Existing Conditions & Proposed Development

3

The proposed development is currently part of the 2.43-acre parcel known as 2070 Empire Boulevard, Tax Map 093.02-1-1.121. This application proposes to subdivide a portion of that parcel into Lot R-7B (0.532 acres). The parcel is non-residential, vacant commercial property which is currently grass lawn with trees/brush at the western and northern property lines.

The proposed construction would consist of developing an electrical substation meeting the standards of Rochester Gas and Electric Corporation (RG&E) and the required industry codes such as the National Electrical Safety Code (NESC). The substation would replace the existing Station 55 located on the west side of Empire Boulevard. It will support upgrades to transmission and distribution lines in the region, providing back-up circuits to support the electrical load in the Penfield & Webster areas. The new substation will contain gas-insulated switchgear (GIS) equipment, which will be housed inside of a GIS building.

The substation would include a pre-engineered metal-sided GIS building with a gabled standingseamed metal roof and concrete foundation, two transformers with oil-containment foundations, electrical vaults and handholes, duct banks, conduit trenches, new stone substation yard, security fencing with vehicle gates, and lighting.

Lighting will consist of building-mounted wall-packs and perimeter, security lighting that will be on from dusk to dawn. Additional task lighting will be installed; however, it will only be in use if night work is required. Fixtures are full cut-off and are not anticipated to spill light beyond the property boundary.

The substation will be unmanned and does not require parking (occasional vehicles will be able to park within the substation yard), sanitary lateral, water service, or trash storage.

We understand that screening will be an important consideration for this development. RG&E prefers no vegetation for safety/security purposes. At this time, we are suggesting arborvitae be planted along the property frontage, within the Town's right-of-way, that would require future maintenance by the Town.

Zoning District & Property Owner

The parcel is currently owned by J J & A Development LLC and located within the Limited Business district. See the enclosed letter of permission from the Owner.

Seabury Boulevard and the nearby parcel at 150 Wexford Place are zoned Multiple Residential.

Schedule & Phasing

Construction is anticipated to start at the end of 2023, although the schedule is subject to change. The construction sequence and phasing are still in development and will be shared with the Town when available, closer to construction.

Permits & Approvals

The project will require a variety of Town approvals, including Site Plan, Subdivision, an Environmental Protection Overlay District (EPOD) permit, area variances, and a building permit Pue ED



Planning Department

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to the proximity of the Town of Penfield/Town of Webster municipal border, Monroe County will review the project under General Municipal Law §239.

There are no State or Federal approvals anticipated. The project site is 0.532 acres and therefore will not trigger the need for coverage under the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001.

Anticipated area variances to the Penfield Town Code include:

250-5.6(D)(2) Lot coverage

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Variance of 23.8% from maximum lot coverage (proposed lot coverage is 88.8%, exceeding the 65% maximum lot coverage requirement)

250-5.6(D)(3) Setbacks

Variance of 65.3 feet from the 80-foot minimum front setback (proposed setback of 14.7 feet)

Variance of 3.8 feet from the 20-foot side setback (proposed setback of 16.2 feet) Variance of 14.9 feet from the 30-foot rear setback (proposed setback of 15.1 feet)

250-7.1 (D) Fencing

Variance of 6 feet for the fence height within 20 feet of any front property line (proposed 8feet plus one foot outrigger)

Variance of 3 feet in fence height from the maximum of six feet in height

250-7.2(A)

Variance of 50 feet for a buffer along a boundary line between LB and a residential zoning district.

Zoning Area Variance Criteria

(1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

The variances being requested would not likely create an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The location of the project sits within a transition area between commercial and mulit-residential zoned neighborhoods. The proposed utility substation use of the property does not increase the intensity of land use within the neighborhood even though several area variances are being requested. Although several traditional dimensional requirements within the Town's Zoning regulations cannot be met, the site is being designed to fit neatly within a narrow envelope that would be screened from adjoining land uses within the Limited Business and Multiple Residence neighborhood. We note that the southeast side of Seabury Boulevard is lined with evergreen trees that serves as an existing buffer between residences and the roadway. Our proposal includes planting additional evergreens on the northwest side of Seabury Boulevard that would serve as additional screening to the residences to the southeast. The Zoning and Variance Plan on Drawing C201 depicts how the site would be developed within parameters of the requested variances.

The action under consideration will improve the reliability of the electrical transmission and distribution system in the area. The substation is essentially being relocated across the street, as the existing substation parcel is not large enough to accommodate an upgrade while remaining

energized. Building the substation on a new parcel will minimize outages to the customers. Instead of building all of the electrical equipment outdoors, the proposed substation will include minimal infrastructure in order to minimize visual impacts. The majority of the electrical equipment will be enclosed within a control house building, and two transformers will be outdoors. This public utility development provides a necessary upgrade for RG&E's customers.

(2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

It is desired to build a new substation in the same general vicinity as the existing Station 55 in order to reconnect the existing transmission lines and minimize the relocation of the transmission lines. Relocation of the substation outside of this area results in significant costs due to relocating transmission and distribution lines. It is much more cost effective to build within the vicinity of the existing substation, which keeps rate payers in mind.

While RG&E did examine other parcels within the neighborhood, the proposed site lends itself to maintaining existing transmission and distribution networks, thereby creating a financially feasible outcome for utility rate payers. Consideration was also given to expanding the current Station 55 located adjacent to the real estate office on the west side of NYS Route 404; however, the existing site will not accommodate required improvements dues to inadequate square-footage and immediately adjoining commercial land uses and single-family zoned neighborhood on Kirkland Drive.

(3) Whether the requested area variance is substantial;

There are several proposed variances, some of which could be considered substantial such as the inability of the development to meet the 50-foot buffer between the LB and MR zoning districts. However, an electrical substation is not a typical use for any zoning district and the space is maximized for this use. As the project location is in a transition area, and there does not appear to be any overly sensitive land uses immediately adjacent to our proposed project, we contend that the requested variances are not substantial.

(4) Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

The citing of an electrical substation in this area will have a positive impact on the availability of reliable electrical power in the area. The substation will be screened per the Town's requirements, which should minimize and avoid adverse visual impacts. No adverse environmental effect would occur in association with providing the requested variances.

(5) Whether the alleged difficulty was self-created. (In contrast to the context of a use variance, in the context of an area variance application, whether or not the alleged difficulty was self-created shall be relevant to the decision of the Board of Zoning Appeals but a finding that the difficulty was self-created shall not in and of itself preclude the granting of the area variance.)

While the difficulties we have encountered with our proposal are self-created in comparison to some of the dimensional requirements imposed by the Town of Penfield's zoning regulations, we contend that the site can be designed and developed to minimize and avoid adverse effects to the neighborhood.

Relocating an electrical substation involves the reconnection of electrical transmission and distribution lines. If a substation cannot be rebuilt on the same parcel as the existing substation (which needs to remain energized to provide continuous service to customers) RG&E looks at available, undeveloped property near the current substation. The land around the existing Station 55 is developed. However, this proposed subdivided parcel (Lot R-7B) could accommodate the footprint of the proposed substation, though without complying fully with the Zoning Code.

Environmental Protection Overlay Districts

According to the Town's GIS viewer, a portion of the north end of the proposed parcel is within the floodplain EPOD as a result of nearby Tributary of Shipbuilders Creek (NYSDEC 847-575.6), which is approximately 400 feet to the east of the property. No other EPODs exist on the proposed parcel.

Photos of Existing Property



Looking northeast from the southwest corner of the parcel to be subdivided



Looking north across the parcel to be subdivided from Seabury Blvd



Looking west across the parcel to be subdivided from Seabury Blvd

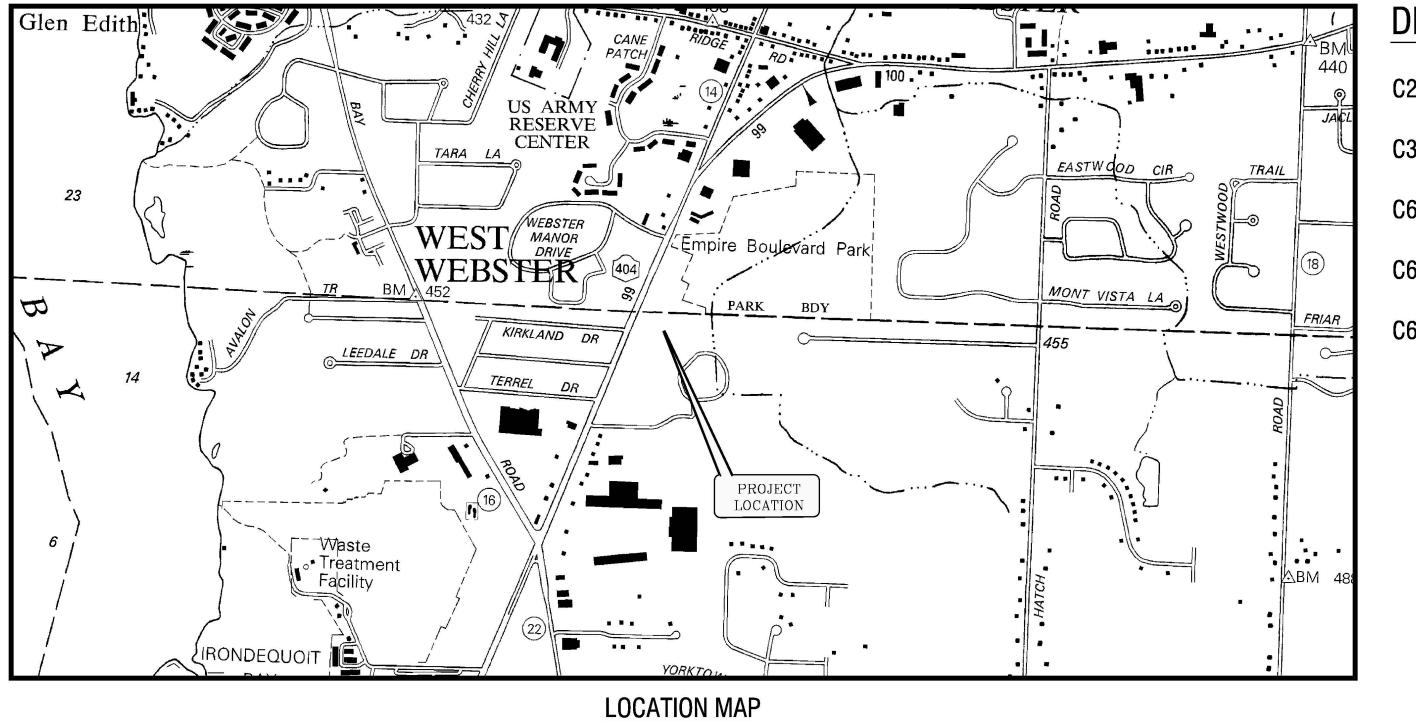


Looking east across the parcel, toward Daniel's Creek Apartments/Wexford Place

PROJECT INFORMATION TABLE

	NAME	ADDRESS	CONTACT PHONE	
APPLICANT	ROCHESTER GAS AND ELECTRIC CORPORATION (RG&E)	3 CITY CENTER 180 S CLINTON AVE ROCHESTER, NY 14604	CHRIS KEIPPER (585) 363-3204	
AGENT/ENGINEER	LABELLA ASSOCIATES, DPC	300 STATE STREET ROCHESTER, NY 14614	MARY STEBLEIN, PE (585) 454-6110	

ZONING TABLE							
	REQUIREMENT	PROPOSED					
ZONING	LB - LIMITED BUSINESS	LB - LIMITED BUSINESS					
FRONT YARD SETBACK, FT.	MIN. 80	14.7					
SIDE YARD SETBACK, FT.	MIN. 20	20					
REAR YARD SETBACK, FT.	MIN. 30	15.1					
IMPERVIOUS SURFACE COVERAGE,%	MAX. 65	88.8					
HEIGHT, FT.	MAX. 40	22					
FLOOR AREA, S.F.	MAX. 25,000	3,072					



NOTE:

1. SUBSTATION DESIGN BY OTHERS.



STATION 55 REBUILD 2070 EMPIRE BLVD WEBSTER, NY 14580

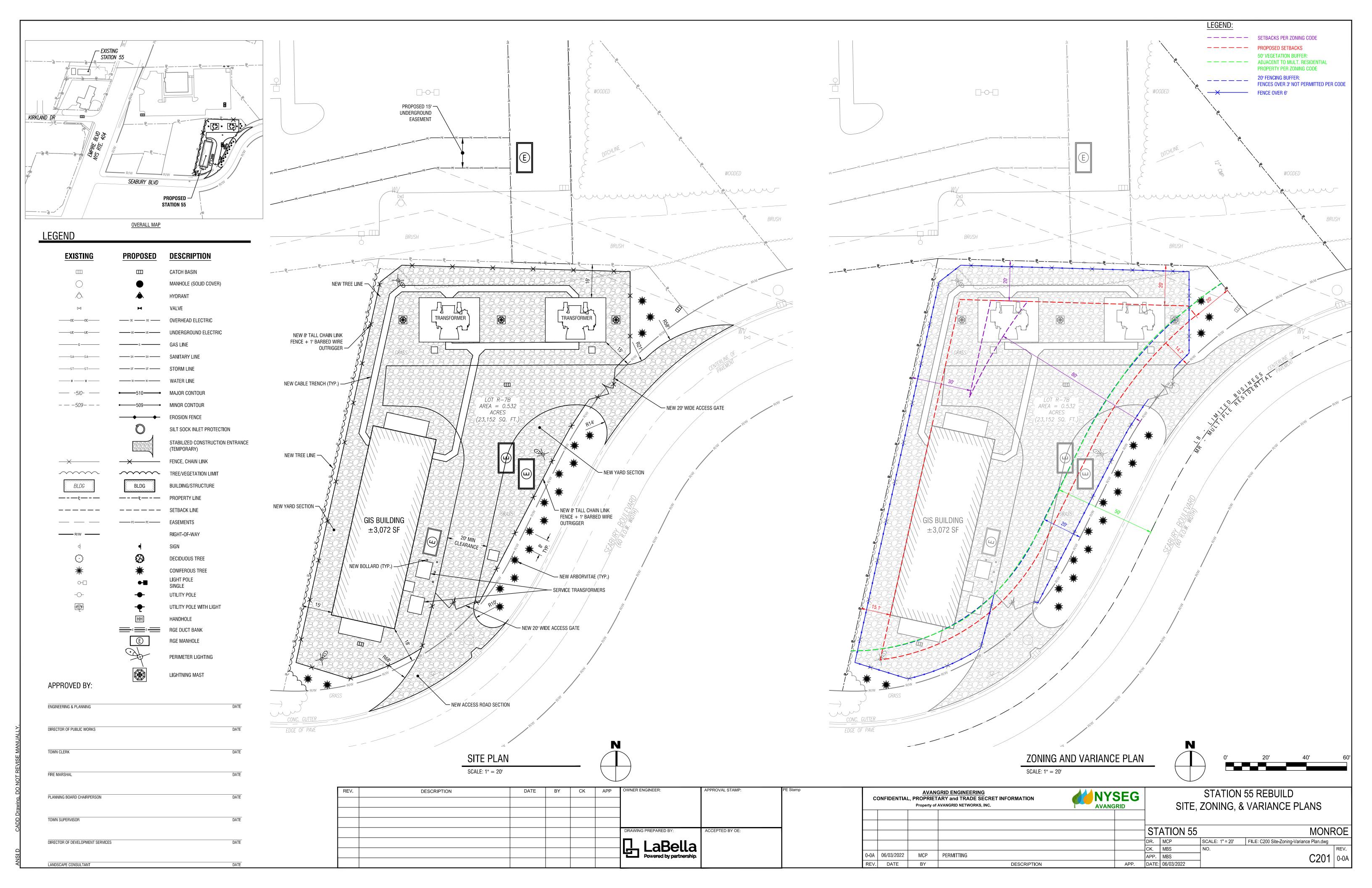
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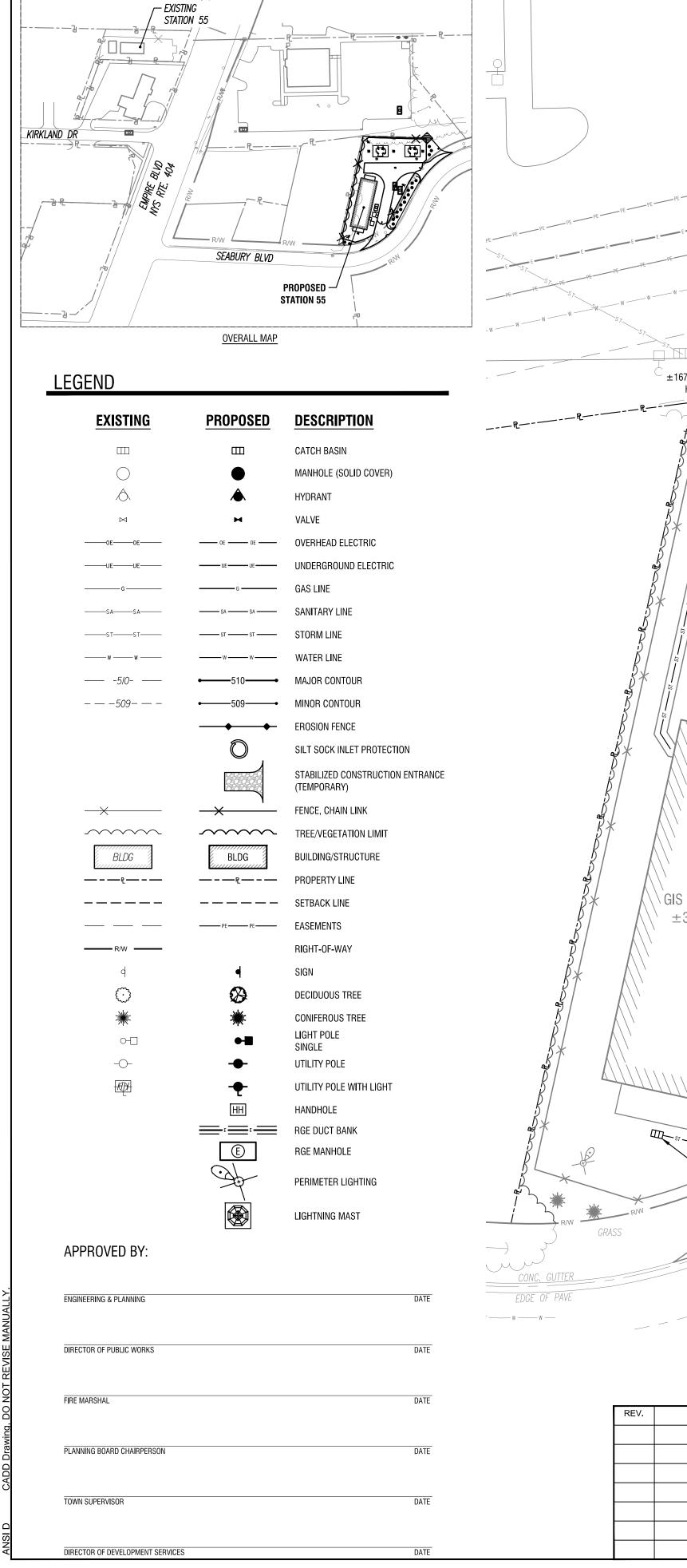
ROCHESTER GAS AND ELECTRIC CORPORATION (RG&E) 3 CITY CENTER - 180 S CLINTON AVE ROCHESTER, NY 14604 PROJECT NO: 2190344.02 **JUNE 2022**

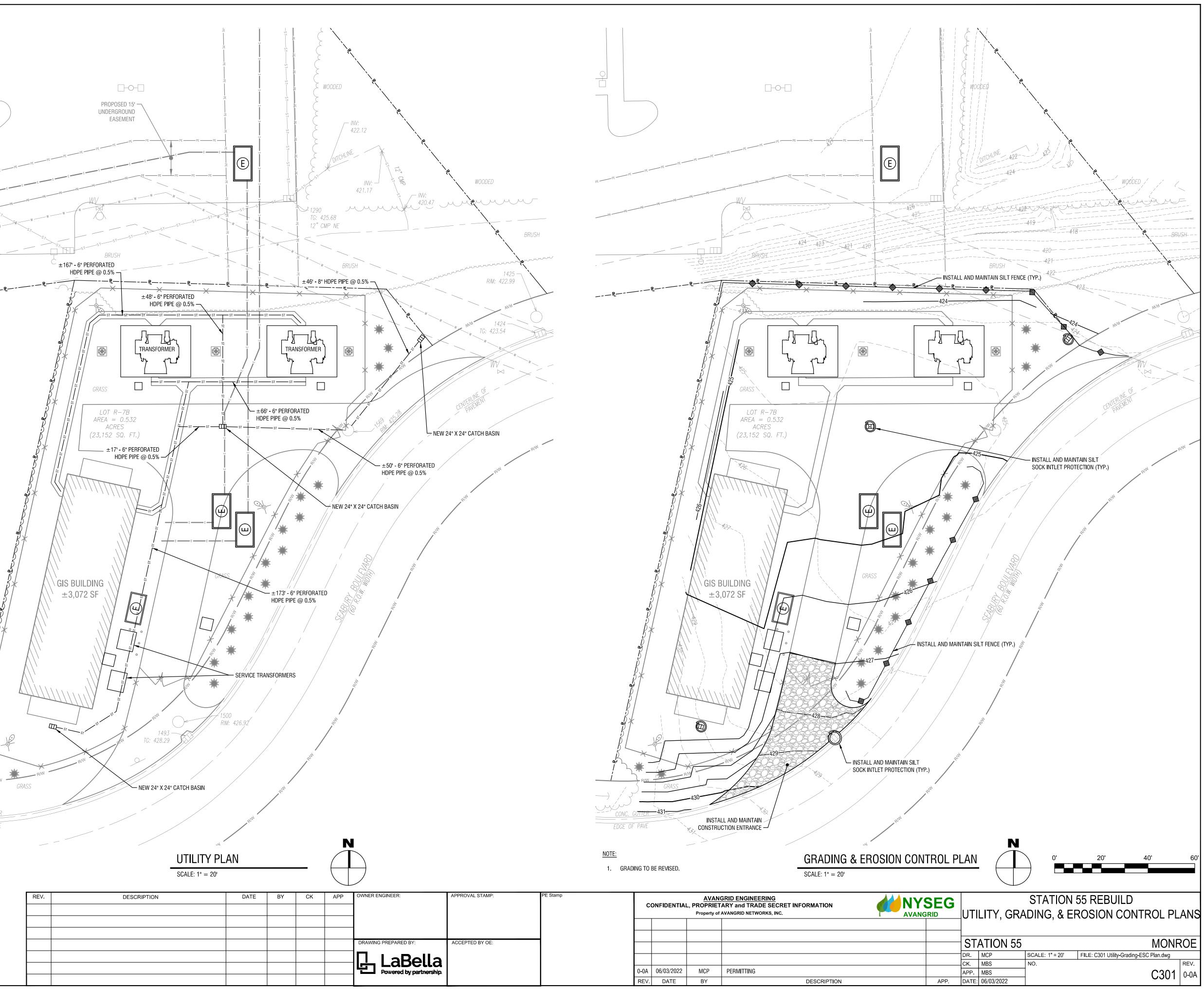
DRAWING INDEX

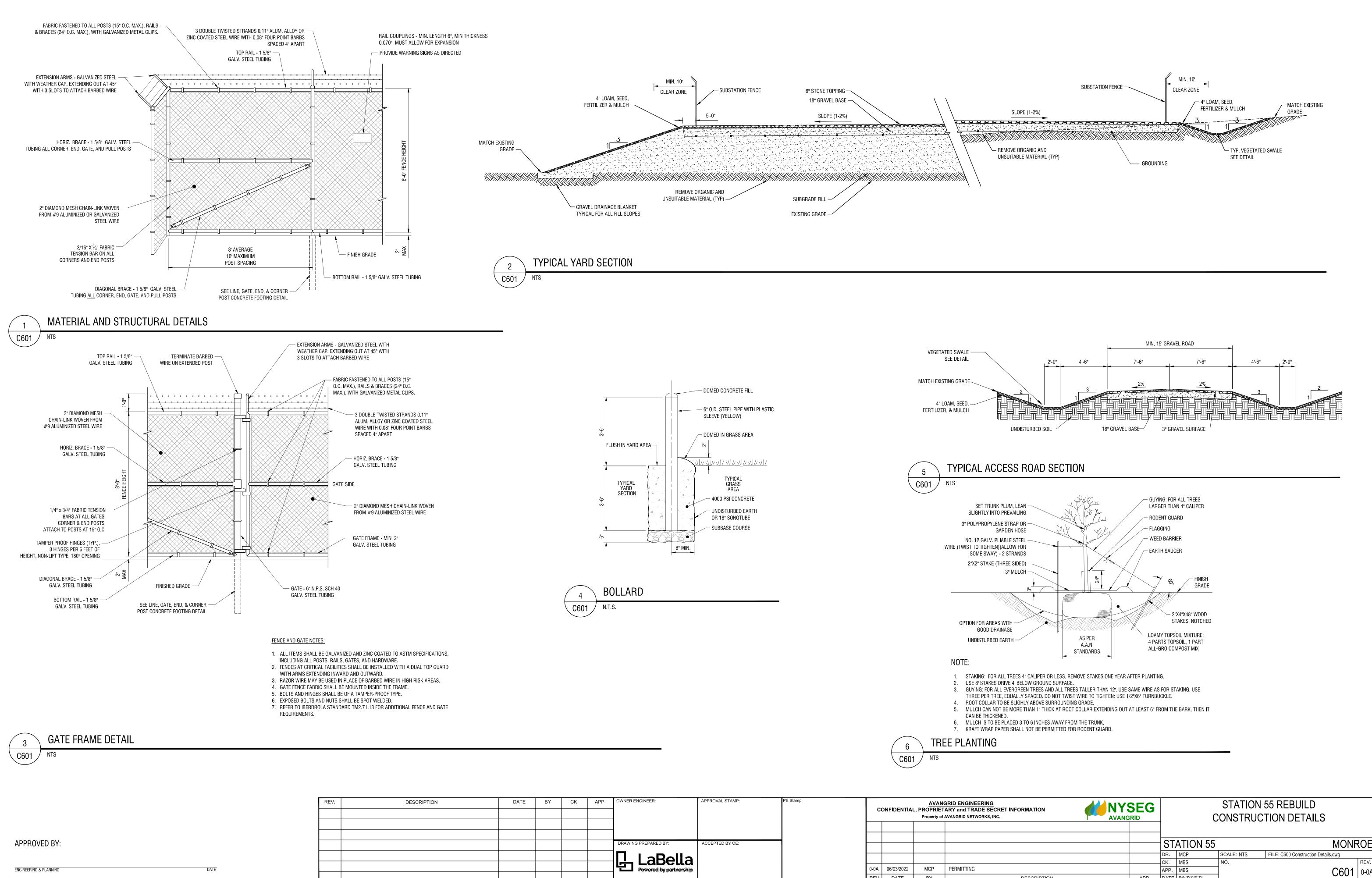
C201 SITE, ZONING, & VARIANCE PLANS C301 UTILITY, GRADING, & EROSION CONTROL PLANS **C601 CONSTRUCTION DETAILS C602 CONSTRUCTION DETAILS** C603 CONSTRUCTION DETAILS









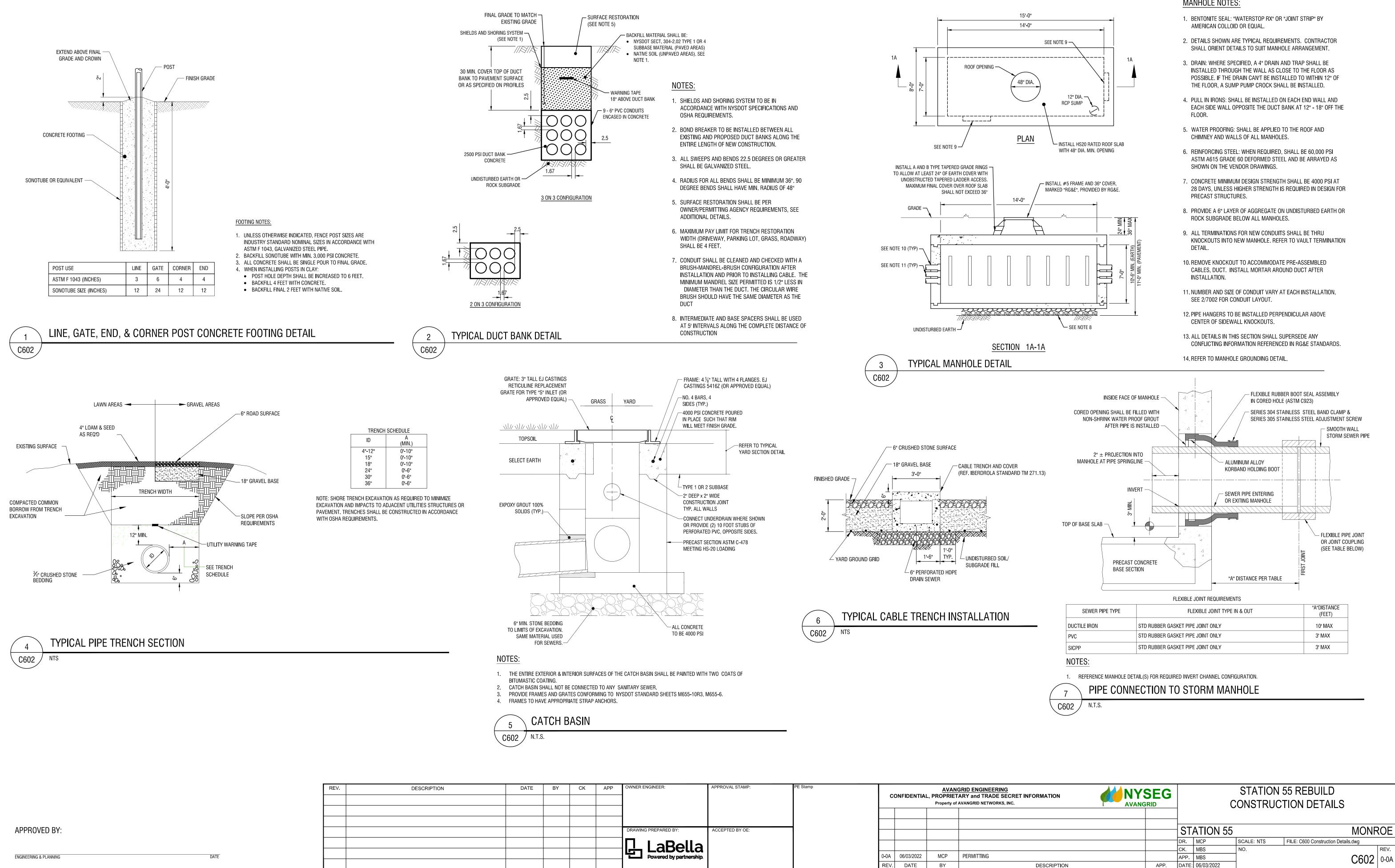


DATE

DATE	BY	СК	APP	OWNER ENGINEER:	ACCEPTED BY OE:		AVANGRID ENGINEERING CONFIDENTIAL, PROPRIETARY and TRADE SECRET INFORMATION Property of AVANGRID NETWORKS, INC.					
				DRAWING PREPARED BY:								
							0-0A	06/03/2022	МСР	PERMITTING		
							REV.	DATE	BY	DESCRIPTION		

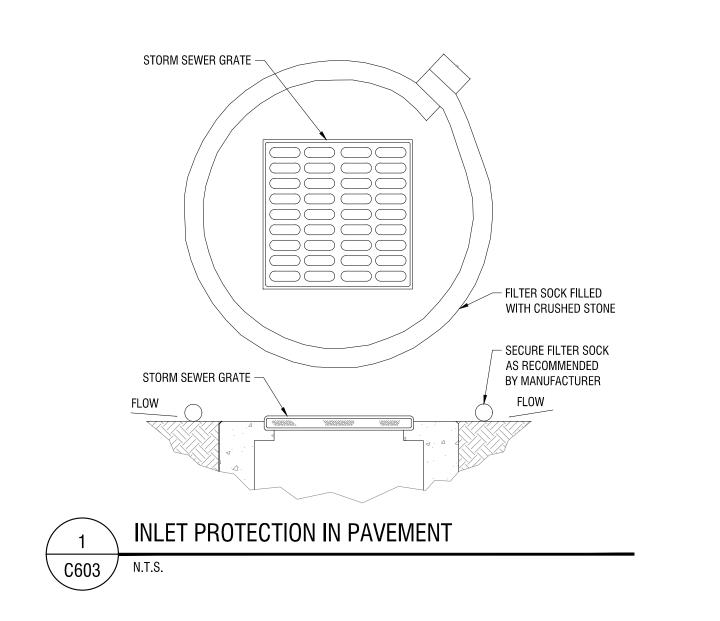
APP. DATE: 06/03/2022

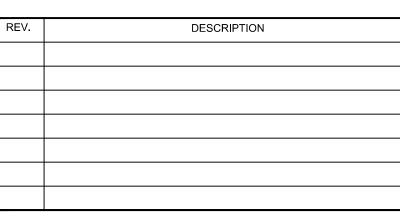




 DATE	BY	СК	APP	OWNER ENGINEER:	APPROVAL STAMP:	PE Stamp	<u>AVANGRID ENGINEERING</u> CONFIDENTIAL, PROPRIETARY and TRADE SECRET INF Property of AVANGRID NETWORKS, INC.					
				DRAWING PREPARED BY:	ACCEPTED BY OE:							
				LaBella								
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							REV.	DATE	BY		D	

MANHOLE NOTES:

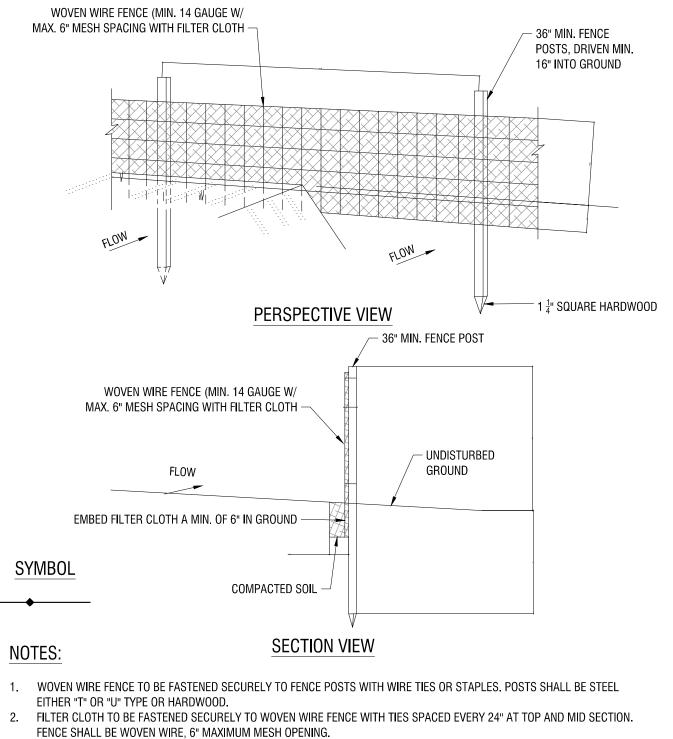




APPROVED BY:

ENGINEERING & PLANNING

DATE



3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER-LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABLINKA 140N, OR APPROVED EQUAL.

PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUAL. 5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE. SILT FENCE

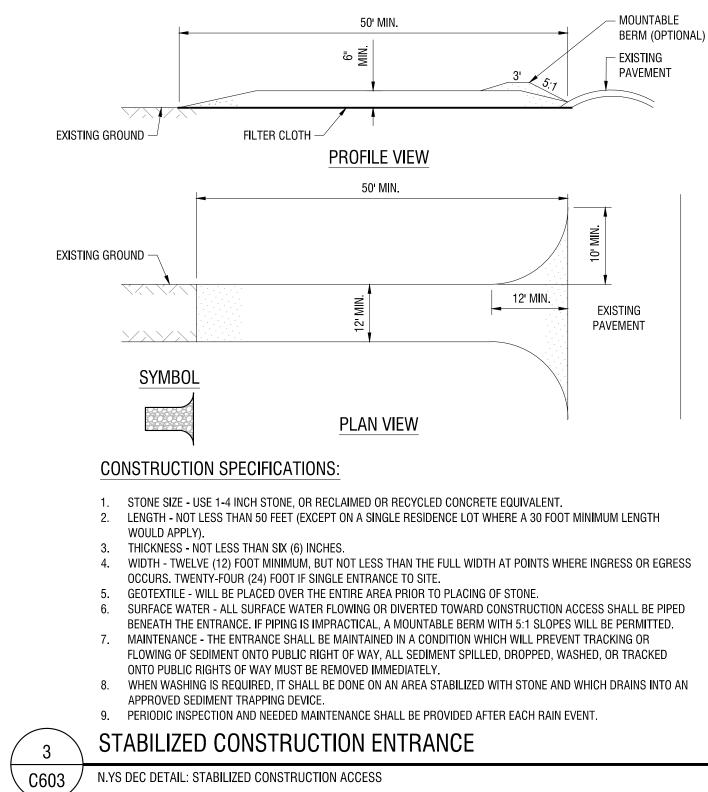
NYS DEC DETAIL: SILT FENCE

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C603 /



DATE	BY	СК	APP		APPROVAL STAMP: PE Stamp	PE Stamp	<u>AVANGRID ENGINEERING</u> CONFIDENTIAL, PROPRIETARY and TRADE SECRET INFOI Property of AVANGRID NETWORKS, INC.				
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				Powered by partnership.			0 - 0A	06/03/2022	MCP	PERMITTING	
							REV.	DATE	BY		

		-	STATION 55 REBUILD CONSTRUCTION DETAILS							
		ST.	ATION 55			MONF	ROE			
		DR.	MCP	SCALE: NTS	FILE: C600 Construction Details.	dwg				
		СК.	MBS	NO.			REV.			
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