

ZONING BOARD OF APPEALS AGENDA

Public Hearing Application # 7

Application # 21Z-0063
Jerry A. Goldman
1855 Empire Boulevard

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October 21, 2021

Town of Penfield Zoning Board of Appeals
3100 Atlantic Avenue
Penfield, NY 14526-9798

Re: Application of WOVE LLC- Baytowne Square Plaza
Conditional Use Permit – Avis Car Rental location
LETTER OF INTENT

Dear Board Members:

This office has been retained by WOVE LLC, the owner of Baytowne Square Plaza, located on the southwest corner of Bay Road and Empire Boulevard to assist in obtaining Conditional Use Permit approval to allow the establishment of an Avis Car Rental office in the 1,300 square foot space in the Plaza formerly occupied by T-Mobile. The property is zoned GB General Business.

Baytowne Square Plaza contains 40,000 square feet of retail space occupied by such diverse tenants as Dunn Tire and Zoom Tan. As a part of its lease, Avis requires designation of 10 parking spaces in the 97-space front-parking field and 30 parking spaces in the 153 rear-parking field. A site sketch depicting the leased space and representative designated spaces is enclosed with this application.

While the proposed use could be deemed retail sales and hence a permitted use in the GB district, Town staff has determined that the proposed use should be classified as a Conditionally Permitted Use. Accordingly, we are making this application.

In consideration of Conditional Uses, Town Code §250-13.4(A) sets forth findings to be made by the Zoning Board of Appeals:

- (1) **The use is in harmony with the general purposes and intent of the Zoning chapter of the Code and the zoning district in which it is proposed.** The subject use is akin to retail outlets (a permitted use in the GB District) and automotive sales (which are Conditionally permitted in the GB District). It is a low intensity, low traffic generating use, which is in harmony with the rest of the Plaza.

(2) The use is not detrimental to adjacent properties because of its :

- (a) Means of ingress and egress.** Ingress and egress will be through existing curb cuts for the Plaza.
- (b) Adequacy of parking facilities.** There is ample parking in both the front and the rear of the plaza, with primary usage of parking in the rear.
- (c) Potential impact to both present or future uses.** There is no perceived impact of this use on any present or future uses. It is basically a storefront.
- (d) Compatibility with the general area in which it is located.** This use is in a Plaza with a variety of types and sizes of use and this use will be compatible.
- (e) Type and amount of signage.** It is anticipated that signage will comply with Code. If the tenant seeks any sign relief, that would come through an application to this Board.
- (f) Potential noise level.** This is not a noise generating use above the normal levels for cars in a parking lot.
- (g) Clear sight distance.** There are no sight distance issues for this in-line Plaza tenant.
- (h) Existing or proposed buffering.** The existing Plaza provides ample buffering.
- (i) Proposed generation of noxious odors.** There are no noxious odors from this use.
- (j) Exterior lighting.** No additional lighting to the existing plaza lighting is contemplated.
- (k) Proposed hours of operation.** The anticipated hours of operations are Monday through Friday 8 am to 6 pm, Saturday 8 am to 3 pm and Sunday 9 am to 2 pm.

(3) The use is not detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town. This 1,300 tenancy will not have any of those negative impacts.

We look forward to presenting this application to the Zoning Board of Appeals at your November 18 meeting. If any Board member has any questions in the interim, please do not hesitate to contact me.

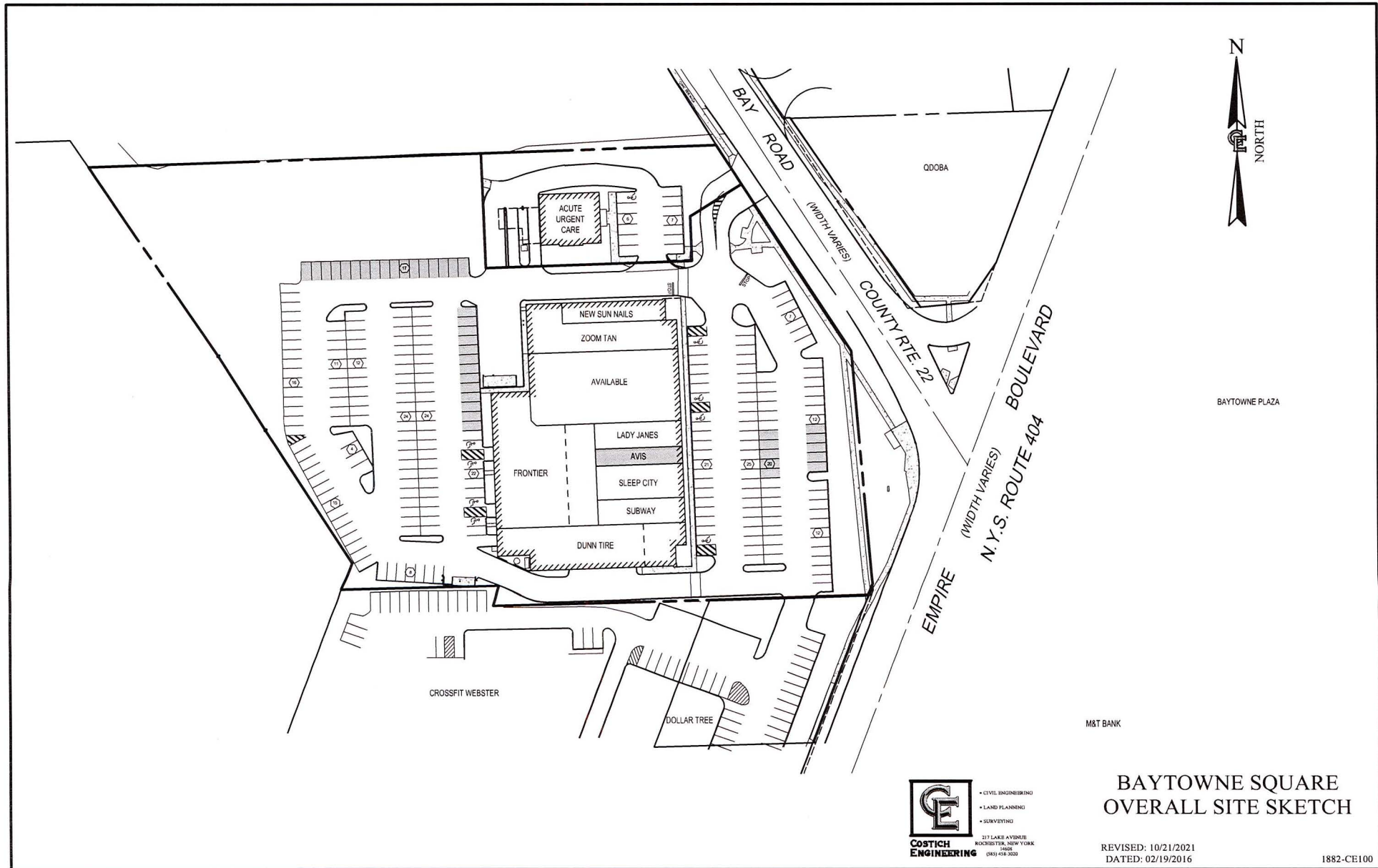
Respectfully submitted,

WOODS OVIATT GILMAN LLP



Jerry A. Goldman

cc: WOWE LLC

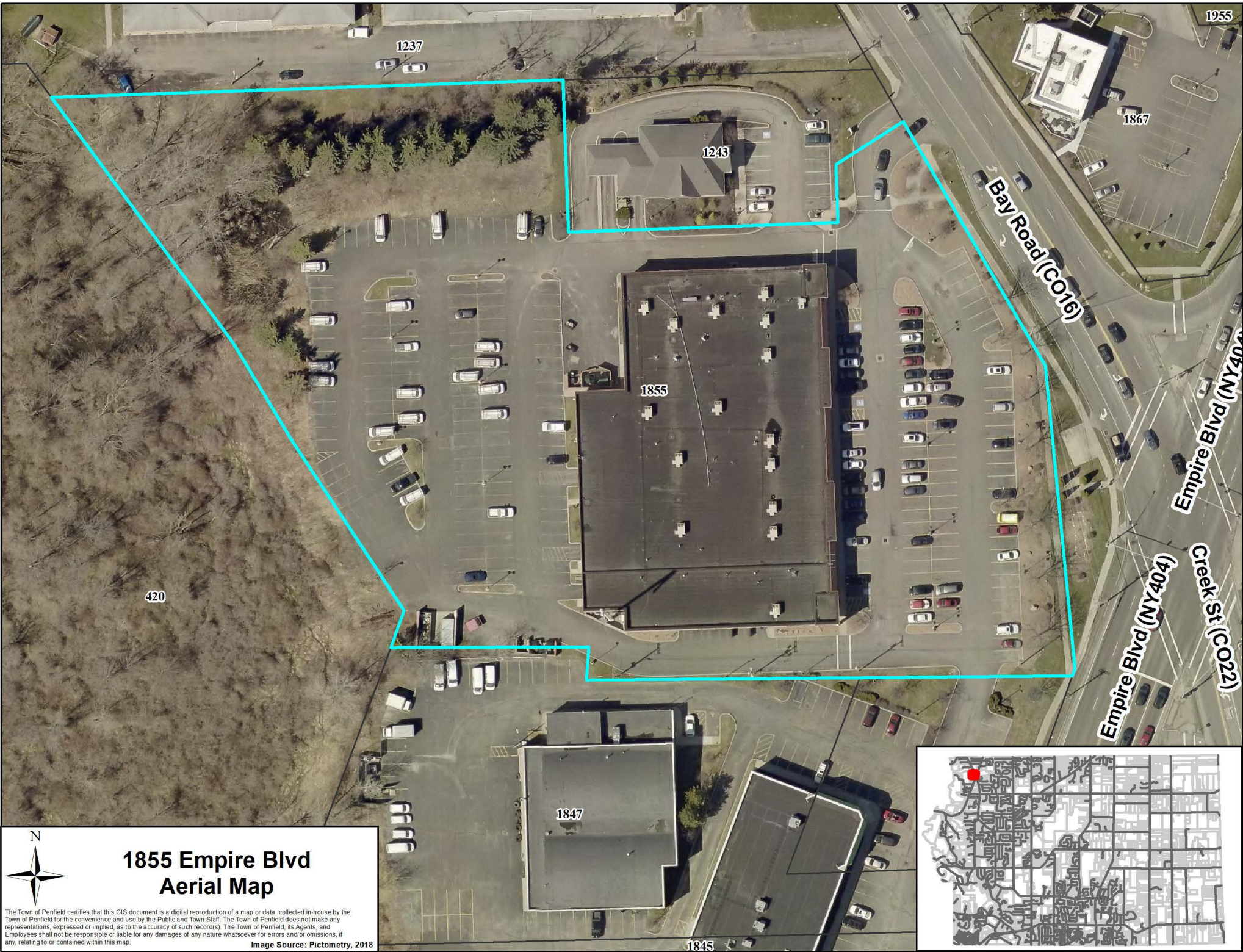


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**BAYTOWNE SQUARE
 OVERALL SITE SKETCH**

REVISED: 10/21/2021
 DATED: 02/19/2016

1882-CE100



1855 Empire Blvd Aerial Map



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