



April 15, 2022

Mr. Andy Suveges Town of Penfield Building Department 3100 Atlantic Avenue Penfield, New York 14526

Re: DiMarco BayTowne Associates LLC

BayTowne Plaza-1900 Empire Boulevard THE MID-Conditional Use Permit

Letter of Intent

Dear Mr. Suveges:

DiMarco BayTowne Associates LLC, "Baytowne Plaza" is proposing to locate a prospective tenant, "The Mid" in BayTowne Plaza within the eastern portion of the redeveloped street of shops portion of the existing plaza. Baytowne is seeking a conditional use permit on behalf of The Mid to allow the operation of a public assembly venue, for private parties and events to be catered by licensed third party caterers (with no food preparation, on site) in a General Business District as required in §250-5.7(C)(1) of the Town of Penfield town code.

Enclosed you will find the following:

- 1. The completed Conditional Use Permit application form.
- 2. Seven (7) copies of this letter of intent.
- 3. Seven (7) copies of the completed Short Environmental Assessment Form (SEAF).
- 4. Seven (7) copies of a current survey of BayTowne Plaza as well as exhibits depicting the proposed location of The Mid within the existing plaza.
- 5. DiMarco BayTowne Associates LLC is the owner of the plaza and hereby consents to this request for conditional use.



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6. The application fee of \$100.00 advertising and \$10.00 sign fee totaling \$110.00 made payable to the Town of Penfield is included herewith.

Kindly accept the enclosed materials and place the Application for Conditional Use Permit on the MayZoning Board of Appeals agenda.

Please feel free to contact me with any questions of comments you may have and thank you in advance for your attention to this matter.

Sincerely,

The DiMarco Group

Paul M. Colucci

Paul M. Colucci Vice President-Development and Construction

Enclosures

cc(w/enc):

File

John DiMarco II, TDG Paul Foti, VP CRE



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227-0035

April 15, 2022

Mr. Andy Suveges Town of Penfield Building Department 3100 Atlantic Avenue Penfield, New York 14526

Re: Application for Conditional Use Permit

DiMarco BayTowne Associates on behalf of The Mid (tenant)

1900 Empire Boulevard, BayTowne Plaza

Dear Mr. Suveges:

As required in §250-5.7(C)(1) of the Town of Penfield town code; the applicant is seeking a conditional use permit to allow the operation of a private party and event venue in a General Business district. The Mid is designed for private parties such as weddings, showers, graduation parties, retirement parties, holiday parties and the like. The events are of the nature that security would not be required due to the types of celebrations and gatherings that are by invitation. The Mid will offer on premise consumption of food, prepared off-premise by licensed third party caterers. No on site, preparation of food is proposed. No gas fired equipment or combustion is proposed- the kitchen will be limited to a caterer's kitchen, which will include warming ovens. Alcoholic Beverages may be served, however The Mid itself is a rented venue, and, beverages will be sold or provided by third party licensed caterers. Live music may be a part of some event planning which may include bands or DJs similar to those seen in other party venues or country club events. All ordinances will be enforced by management of Baytowne for any entertainment present for private events; we offer the following facts for consideration by the Zoning Board of Appeals for the requested action:

1. The request is in harmony with the general purpose and intent of the zoning ordinance and zoning district in which it is proposed:

Whereas the purpose of the General Business district is to allow for a broad range of general commercial services, the proposed "The Mid" is in harmony with similar uses



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located along the Empire Boulevard corridor. The proposed establishment is to be located within BayTowne Plaza, a commercial retail plaza, which is currently served by access to Empire Boulevard via two signalized entrances as well as access to Creek Street via a commercial driveway.

2. The request is not detrimental to adjacent properties because of its:

- **a. Means of ingress and egress-** The proposed event venue will be located in the existing BayTowne Plaza which is served by two existing commercial driveways at Empire Boulevard (signalized) and Creek Street (un-signalized).
- **b.** Adequacy of the parking facilities- BayTowne Plaza is an existing retail plaza served by adequate parking facilities at a ratio of 5.0/1000 sf. The events are anticipated to be mostly on weekend evenings during which time retail parking demand will be less; further, in the south parking lot area between Starbucks and Burlington Coat Factory, there is consistently 100+ vacant parking spaces even during peak retail hours.
- c. Potential impact to both present and future uses- The proposed establishment is occupying a portion of the street of shops constructed to support this type of activity within BayTowne Plaza. This 8,000 square foot space has been vacant since the renovation and uses of this nature were contemplated in the overall coordinated review of the project.
- d. Compatibility with the general area in which it is to be located- The proposed The Mid has been shown in plan view. As proposed, the establishment will be fully contained within the limits of a demised tenant space totaling approximately 8,000 square feet. The facility is located in such a manner as to allow for safe travel on the internal circulation drives within BayTowne Plaza.
- e. Type and amount of singage- Tenant signage will conform to the town of Penfield signage ordinance and will be applied for separately.
- **f. Potential noise level-** There will be no noise produced by the proposed establishment which will exceed existing ambient noise levels.
- **g.** Clear site distance- The existing internal circulation drives within BayTowne Plaza will be unaffected by this application.
- **h.** Existing or proposed buffering- The proposed establishment will be located in the existing BayTowne Plaza. As part of the expansion of BayTowne Plaza a



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- i. berm of varying height has been constructed in conformance with the site plan resolution dated June 12, 2014.
- **j. Proposed generation of noxious odors-** The operation of a caterers "warming & staging" kitchen will include only electric equipment and no on-site food preparation is proposed. There are no anticipated impacts associated with odors which would require an exhaust hood or other mitigation measures.
- **k.** Exterior lighting- The existing site lighting within the plaza parking field and ring roads will remain unaffected by the proposed use.
- 1. Proposed hours of operation- The hours of operation within a General Business district are permitted to be 24 hours. The proposed establishment will **not** operate 24 hours and will comply with all applicable codes. The anticipated hours of operation for a "typical week" are 3-4 days (1 weekday, and likely Friday, Saturday and Sunday). Anticipated day events (i.e. wedding shower on a Sunday) would be 10 am to 2 pm. Anticipated evening events (i.e. Wedding or Holiday Party) Friday and Saturday 4 pm to 11:30 pm. with some events possibly, but not frequent) until 1 am.
- 3. The request is not detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or such proposed use or detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the town.

The proposed use shall be developed in a manner such that no hazard of any kind is created to the general public or neighboring properties.

Please feel free to contact me at (585) 272-7760 with any questions of comments you may have.

Thank you for your consideration to this matter.

Sincerely,

The DiMarco Group

Paul M. Colucci

Paul M. Colucci Vice President-Development and Construction

Enclosures

Xc (w/enc):

File

John DiMarco II, TDG Paul Foti, VP CRE



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THE MID

1900 EMPIRE BOULEVARD WEBSTER, NY 14580

THE MID BALLROOM

~8,206 SQUARE FEET

COMMON ACCESS AREA NOT INCLUDED IN CALCULATIONS PENFIELD, NY

LOCATION MAP

 \oplus

PROJECT SITE 1900 EMPIRE BOULEVAN WEBSTER, NY 14580

NTS

DesignworX

DIMARCO

THE MID 1900 EMPIRE BLVD. WEBSTER, NY 14580

6100

PROJECT TEAM

OWNER DIMARCO GROUP

1950 Brighton Henrietta Town Line Road Rochester, New York 14623

585.272.7760

ARCHITECT of RECORD DesignworX Architects 250 Main Stree, Suite 131 Rochester, NY 14604 CONTACT: GARY McCAMY

PRESIDENT 585-643-7200

MUNICIPALITY: PENFIELD BUILDING DEPARTMENT 3100 ATLANTIC AVE CONTACTS: 585-340-8634

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DesignworX ARCHITECTS

GENERAL SCOPE

THE PROJECT CONSISTS PROVIDING THE TENANT IMPROVEMENTS TO UPGRADE THE EXISTING WARM SHELL TO AN ACTIVE ASSEMBLY OCCUPANCY.

AGUACENT

DRAWING INDEX

DRAWING LIST - ARCHITECTURAL

Sheet Number COVER SHEET LIFE SAFETY DEMOLITION PLAN CONSTRUCTION PLAN ENLARGED PLAN

LEVEL OF DEVELOPMENT - EXISITNG

ADJACENT

COVER SHEET INFORMATION

CODE: 2020 BUILDING CODE OF NYS- ADOPTS 2018 IBC W/AMENDMENTS

CODE SECTION EXISTING MERCANTILE CENTER/ MIXED USE DESCRIPTION REFERENCE

CHAPTER 3 OCCUPANCY CLASSIFICATION & USE

SECTION 303.3 ASSEMBLY GROUP A-2

GENERAL BUILDING HEIGHTS & AREAS EXISTING TO REMAIN CHAPTER 5 SPRINKLERED - ONE STORY BUILDINGS / SECTION 507.9 UNLIMITED AREA BUILDINGS AREA NOT LIMITED CHAPTER 6 TYPES OF CONSTRUCTION

SECTION 604 (EBC) EXISTING BUILDING ALTERATIONS ALTERATION - LEVEL 3 BUILDING CONSTRUCTION TYPE SECTION 602.2 SPRINKLER, SMOKE, & FIRE ALARM SYSTEM CHAPTER 9 FIRE PROTECTION & LIFE SAFETY AUTOMATIC SPRINKLER SYSTEM - ASSEMBLY NEEDED / SPRINKLER SYSTEM PROVIDED SECTION 903 GROUP A-2

BANQUET HALL

CALCULATIONS

SF 2,555/7 NET = 365

MEANS OF EGRESS SIZING

100.5.3.2- 0.2 IN P/P=411X0.2=82.2*

MEANS OF EGRESS CHAPTER 10 OCCUPANT LOAD SECTION 1004 TABLE 1004.5 SITTING AREA / CONCENTRATED REMOVABLE DANCE FLOOR /

64 SF/5 NET = 12.8 CATERING KITCHEN / STOCK 591 SF/200 GROSS= 2.9 TOTAL OCCUPANT LOAD 380 OCCUPANTS

MEANS OF EGRESS SIZING SECTION 1005

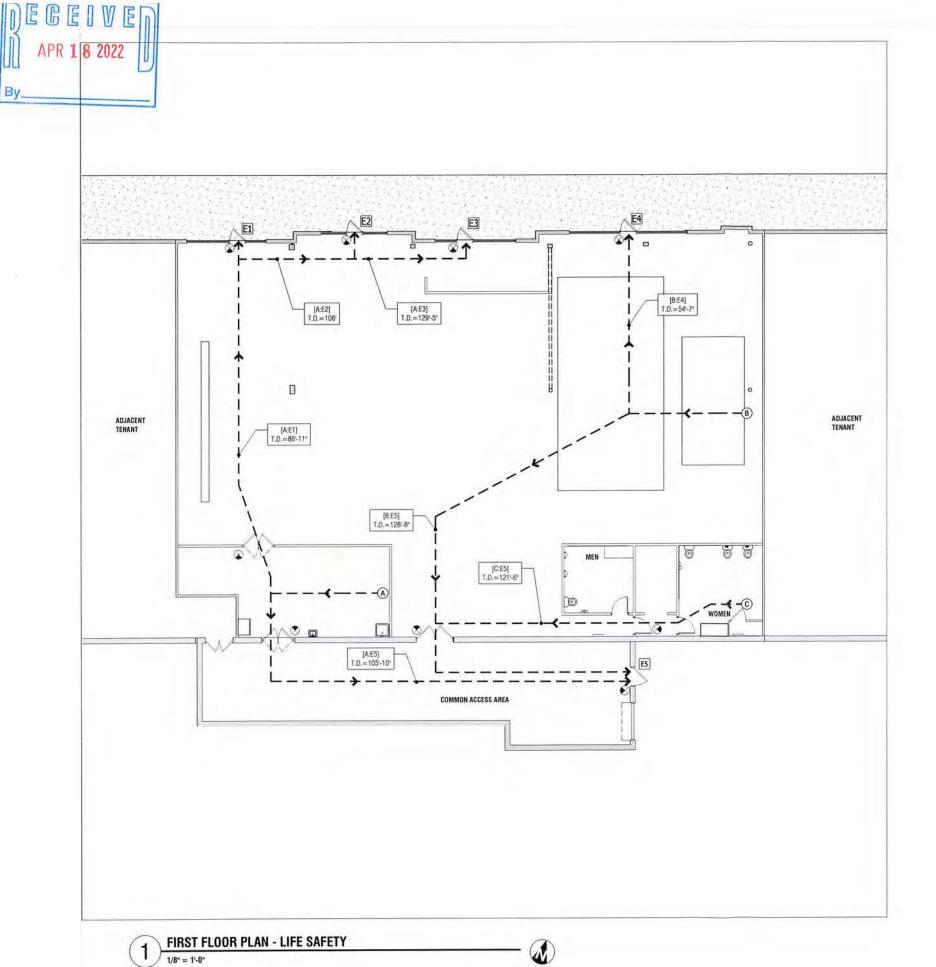
NUMBER OF EXITS & EXIT ACCESS DOORWAYS NUMBER OF EXITS SECTION 1006 1006.2.1- 2 EXITS REQUIRED

TOTAL EGRESS 198* PROVIDED

PRIMARY APPLICABLE CODES PENFIELD, NEW YORK

2020 Building Code of New York State: adopts the IBC 2018 with amendments BUILDING CODE 2020 Existing Building Code of New York: 2018 IEBC AS ADOPTED BY THE STATE OF New York w: Accessible and Usable Buildings and Facilities 2009 of New York State: adopts the A117 1, 2009 2020 Mechanical Code of NYS: adopts the IMC 2018 with amendment ELECTRICAL CODE National Electrical Code 2017 of New York State: adopts the NEPA 70: 2017 without amendments 2020 Plumbing Code of NYS: adopts the IPC 2018 with amendments 2020 FIRE CODE OF MYS. ADOPTS THE IFC 2018 WITH AMENOMENTS

2021 NED 227-0035



LIFE SAFETY PLAN LEGEND SYMBOL DESCRIPTION TRAVEL DISTANCE 0 EXIT SIGN EMERGENCY LIGHT, SEE ELECTRICAL

NOTES: FIRE EXTINGUISHERS SHALL BE LOCATED SO THAT THE MAXIMUM TRAVEL DISTANCE TO EXTINGUISHER IS NOT MORE THAN 75 FEET. FINAL LOCATION TO BE COORDINATED W; FIRE MARSHAL.

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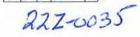
DesignworX

8

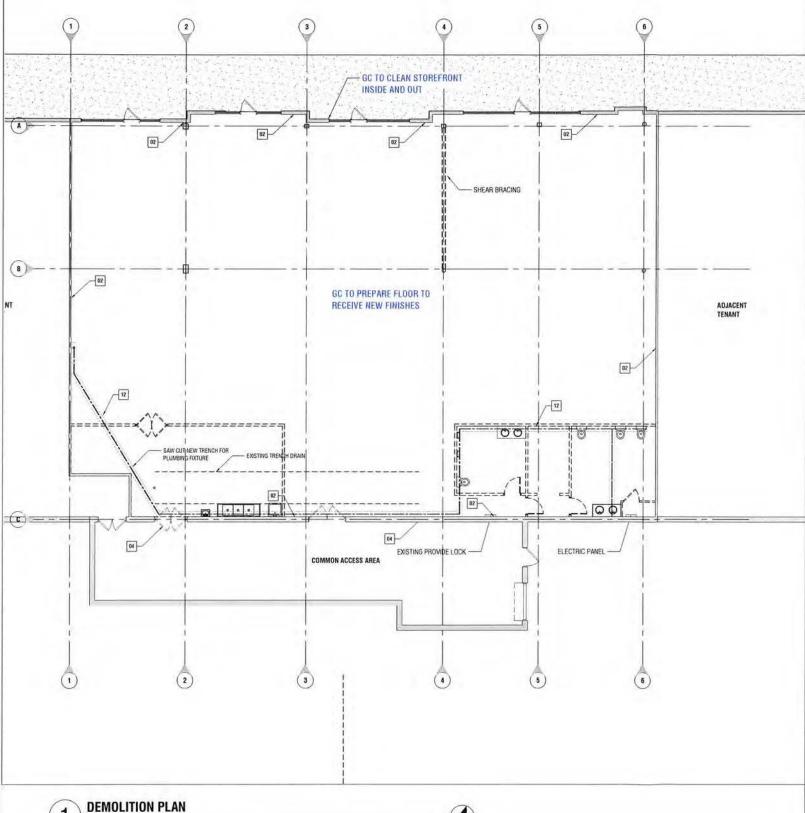
THE MID 1900 EMPIRE BLVD. WEBSTER, NY 14580

Section of the sectio





1/8" = 1'-0"

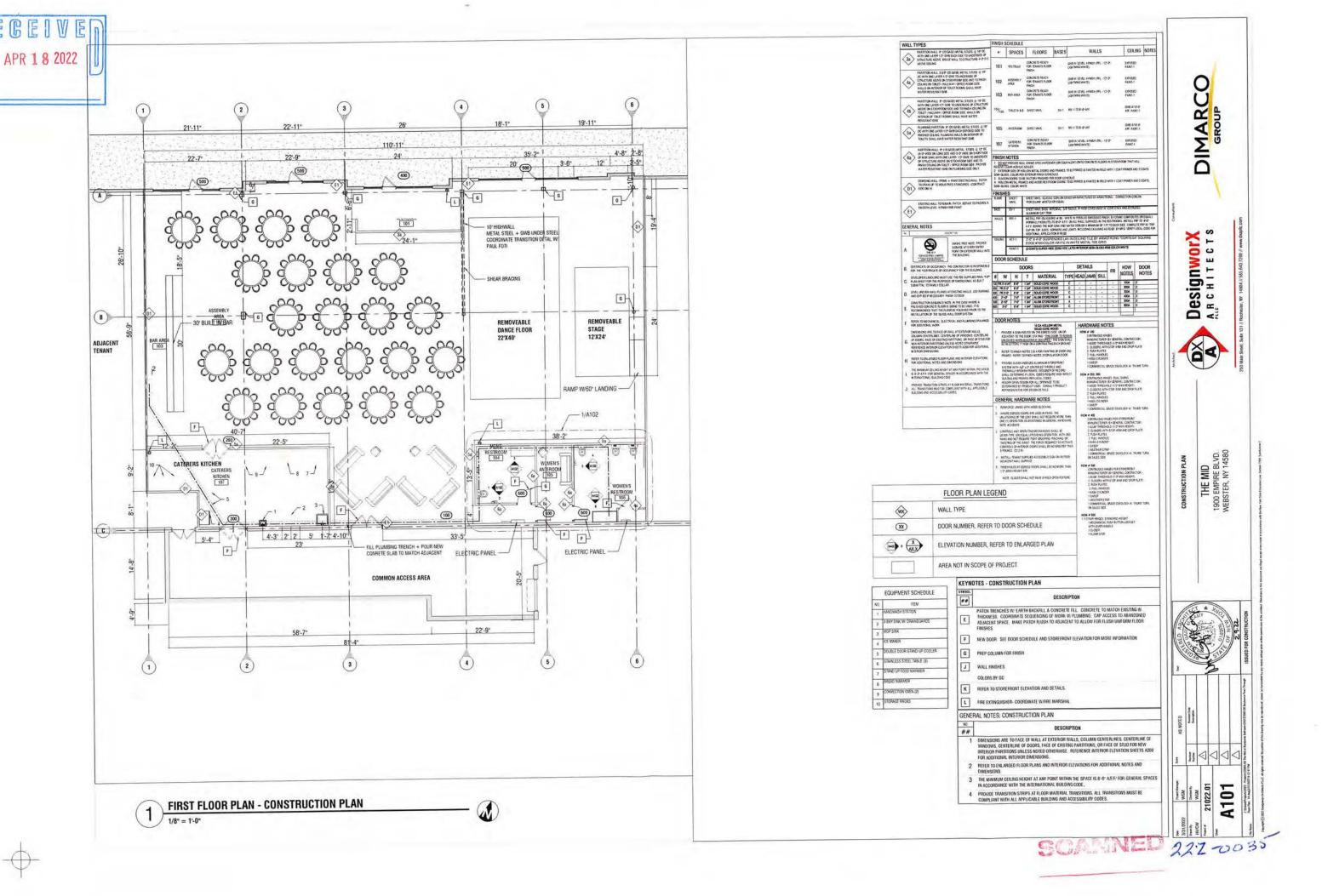


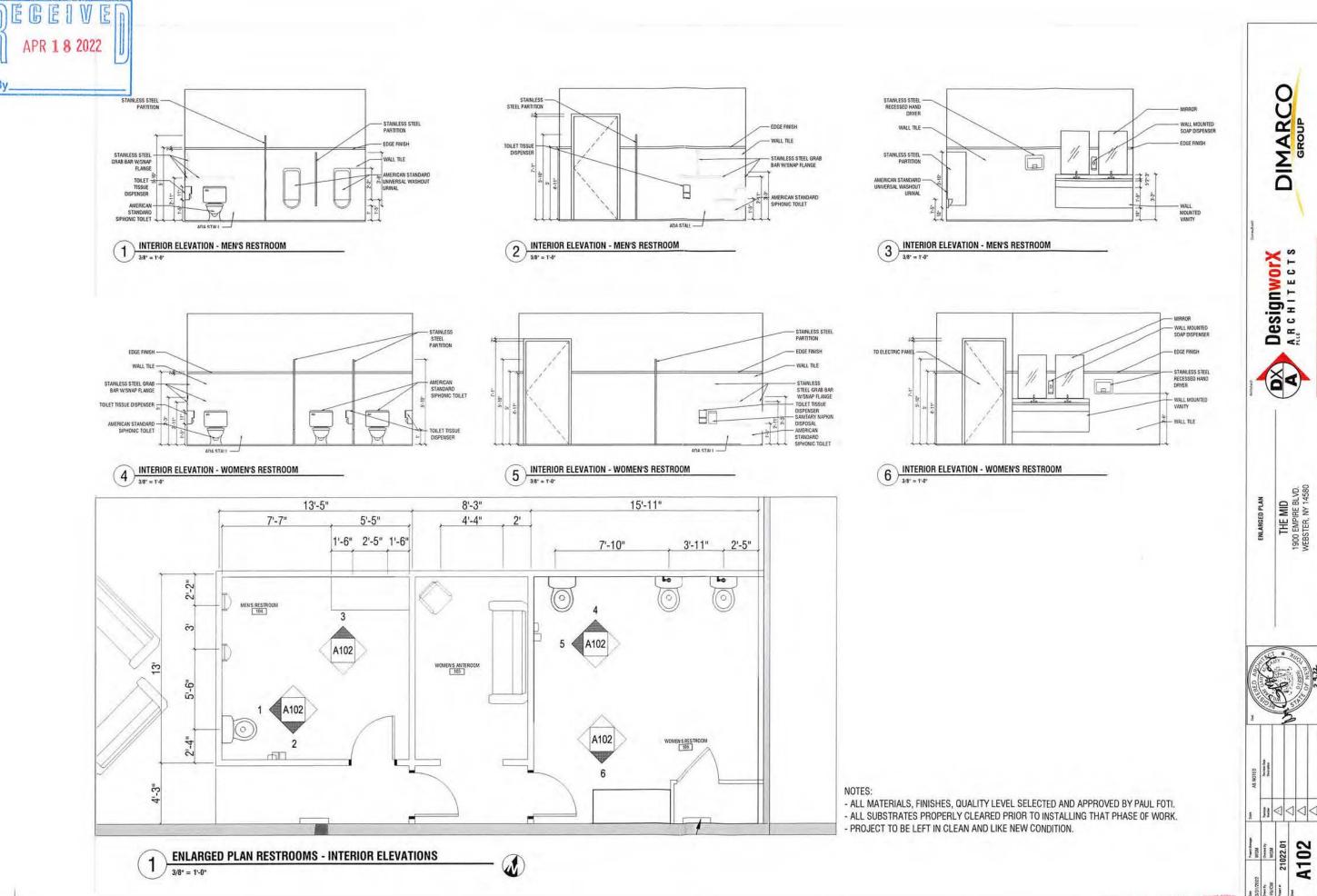
GENERAL NOTES: DEMOLITION No. CONTRACTOR SHALL BECOME FAMILIA AND COMPLY WITH ALL APPLICABLE
PROVISIONS WITHIN NEW YORK STATE BUILDING CODE CHAPTER 33 SAFEGUARDS
DURING CONSTRUCTION 2 CONTRACTOR IS IS FULLY RESPONSBLE FOR CONSTRUCTION MEANS, METHODS, SEQUENCING, PHASING, AND SAFETY PROGRAMS 3 CONTRACTOR SHALL COORDINATE LOCATION OF DUMPSTER(S) AND CONSTRUCTION TRALERS (IF ANY) WITH OWNER PRICE TO STARTING WORK 4 CONTRACTOR SHALL KEEP THE PREMISES BROOM SWEPT AT ALL TIMES DURING AND AFTER DEMOLITION ACTIVITIES 5 CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF INFPA 241] STANDARD FOR SAFEGUARDING CONSTRUCTION, ALTERATION, AND DEMOLITION OPERATIONS 6 CONTRACTOR SHALL COMPLY WITH CHAPTER (BCNYS: 3803.7 FIRE SAFETY DURING DEMOLITION), FIRE SAFETY DURING DEMOLITION SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS THE FIRE CODE OF NEW YORK STATE CONTRACTOR SHALL COMPLY WITH (BUYES 3310 MEANS OF EGRESS). A HORIZONTAL
EXT SHALL NOT BE DESTROYED UNILES AND UNTIL A SUBSTITUTE MEANS OF EGRESS
HAS BEEN PROVIDED AND APPROVED. 10.2: IN EVERY STORAGE AND CONSTRUCTION SHED.

**	DESCRIPTION
01	CLEAN UNDER SIDE OF DECK, AND PREP FOR NEW PAINT IN AREAS TO REMAIN EXPOSED. REFER TO MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS FOR ADDITIONAL WORK.
02	SAND, PATCH, AND PREP EXISTING GYPSUMPLASTER WALLS TO REMAIN FOR NEW PAINT FINISH, RESTORE EXISTING WALLS TO LEVEL 4 IN PREPARATION FOR NEW PAINT, INTERIOR MECHANICAL ROOMS TO BE LEVEL 2 FINISH.
03	DEMOLISH ALL EXISTING WALLS, DOORS, INTERIOR WINDOWS, AND FINISHES IN COORDINATION WITH NEW WORK. REFER TO MECHANICAL AND ELECTRICAL DRAWINGS. FOR ADDITIONAL WORK.
04	REMOVE EXISTING DOOR/S) & FRAME (S), AND PROVIDE SELECTIVE DEMOLITION OF THE WALL TO THE EXTENT NECESSARY IN PREPARATION FOR NEW WORK. COORDINATE REMOVAL W/OWNER
05	REMOVE PLUMBING FOTURE(S) & ACCESSORIES, SEE PLUMBING DRAWINGS FOR ADDITIONAL INFORMATION
06	EXISTING WALL PARTITION & ELECTRICAL PANELS, IF ANY, TO REMAIN.
07	EXISTING DOOR TO REMAIN. CONTRACTOR TO PROTECT DURING DEMOLITION & CONSTRUCTION ACTIVITIES
80	REMOVE TRENCH ACCESSORIES INCLUDING ANY FRAMING NEED TO ACHIEVE A FLUSH δ LEVEL CONCRETE PATCH
09	REMOVE MEZZANINE IN ITS ENTIRETY TO INCLUDE, COLUMNS, JOISTS & BEAMS, FLOOR DECK AND FINISH, LIGHTING-ELECTRICAL, ETC. REMOVE STAIRS & ACCESSORIES PATCH REPAIR FLOORS & WALL TO REMAIN AS NECESSARY FOR NEW WORK
10	EXISTING PLUMBING CLEANOUT, COORDINATE WITH PLUMBING DWGS.
11	CREATE NEW EXTERIOR MASONRY OPENING AT NEW STOREFRONT LOCATION. PREP SLAB JAMBS, & HEAD FOR NEW WORK. BRACE AS NEEDED FOR TEMPORARY AND NEW WORK.
12	SAW CUT SLAB FOR PLACEMENT OF NEW SS LINES, COORDINATE CUT W/PLUMBING DRAWINGS.
13	REMOVE STRUCTURE IN ITS ENTIRETY. SLAS TO REMAIN.
14	CUT OPENING IN ROOF DECK FOR NEW RTU. COORDINATE W/ STRUCTURAL & MECHANICA DRAWINGS.
LEGE	The state of the s
	ITEM DESCRIPTION
	Z Z EXISTING WALL TO REMAIN
2	EXISTING DOOR TO REMAIN
==	= = = = WALL TO BE REMOVED
===	DOOR TO BE REMOVED

DIMARCO CONTRACTOR SHALL COMPLY WITH (BCNYS: 3303.5 WATER ACCUMULATION).
PROVISION SHALL BE MADE TO PREVENT THE ACCUMULATION OF WATER OR DAMAGE
TO ANY FOUNDATIONS ON THE PREMISES OR THE ADJOINING PROPERTY. 9 CONTRACTOR SHALL COMPLY WITH JECNYS: 3308.2 UTILITY FIXTURES]. BUILDING MATERIALS, FENCES, SHOTS OR ANY OSSTRUCTION OF ANY KNOT SHALL NOT BE PLACED SO AS TO DISSTRUCT HER APPROACH TO MAY FIRE HIDDRANT, JOHN FOR HIDDRANT, FOR PLACED SO AS TO DISTRIBET WITH THE PASSAGE OF WATER IN THE GUTTER. PROTECTION AGAINST DIAMAGE SHALL BE PROVIDED TO SUCH UTILITY FORUMES DURING THE PROGRESS OF THE WORK, BUT SIGHT OF THEM SHALL NOT BE ORISTRUCTED. DesignworX 10 CONTRACTOR SHALL COMPLY WITH JECTUS: 3309 1 WHERE REQUIRED]. STRUCTURES UNDER CONSTRUCTION, ALTERATION OF DEMOLITION SHALL BE PROVIDED WITH NO FEWER THAN ONE APPROVED PORTIABLE FIRE EXTINGUISHER IN ACCORDANCE WITH SCI 10.1; AT EACH STAIRWAY ON ALL FLOOR LEVELS WHERE COMBUSTIBLE MATERIALS HAVE ACCUMULATED. 10.3: ADDITIONAL PORTABLE FIRE EXTINGUISHERS SHALL BE PROVIDED WHERE SPECIA MAZARDS EXIST, SUCH AS THE STORAGE AND USE OF FLAMMABLE AND COMBUSTIBLE 11 CONTRACTOR SHALL COMPLY WITH (BONYS: 3309.2 FIRE HAZARDS). THE PROVISIONS OF THIS CODE AND THE FIRE CODE OF NEW YORK SHALL BE STRICTLY DISSERVED TO SAFECUADO ACAINST ALL FIRE HAZARDS ATTENDANT UPON CONSTRUCTION OPERATIONS. O 12 THE GENERAL CONTRACTOR SHALL SCAN THE AREA WITH UTILITY LOCATOR, PRIOR TO ANY SAW CUTS. 13 PRIOR TO DEMOLITION THE G.C. SHALL LOCATE AND MARK ALL EXISTING UTILITIES WITH IN THE WALLS AND FLOOR SLAS. 14 THE G.C. IS RESPONSIBLE FOR FIELD VERIFYING ALL EXISTING CONDITIONS AND COORDINATION OF ALL DEMOLITION WORK WITHHER WORK. THE G.C. SHALL CONTACT THE ARCHITECT IF THERE ARE ANY DISCREPANCES. 15 ALL CONSTRUCTION ACTIVITIES SHALL BE SEPARATED FROM THE OCCUPIED SITE BY AT LEAST ONE SECURE BARRIER 16 THE G.C. IS RESPONSIBLE FOR MAINTAINING ALL MEANS OF EGRESS AND EMERGENCY EXITS DURING DEMOLITION AND CONSTRUCTION ACTIVITIES. 17 THE G.C. IS RESPONSIBLE FOR REMOVING ALL DEMO DEBRIS FROM THE REMODEL SPACE EACH DAY AND STORED IN DUMPSTERS UNTIL THE DUMPSTER IS FULL AND HAULED OFF-SITE 18 THE G.C. WILL BE RESPONSIBLE FOR DAILY CLEANUP ACTIVITIES 19 FOR ADDITIONAL DEMOLITION, REFER TO MECHANICAL, ELECTRICAL, AND PLUMBING DRAWINGS. THE MID 1900 EMPIRE BLVD. WEBSTER, NY 14580 KEYNOTES: DEMOLITION PLAN DESCRIPTION 21022.01







SCANNED

222-0035

