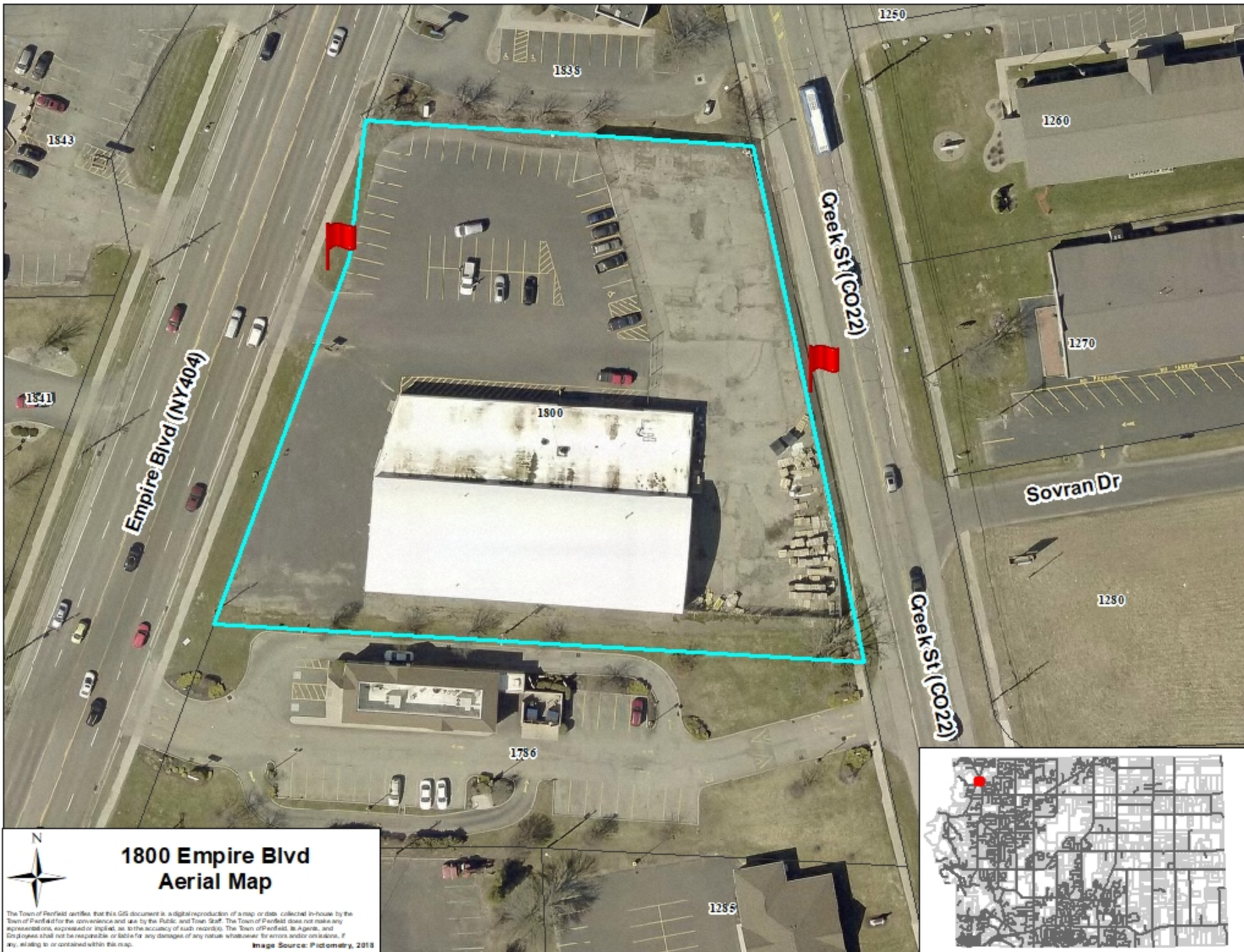
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 Empire Blvd, Webster NY 14580
 Town of Penfield, NY
 Monroe County
 Project Name & Location:

Site Plan
 Drawing Name:
 Project No. 19-0124
 Date: 12/13/21
 Type: LG 50
 Drawn By: SLA
 Scale: 1" = 30'

Scale: 1" = 30' Drawing No. 19-0124



1800 Empire Blvd Aerial Map

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