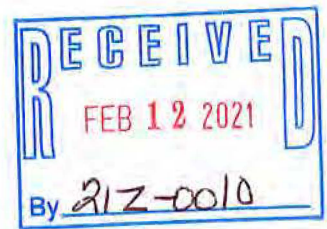


ZONING BOARD OF APPEALS AGENDA

Public Hearing Application # 6

Application # 21Z-0010
100 Old Quarry Lane
Daniel Brocht/LaBella Associates

See Pages to Follow



February 12, 2021

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

RE: RIT - 100 Old Quarry Lane
Application for Area Variance - Fence

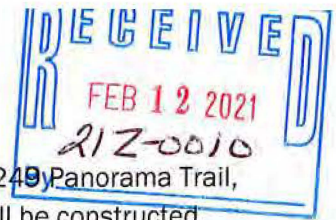
Dear Members of the Board:

On behalf of our client, Rochester Institute of Technology, we are pleased to present the attached package for the Zoning Board's consideration.

RIT would like the Zoning Board to consider approving an area variance for allowing an 8' high garden fence, where 6' maximum is required by Town code section 250-7.1. (C), to fully enclose an approximate 7,200 sq. ft. (120'x60') garden to be utilized by the R.I.T. for educational purposes. Fencing is to be comprised of 6' high agricultural style fencing with wooden posts and headers, along with 8' high posts to support 3 wire cables to prevent animals from jumping into the garden.

To help balance the consideration of this variance against the detriment to the health, safety and welfare of the neighborhood or community, we offer the following responses.

- (1) Granting this area variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The fencing is proposed to be located approximately 1200 feet from the nearest residence, 249 Panorama Trail, with a natural vegetated buffer of approximately 650 feet, and will remain unseen by surrounding properties.
- (2) The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. According to the New York State Department of Environmental Conservation "Community Deer management Guide" published in 2018, "The only sure way to keep deer from eating plants is to enclose the plants in a sturdy fence that deer can't jump over, which usually means at least eight feet high."
- (3) The requested area variance is not substantial. With the code maximum height of 6', the request for an overall 8' is a 25% increase in height. Also, the bulk of the fence will remain within the 6' maximum height requirement with the 2' variance being support for 3 cables only.
- (4) The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The fencing is proposed to be



located approximately 1200 feet from the nearest residence, located at 249 Panorama Trail, with a natural vegetated buffer of approximately 650 feet. The fencing will be constructed using common construction practices, wood and agricultural fencing with corner posts mounted into the earth 4' within a 12" diameter foundation.

- (5) The alleged difficulty was not self-created. According to the New York State Department of Environmental Conservation "Community Deer management Guide" published in 2018, "The only sure way to keep deer from eating plants is to enclose the plants in a sturdy fence that deer can't jump over, which usually means at least eight feet high."

On October 17, 2019, the Town of Penfield Zoning Board of Appeals issued a Conditional Use Permit for 100 Quarry Lane, 1538 Old Penfield Road, 1070-B Penfield Road, 479 Thomas Cove Road and 523 Thomas Cove Road to allow for a private educational use of the properties, all located in an R-1-20 zoned district. The approval of the Board was limited to the general overall concept of an educational use by RIT on such parcel, or parcels, including the use of the existing buildings for meetings, conferences, seminars and similar uses and the use of the lands for research and other academic programs directly associated with RIT. A condition of said approval requires RIT to apply for review and approval by the Town's Planning Board once more specific plans for the use of the property were developed. An application to the Planning Board is being submitted on February 26, 2021 for the April 8, 2021 meeting.

The following items are included as part of this Zoning Board application for the requested area variance:

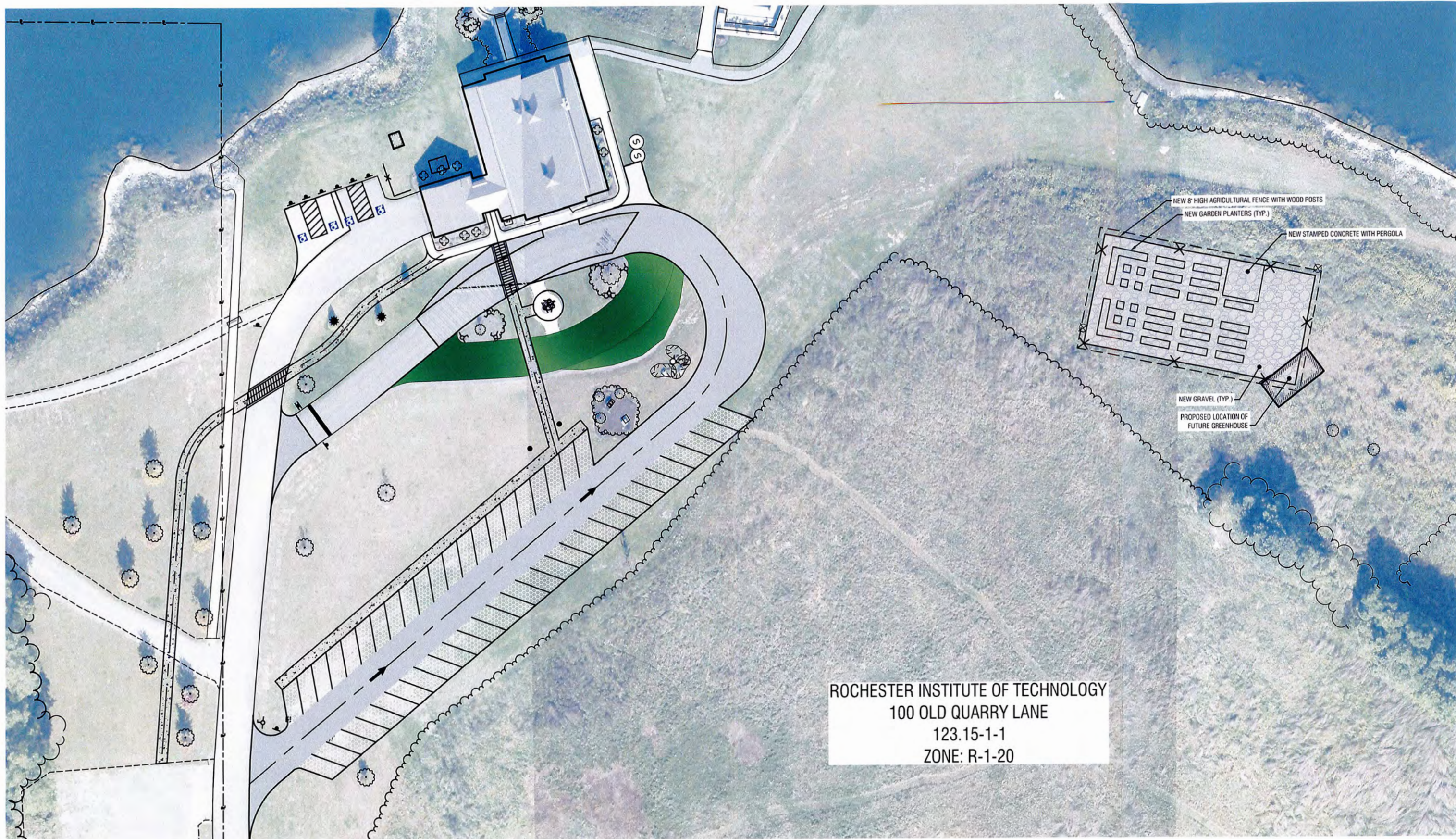
- (1) Completed Zoning Board of Appeals Application form
- (2) Letter of Intent
- (3) Completed Short Environmental Assessment (SEAF) form
- (4) Site Plan Exhibit
- (5) Exhibits
- (6) Letter of Permission
- (7) Fees

We look forward to presenting this application to you at your March 18th, 2021 Zoning Board meeting. In the meantime, if any of the Board members would like to visit the site or should questions arise please feel free to contact me at any time.

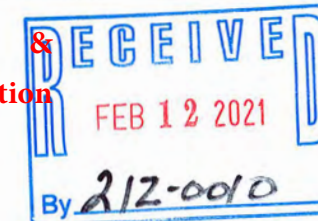
LaBella Associates

Daniel P. Brocht

Daniel P. Brocht, Sr. Project Manager

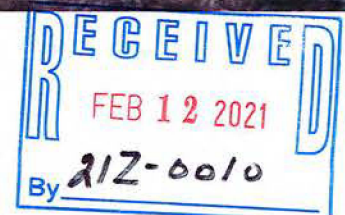


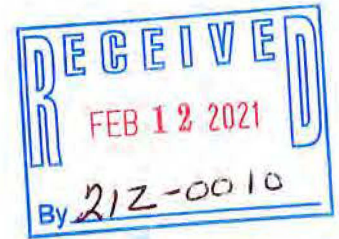
FENCE
&
Garden Location





FENCE
100 Old Quarry Ln





February 12, 2021

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

RE: RIT - 100 Old Quarry Lane
Application for ~~Area Variance~~ - "No Trespassing" signs

Dear Members of the Board:

*special permit
sign*

On behalf of our clients, Rochester Institute of Technology, we are pleased to present the attached package for the Zoning Board's consideration.

In the meantime, RIT would like the Zoning Board to consider approving an area variance for allowing RIT's typical 28"x48" (9.33 sq. ft.) "No Trespassing" signs to be used on the property where the Town Code Section 250-10.22 allows 1 sq. ft. maximum of signage per face.

To help balance the consideration of this variance against the detriment to the health, safety and welfare of the neighborhood or community, we offer the following responses.

- (1) Granting this area variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed signage will be placed approximately 50' from the property line allowing for the natural vegetative screening to block the view from adjoining properties unless seen from within the property limits.
- (2) The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. With the overall size of the property being approximately 142 acres, RIT is electing to mount their typical signage in fewer locations as opposed to utilizing smaller signs in much greater quantity.
- (3) The requested area variance is not substantial. The increase in the overall square footage of the proposed "no trespassing" signs weighed against the number of signs needed if utilizing a smaller design is minimal.
- (4) The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed signage will be mounted on a post as to not damage the existing vegetation.
- (5) The alleged difficulty was not self-created. In an effort to keep the harmony of the existing boundary in a natural state for the adjoining property owners, RIT is requesting the larger signs in fewer spaces.



212-0010

On October 17, 2019, the Town of Penfield Zoning Board of Appeals issued a Conditional Use Permit for 100 Quarry Lane, 1538 Old Penfield Road, 1070-B Penfield Road, 479 Thomas Cove Road and 523 Thomas Cove Road to allow for a private educational use of the properties, all located in an R-1-20 zoned district. The approval of the Board was limited to the general overall concept of an educational use by RIT on such parcel, or parcels, including the use of the existing buildings for meetings, conferences, seminars and similar uses and the use of the lands for research and other academic programs directly associated with RIT. A condition of said approval requires RIT to apply for review and approval by the Town's Planning Board once more specific plans for the use of the property were developed. Thus, an application to the Planning Board is being submitted on February 26, 2021 for the April 8, 2021 meeting.

In the meantime, the following items are included as part of this Zoning Board application for the requested area variance:

- (1) Completed Zoning Board of Appeals Application form
- (2) Letter of Intent
- (3) Completed Short Environmental Assessment (SEAF) form
- (4) Site Plan Exhibit
- (5) Exhibits
- (6) Letter of Permission
- (7) Fees

We look forward to presenting this application to you at your March 18th, 2021 Zoning Board meeting. In the meantime, should questions arise or if any of the Board members would like to visit the site, please feel free to contact me at any time.

LaBella Associates

Daniel P. Brocht

Daniel P. Brocht, Sr. Project Manager

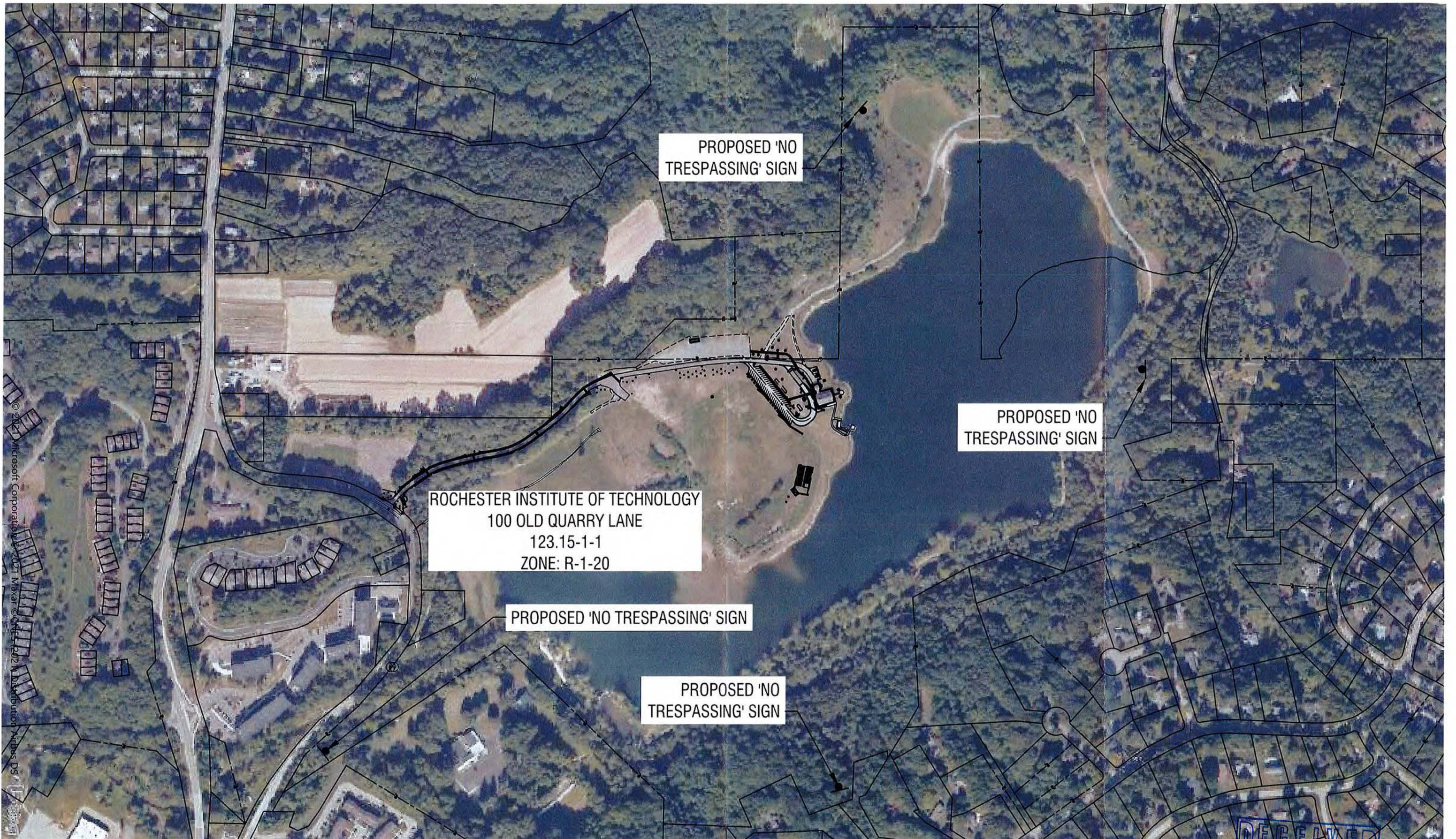
RIT RESEARCH FACILITY PRIVATE PROPERTY NO TRESPASSING

HUNTING, FISHING, TRAPPING OR MOTORIZED VEHICLES ARE STRICTLY
FORBIDDEN

VIOLATORS WILL BE PROSECUTED

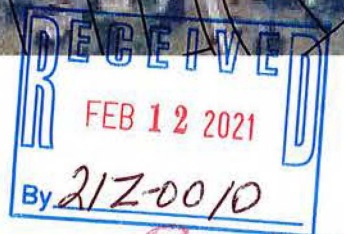
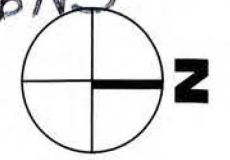
Property is under 24 hour video surveillance
1 Lomb Memorial Drive Rochester NY 14623
RIT Public Safety 585-475-2853

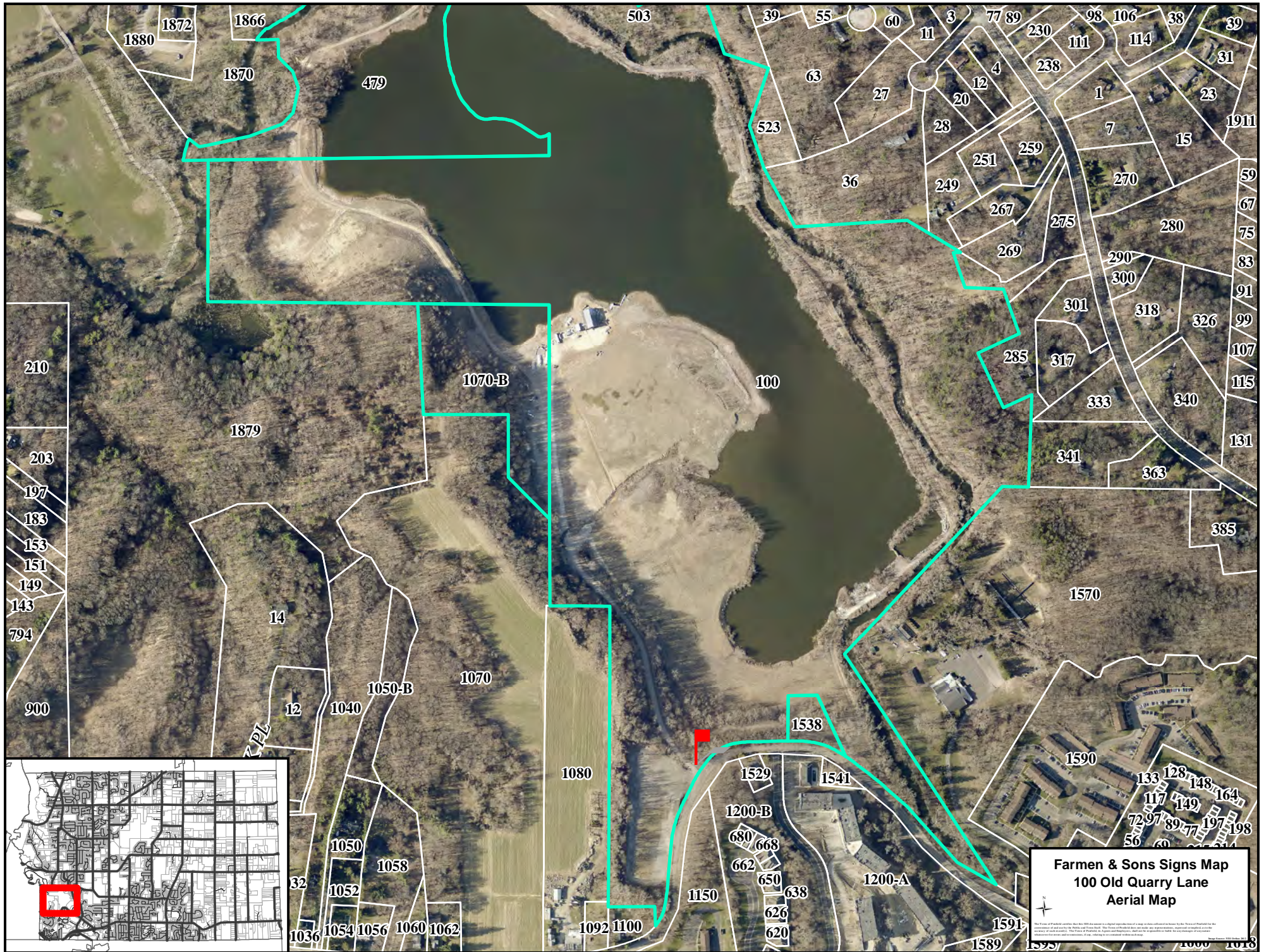




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SIGNS





Farmen & Sons Signs Map
100 Old Quarry Lane
Aerial Map

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