

APPLICATION FOR AMENDMENT TO ZONING MAP
CHAPTER 250-15.1-C OF THE PENFIELD TOWN CODE

PROPERTY LOCATION: Frontage along the west side of Panorama Trail, north of the Rt. 441 Expressway and south of Panorama Creek Drive

SIZE OF PROPERTY: 7.5 ± Acres TAX ACCOUNT NO.:138.12-1-1.12

PRESENT ZONING: LI –Limited Industrial

PROPOSED ZONING: GB- General Business

IS THIS REQUEST TO RE-ZONE THE ENTIRE PARCEL OF PROPERTY? __ YES X NO

PLEASE IDENTIFY, SPECIFICALLY, THE AREA TO BE RE-ZONED ON REQUIRED MAP OF PROPERTY AND ATTACH A SURVEY MAP, LEGAL DESCRIPTION, PENFIELD ENVIRONMENTAL ASSESSMENT FORM AND LETTER OF INTENT. **(20 copies of each)**

PROPERTY OWNER'S NAME: LFS Panorama I, LLC

ADDRESS: 1000 Lexington Avenue Rochester, New York 14606

TELEPHONE: (585) 738-8889

APPLICANT/AGENT'S NAME: Jerry A. Goldman, Esq.//Peter G. Vars, P.E.

ADDRESS: 1900 Bausch & Lomb Place Rochester, New York 14604
10 Lift Bridge Lane East Fairport, New York 14450

TELEPHONE: (W) (585) 987-2901 // (585) 377-7360

FIRM: Woods Oviatt Gilman, LLP // BME Associates

WHAT IS THE PRESENT ZONING OF ADJACENT PROPERTIES? GB- General Business

DESCRIBE IN DETAIL THE PROPOSED USE OF THE PROPERTY TO BE RE-ZONED: To be marketed for general business purposes.

HOW WILL THIS APPLICATION IMPACT NEIGHBORING PROPERTIES?

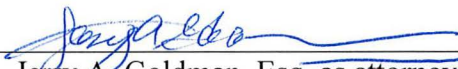
This application should have no impact on neighboring properties. The proposed zoning is consistent with all other adjacent properties along the frontage of Panorama Trail and will not impact the remainder of the LI zoned Panorama Park.

HAS THIS APPLICATION BEEN REQUESTED BEFORE? :__ : YES :_X_: NO

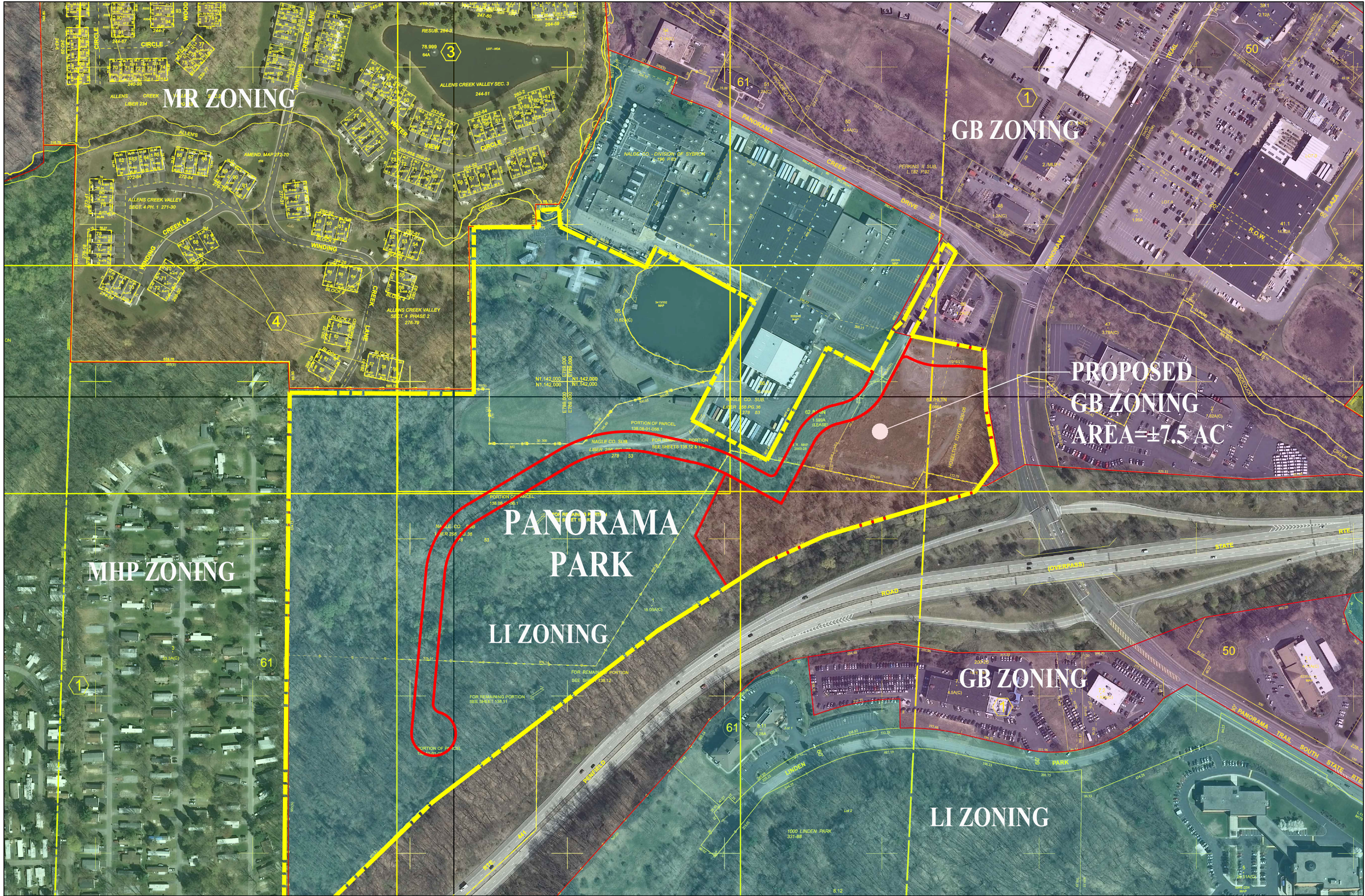
DATE OF PREVIOUS APPLICATION: Not applicable

DATE: June 18, 2021

LFS PANORAMA I, LLC



Jerry A. Goldman, Esq. as attorney and agent



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Rochester, New York 14604
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Email: jgoldman@woodsoviatt.com
Admitted to practice in New York and Florida

June 11, 2021

Town Board of the Town of Penfield
3100 Atlantic Avenue
Penfield, New York 14526

Re: Application for Amendment to Zoning Map
Frontage along the west side of Panorama Trail, north of the Route 441 Expressway
LETTER OF INTENT

Dear Board Members:

This office represents LFS Panorama I, LLC (LFS Panorama), the owner and developer of Panorama Park, a business/industrial development located on the west side of Panorama Trail, north of the Route 441 Expressway and south of Panorama Creek Drive. The entire of the Park property is currently zoned LI-Light Industrial.

LFS Panorama has attracted to Panorama Park, and constructed a building for, SimuTech Group at 500 Parker Hill Drive. There is continuing interest for industrial/flex space/office uses within the Park, but interest along the frontage of Panorama Trail has been for General Business uses.

For that reason, our client approached the Town's Comprehensive Plan Committee, in February of 2020, to consider proposing rezoning the frontage along Panorama Trail to GB-General Business, consistent with the zoning along the frontage of Panorama Trail south of Penfield Road, extending beyond the 441 Expressway.

As a result of COVID, the Comprehensive Planning Committee had an extended hiatus in 2020-2021. Earlier this year, the owner re-engaged with the Town to pursue its request for a recommendation of rezoning of the frontage. This request was formally presented to the Comprehensive Plan Committee on June 1, 2021 and resulted in a recommendation to your Board for the requested rezoning.

This letter of intent accompanies the following documents requesting the rezoning:

1. The Town's Application for Amendment to Zoning Map.
2. Map indicating the subject property in the context of neighboring properties.
3. Survey Map of the area to be rezoned.
4. Legal Description of the lands to be rezoned.
5. Environmental Assessment Form.

Our client understands that there is concern about proliferation of automotive dealerships on the Panorama Trail frontage. For that reason, our client is willing to accept this rezoning subject to a condition that there will be no automotive dealerships on this property.

We urge the Board to give this request favorable consideration. By Code, this application must be referred to the Town Planning Board and by state law, to Monroe County Planning. We would request that the Board accept this application, make the appropriate referrals and schedule a public hearing at the next available Town Board meeting.

Thank you very much for your consideration. If you have any questions, please do not hesitate to contact me.

Very truly yours,

WOODS OVIATT GILMAN, LLP



Jerry A. Goldman

Please direct responses to Rochester Office

cc: LFS Panorama I, LLC
BME Associates

Description of Lands to be Rezoned

ALL THAT TRACT OR PARCEL OF LAND containing 7.534 acres more or less, situate in the Phelps and Gorham Purchase, Township 13, Range 4, Town Lots 50 & 61, Town of Penfield, County of Monroe, and State of New York, as shown on the drawing entitled "Panorama Park, Map of Area to be Rezoned," prepared by BME Associates, having drawing number 2377CZ-01, dated June 15, 2021, being more particularly bounded and described as follows:

Beginning at the intersection of the easterly right-of-way line of Parker Hill Drive (60' Right-of-Way) with the southerly property line of lands now or formerly of Regional Retail Properties LLC (T.A. No. 138.08-1-60); thence

1. S 79°03'00" E, along said southerly property line, a distance of 237.88 feet to a point; thence

The following seven (7) courses are along the westerly right-of-way line of Panorama Trail (Width Varies) and Penfield Road – New York State Route 441 (Width Varies);

2. S 01°11'02" E, a distance of 187.68 feet to a point; thence
3. S 09°59'44" E, a distance of 177.74 feet to a point; thence
4. S 37°09'09" W, a distance of 111.34 feet to a point; thence
5. S 73°40'47" W, a distance of 404.19 feet to a point; thence
6. S 73°32'21" W, a distance of 89.99 feet to a point; thence
7. S 65°53'26" W, a distance of 208.81 feet to a point; thence
8. S 57°43'20" W, a distance of 144.95 feet to a point; thence
9. N 32°16'40" W, through Remaining lands 'R-B', a distance of 191.12 feet to the southeast corner of Lot 2; thence
10. N 26°02'14" E, along the easterly property line of said Lot 2, a distance of 220.51 feet to a point on the aforesaid easterly right-of-way line of Parker Hill Drive; thence

The following seven (7) courses are along the right-of-way line of said Parker Hill Drive;

11. Southeasterly, along a non-tangent curve to the right, having a radius of 470.00 feet, and a chord bearing of S 62°57'08" E, a distance of 16.58 feet to a point; thence
12. S 61°56'30" E, a distance of 184.77 feet to a point; thence
13. N 28°03'30" E, a distance of 219.55 feet to a point; thence

14. Northeasterly, along a tangent curve to the right, having a radius of 120.00 feet, and a chord bearing of N 51°36'27" E, a distance of 98.64 feet to a point; thence
15. N 75°09'23" E, a distance of 33.39 feet to a point; thence
16. Northeasterly, along a tangent curve to the left, having a radius of 180.00 feet, and a chord bearing of N 51°36'26" E, a distance of 147.96 feet to a point; thence
17. N 28°03'29" E, a distance of 121.05 feet to a point; thence
18. N 23°57'52" E, through the right-of-way of said Parker Hill Road, a distance of 82.21 feet to the Point of Beginning.

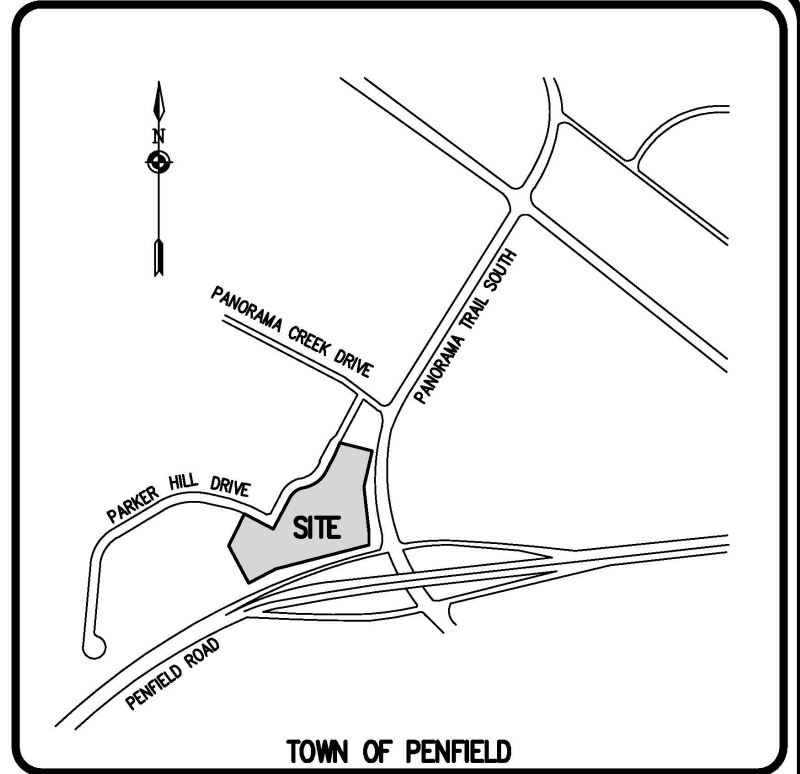
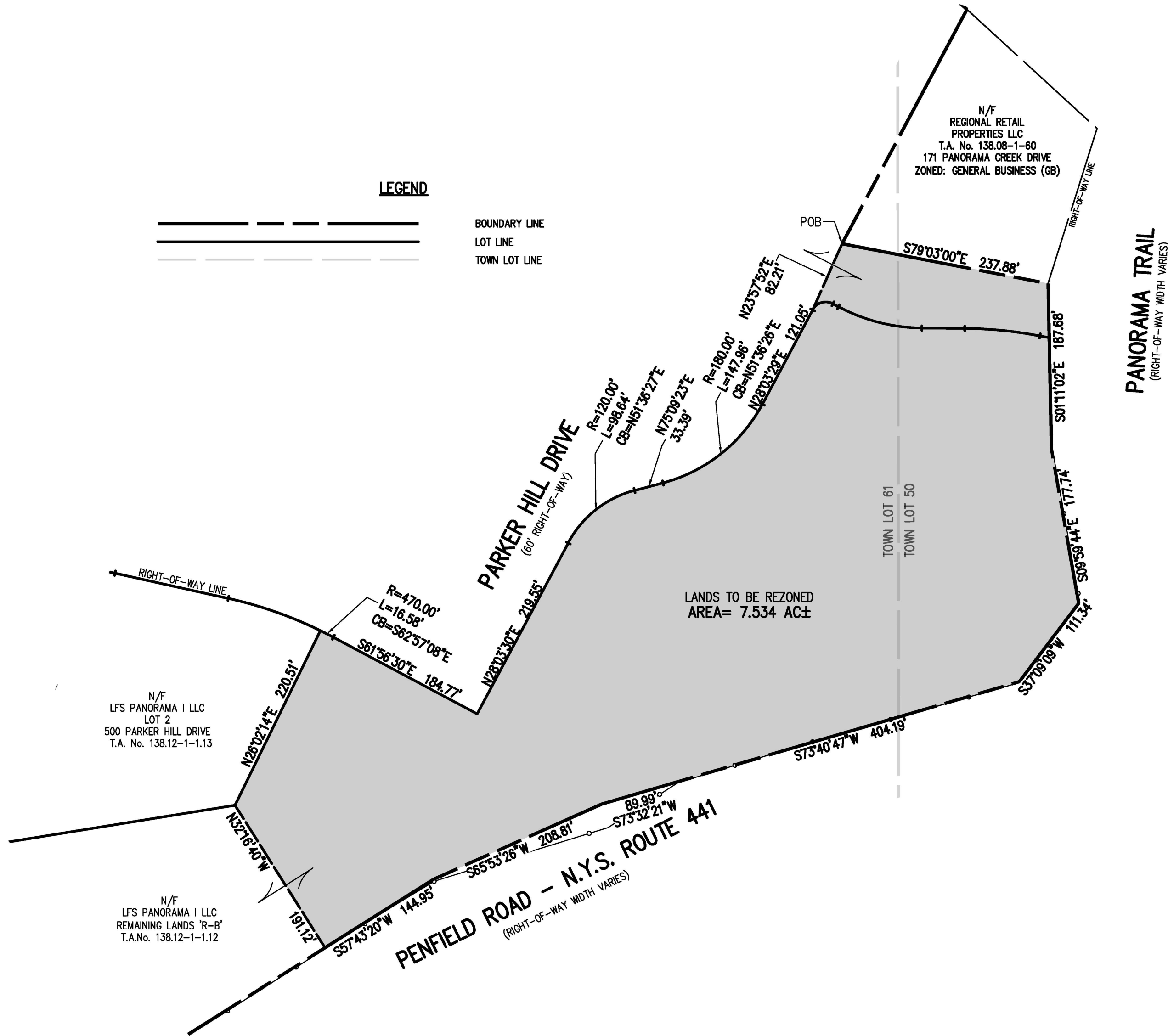
THIS MAP AND THE INFORMATION SHOWN HEREON IS NOT TO BE USED WITH AN "AFFIDAVIT OF NO CHANGE."
BME ASSOCIATES ASSUMES NO LIABILITY TO THE PARTIES NOTED HEREON OR TO ANY FUTURE OWNER, TITLE COMPANY,
GOVERNMENTAL AGENCY, ATTORNEY OR LENDING INSTITUTION IN THE EVENT THAT THIS MAP IS USED WITH AN
"AFFIDAVIT OF NO CHANGE," OR SIMILAR INSTRUMENT.
COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S ORIGINAL INKED SEAL OR EMBOSSED SEAL SHALL NOT BE
CONSIDERED TO BE A VALID TRUE COPY.
"UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209, OF THE NEW YORK STATE
EDUCATION LAW."

COPYRIGHT © 2021
BME Associates

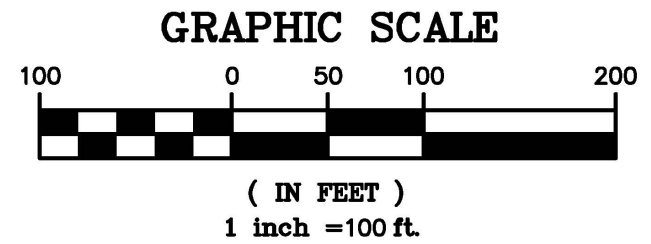
LEGEND



BOUNDARY LINE
LOT LINE
TOWN LOT LINE



TOWN OF PENFIELD
LOCATION MAP
NOT TO SCALE



REFERENCES:

- A PLAN ENTITLED "PANORAMA PARK SUBDIVISION PHASE 2, BEING A RESUBDIVISION OF REMAINING LANDS 'B'," AS FILED IN THE MONROE COUNTY CLERK'S OFFICE AT LIBER 360 OF MAPS, PAGE 38.
- A PLAN ENTITLED "PANORAMA PARK SUBDIVISION PHASE 2, BEING A RESUBDIVISION OF REMAINING LANDS 'B'," AS FILED IN THE MONROE COUNTY CLERK'S OFFICE AT LIBER 360 OF MAPS, PAGE 39.
- A MAP ENTITLED "MAP OF A SURVEY OF LOT 2, PANORAMA PARK SUBDIVISION PHASE 2," PREPARED BY BME ASSOCIATES, LAST REVISED DECEMBER 16, 2020, HAVING DRAWING No. 2650B-19.
- AN ABSTRACT OF TITLE WAS NOT PROVIDED FOR THE COMPLETION OF THIS SURVEY.

NOTES:

- THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM OF 1983, WESTERN ZONE, NAD 83.

PHELPS & GORHAM PURCHASE, TOWNSHIP 13, RANGE 4, TOWN LOTS 61 AND 50, T.A. No. 138.12-1-1.12

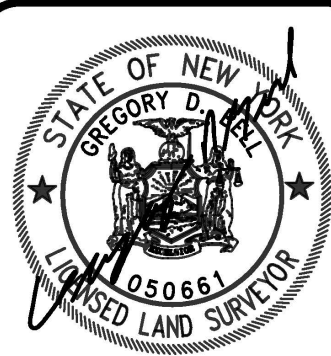
P:\2650B\Drawings\Final\2650B Subdivision Plat 100 Scale.dwg

PROJECT
TOWN OF PENFIELD, COUNTY OF MONROE, STATE OF NEW YORK

LOCATION
TOWN OF PENFIELD, COUNTY OF MONROE, STATE OF NEW YORK

CLIENT
LFS PANORAMA I LLC
1001 LEXINGTON AVE
ROCHESTER, NY 14606

DRAWING TITLE
MAP OF AREA TO BE REZONED



BME ASSOCIATES
ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

10 LIFT BRIDGE LANE EAST
FAIRPORT, NEW YORK 14450
WWW.BMEPC.COM

PHONE 585-377-7360
FAX 585-377-7309

7			
6			
5			
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2			
1			
REVISIONS		DATE	BY

Drawing Attention
The following is an excerpt from the
New York State Education Law Article
16, Section 7209 and applies to this
drawing:
"It is a violation of this law for any
person, unless he is acting under the
direction of a licensed professional
engineer or land surveyor to alter any
drawing or map prepared by him or
under his supervision, or to cause the
seal of an engineer or land surveyor to
be altered, the altering engineer or land
surveyor shall affix to the item his seal
and the notation 'altered by' followed
by his signature and the date of such
alteration, and a specific description
of the alteration."

PROJECT MANAGER
P. VARS
DATE

PROJECT SURVEYOR
G. BELL
DATE

DRAWN BY
J. CLIMORE
DATE

SCALE
1"=100'
DATE ISSUED
JUNE 15, 2021

PROJECT NO.
2377CZ

DRAWING NO.
01

Short Environmental Assessment Form

Part 1 - Project Information

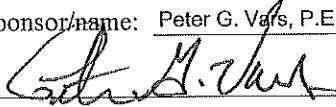
Instructions for Completing

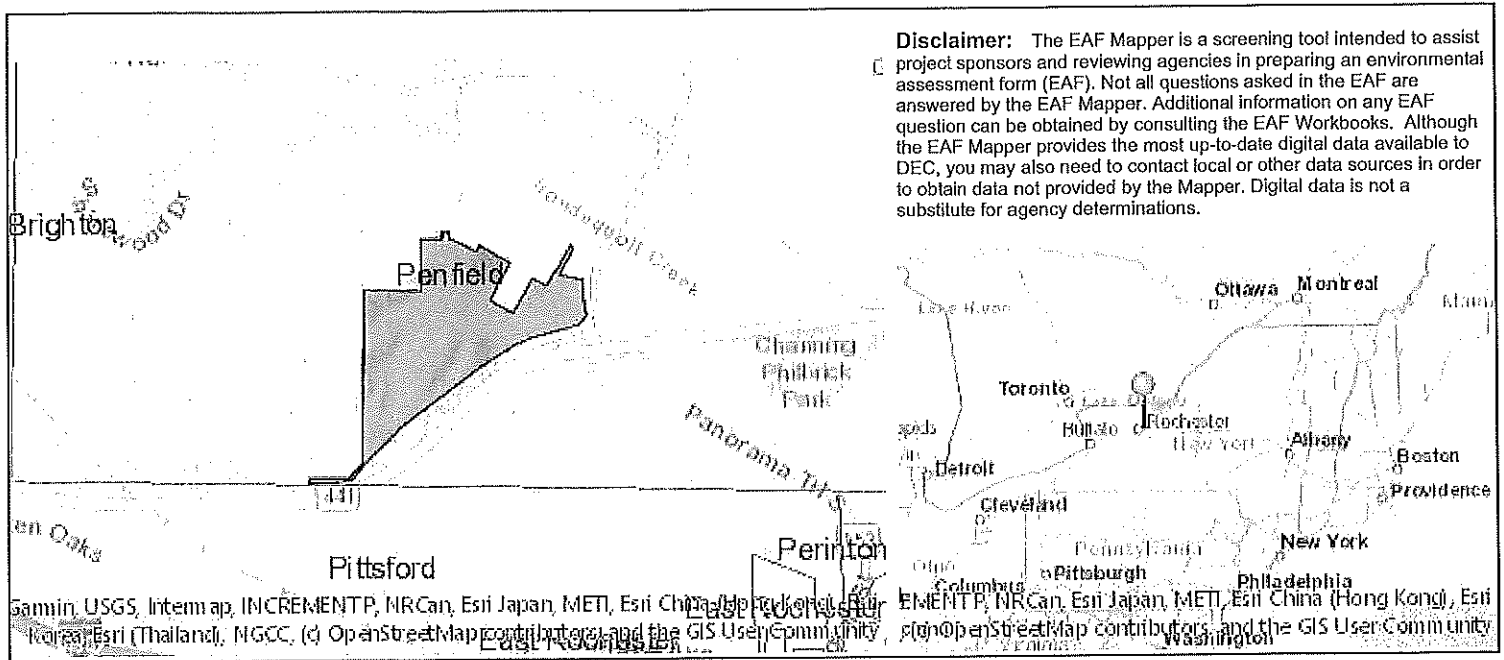
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Panorama Park Re-Zoning			
Project Location (describe, and attach a location map): 125 Panorama Creek Drive, Penfield, NY			
Brief Description of Proposed Action: Application proposes to rezone 7.53 acres of tax parcel#138.12-1-1.12 from Light Industrial (LI) to General Business (GB).			
Name of Applicant or Sponsor: LFS Panorama I, LLC		Telephone: 585-546-6844 E-Mail: kmarvald@gc1001.com	
Address: 1001 Lexington Avenue			
City/PO: Rochester		State: NY	Zip Code: 14606
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		+/-7.5 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		+/-7.5 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Application does not involve any sit disturbance. Existing onsite wetlands will remain as-is. _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parcel is within 2,000ft of existing remediation site #C828131, #C828131A, #V00668, #828131 located at 1600 Penfield Road		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Peter G. Vais, P.E. c/o BME Associates(agent for LFS Panorama I LLC)</u> Date: <u>6/15/21</u>		
Signature: <u></u> Title: <u>Project Manager</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes