

Sep 27,2022

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

Re: DiMarco BayTowne Associates
BayTowne Plaza-1900 Empire Boulevard
WhichCraft Brews-Conditional Use Permit
Letter of Intent

Dear Andy Suveges:

DiMarco BayTowne Associates (DBA) is proposing to locate a prospective tenant, Don Pedro Cantina in BayTowne Plaza within the eastern portion of the newly redeveloped street of shops portion of the existing plaza. DBA is seeking a conditional use permit on behalf of Don Pedro Cantina to allow the operation of a brewery, bar, sit down restaurant and to allow outdoor dining in a General Business District as required in Section 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 Don Pedro Cantina within the existing plaza.
5. DiMarco BayTowne Associates is the owner of the plaza and hereby consents to this request for conditional use.
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 September Zoning Board of Appeals agenda.

Please feel free to contact me with any questions or 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
 WhichCraft Brews

To	
Cc	
Bcc	
Subject	

August 16, 2022

Town of Penfield Building Department
3100 Atlantic Avenue
Penfield, New York 14526

Re: Application for Conditional Use Permit
DiMarco BayTowne
1900 Empire Boulevard, BayTowne Plaza

Dear : Andy Suveges,

As required in Article XIII of the Town of Penfield town code; the applicant is seeking two separate conditional use permits to allow the operation of a brewery, bar and sit-down restaurant in a General Business district and to allow outdoor dining as part of the operations of the same sit-down restaurant; 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 Don Pedro Cantina is in harmony with similar uses 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 restaurant with outdoor dining 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 outdoor dining is located in an area which will not eliminate any parking spaces nor require any expansion of impervious areas.
- c. Potential impact to both present and future uses-** The proposed establishment and associated outdoor dining is occupying a portion of the newly renovated street of shops constructed as part of the first phase of the redevelopment of BayTowne Plaza. 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 Don Pedro Cantina and associated outdoor dining has been shown in plan view. As proposed, the establishment will be fully contained within the limits of a demised tenant space totaling approximately 5000 square feet. The outdoor dining 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 signage-** 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 berm of varying height has been constructed in conformance with the site plan resolution dated June 12, 2014.
- i. Proposed generation of noxious odors-** The operation of the proposed restaurant will include state of the art equipment to comply with all applicable codes to mitigate any odors to the maximum extent practicable.
- j. Exterior lighting-** The existing site lighting within the plaza parking field and ring roads will remain unaffected by the proposed use. As part of the expansion of BayTowne Plaza, site lighting has been installed in the Developer Parcel in conformance with the approved site lighting plan.

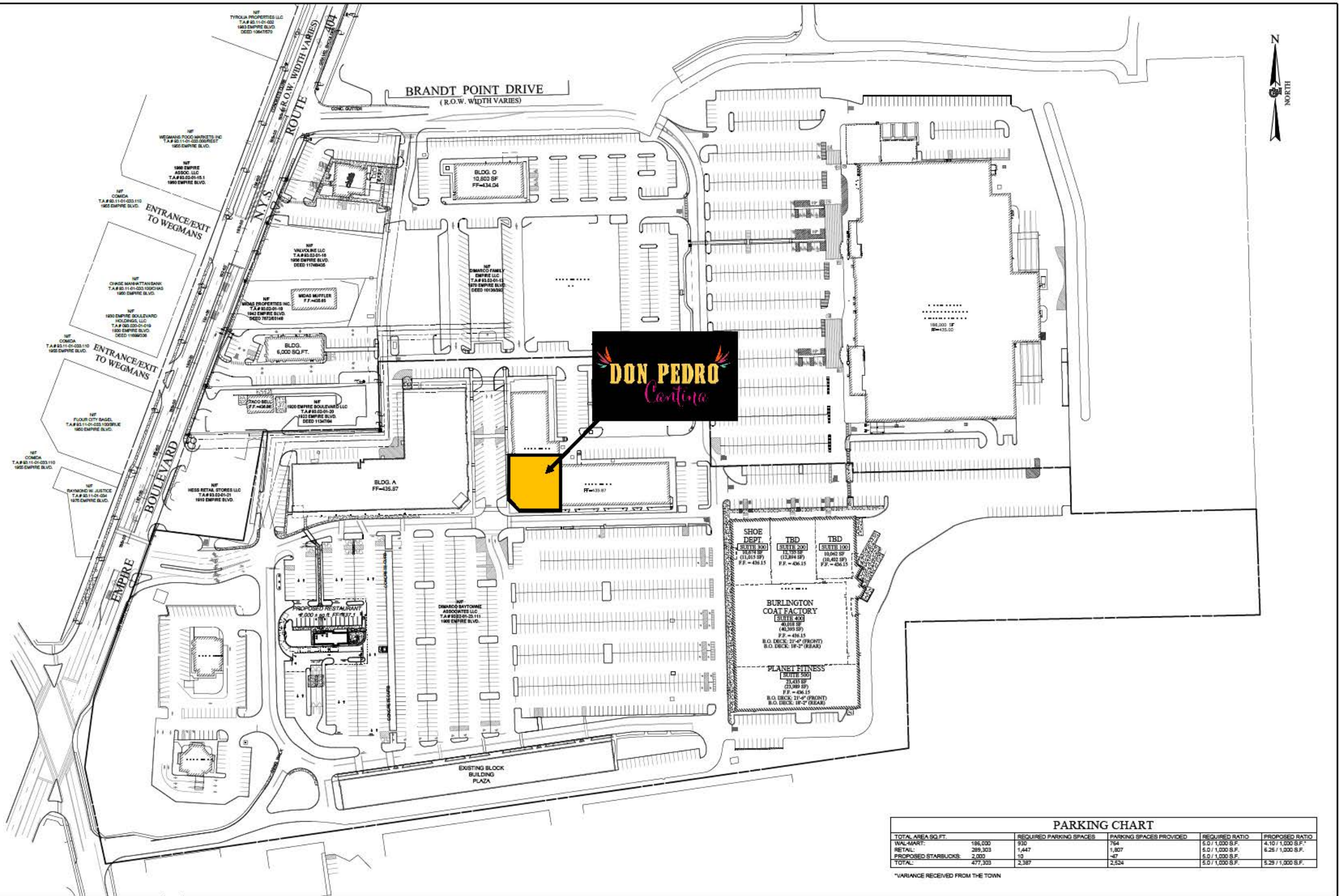
- k. **Proposed hours of operation-** The hours of operation within a General Business district are permitted to be 24 hours. The proposed establishment will **not** operate 24 hours and will comply with all applicable codes.
3. **The request is not detrimental to the health, safety or general welfare 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) 230-7781 with any questions or comments you may have.

Thank you for your consideration to this matter.

Best Regards, Mauricio Hernandez

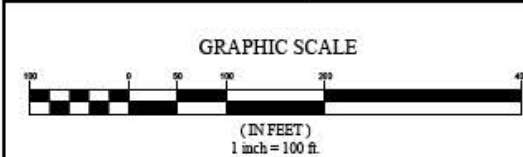


PARKING CHART					
TOTAL AREA SQ. FT.	REQUIRED PARKING SPACES	PARKING SPACES PROVIDED	REQUIRED RATIO	PROPOSED RATIO	
WAL-MART:	186,000	930	5.0 / 1,000 S.F.	4.10 / 1,000 S.F.*	
RETAIL:	289,303	1,447	5.0 / 1,000 S.F.	6.25 / 1,000 S.F.	
PROPOSED STARBUCKS	2,000	10	5.0 / 1,000 S.F.		
TOTAL:	477,303	2,387	5.0 / 1,000 S.F.	5.29 / 1,000 S.F.	

*VARIANCE RECEIVED FROM THE TOWN



EXISTING UTILITIES (LOCATION, SIZES AND INVERTS) SHOWN ON THE PLANS ARE APPROXIMATE AND ARE NOT CERTIFIED AS TO THE ACCURACY OF THEIR LOCATION OR COMPLETENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATIONS AND DEPTHS OF ALL UTILITIES AND STRUCTURES IN THE PATH OF, OR CLOSELY PARALLEL TO, OR UNDER, THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DELAYS OR DAMAGES OCCURRING AS A RESULT OF INCORRECTLY LOCATED UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITY OWNERS IN AMPLE TIME FOR THEM TO LOCATE AND MARK THEIR FACILITIES. THE CONTRACTOR SHALL ALSO NOTIFY UNDERGROUND UTILITY LOCATION SERVICE AT LEAST 48 HOURS IN ADVANCE OF COMMENCING ANY WORK.



NO.	DATE	REVISION	BY	CHKD.	APVLS.

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PROJECT ENGINEER
G.W.
DRAWN BY
D.E.L.
BOUNDARY
TOPOGRAPHY
DATE
06/28/2019
SCALE
1"=100'



- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

TITLE OF PROJECT
Baytowne Plaza
Starbucks Coffee Company
TITLE OF DRAWING
OVERALL SITE PLAN
LOCATION OF PROJECT
TOWN OF PENFIELD
COUNTY OF MONROE, STATE OF NEW YORK
CLIENT
DIMARCO BAYTOWNE ASSOCIATES
1950 BRIGHTON-HENRIETTA TOWN LINE ROAD
ROCHESTER, NEW YORK 14623
DWG.# 7209
CA110
SHEET 4 OF 10

