



**TOWN OF HENRIETTA
APPLICATION TO THE ZONING BOARD OF APPEALS
FOR AN AREA VARIANCE**

Appeal No ZBA-2024-023

Date MARCH 27th, 2024

I (we) Rochester Rugby Football Club, Inc of 3625 3265 East Henrietta Road
Name of Applicant / Business Business (Number & Street)

Henrietta New York 14467 hereby appeal to the Zoning Board of Appeals from the decision
Town, State, Zip

of the Building Inspector, whereby the Building Inspector did deny grant a permit relating to the below property.

<u>3625</u> 3265 East Henrietta Road, Henrietta New York 14467			
<small>No. & Street</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
<u>176.17-1-22.1</u>		<u>R-1-15</u>	
<small>Tax Map No.</small>	<small>Zoning District</small>		

PROVISION(S) OF THE ZONING ORDINANCE APPEALED, (Indicate the article, section and paragraph of the Zoning Ordinance being appealed) 295-10B(1b) 295-7A(6)
Number Only (Do not quote the ordinance)

Description of Proposal: To allow for recreational community center structure with 10-foot setback from Interstate 90 (NYS Thruway) right-of-way whereas 60-feet* is required by code.

*Town staff stated the required setback would be 50 feet due to "Civic Space" use.

Applicant should answer all statements regarding this application on page 2. Incomplete applications shall not be acted upon.

Received by: CCM Agent / Application: Joseph Ardieta, Vanguard Engineering, agent

Reviewed by: CEM HDW Address: 133 South Fitzhugh Street

Date of Meeting: MAY 1st, 2024 Rochester New York 14608

Phone #: [REDACTED]

Email: [REDACTED]

Signature: [Handwritten Signature]

NOTE: If signature is other than owner, written authorization from owner must accompany application

APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT THE MEETING
PLEASE PRINT ALL INFORMATION

- 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 area variance impact would be to a ROW and not to any adjacent parcels containing structures. The character would remain unchanged as the intended structure will serve the existing recreational area. The civic space use will not change.

- 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.

The placement of existing recreational fields, utility easements and parking severely limit the buildable space on the lot. To meet current setback and parking requirements, a building would require the elimination of one of the two recreational fields, thereby depleting the overall space's usefulness.

- 3) Whether the requested area variance is substantial.

We believe the requested area variance is not substantial given the substantial elevation difference from the intended building site down to the Interstate 90 road surface, thereby partially screening vehicles. Also, the lack of nearby structures mitigates the impact.

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

There will be no adverse physical or environmental impact to the neighborhood.

- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The requested variance is self-created given the intent is to build a structure.

VANGUARD

Engineering PC

133 South Fitzhugh Street
Rochester New York 14608-2204
585.427.0320
www.VanEng.com

March 27, 2024

Town of Henrietta Zoning Board or Appeals
Attn: Heather Voss
475 Calkins Road
Rochester, NY 14623

Re: 3625 East Henrietta Road Area Variance Application
Vanguard Project Number 202405

Zoning Board of Appeals Members:

On behalf of our client, Rochester Rugby Football Club Inc., we hereby request a front setback area variance to allow the club to construct a recreational community center 10 feet from the Interstate 90 (NYS Thruway) right-of-way line. We attached drawings and photographs for your consideration.

The proposed project comprises the construction of a building with an 1,800 square-foot footprint, along with an observation deck, on an approximate 12-acre parcel located at 3625 East Henrietta Road (tax account number 176.17-1-22.1.) The proposed structure is intended to serve the local sports community that utilize the on-site athletic fields; which currently includes NYS Youth Rugby, Rochester Women's Rugby, Rochester City Gealic, local lacrosse teams and area universities. The club intends to expand service to additional sports groups with the construction of this recreational community center building.

We believe this is an opportunity to provide an asset to the Town of Henrietta. Also, it is likely future patrons to this complex will dine within and/or financially support by other means the Town.

We look forward to presenting and discussing this application with the Board. Please contact me at the above telephone number extension 11 or via email at [REDACTED] with questions and/or comments. Thank you.

Regards,

Joseph C. Ardieta PE
President
VANGUARD ENGINEERING PC

APPLICATION FOR ZONING BOARD OF APPEALS

Legal Notice to Read

Application Of

requesting a variance for a

whereas

is allowed by code on property located at

Application Information	
Meeting Date	<input type="text" value="May 1st, 2024"/>
Received By	<input type="text" value="CCM"/>
Date Received	<input type="text" value="March 27th, 2024"/>
Fee Amoun Paid	<input type="text" value="\$250.00"/>
Check #	<input type="text" value="394"/>

**Statement of Applicant and Owner with Respect to Reimbursement
of Professional and Consulting Fees**

In conjunction with an application made to the Town of Henrietta, the undersigned states, represents and warrants the following:

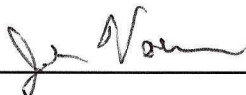
- 1) I/We am/are the applicant and owner with respect to an application to the Town of Henrietta.
- 2) I/We have been advised of, are aware of and agree to comply with the obligation to reimburse the Town of Henrietta for any and all professional and consulting fees incurred by the Town in conjunction with this and any other applications by me/us, including but not limited to engineering and/or legal fees, all as more fully set forth in the Henrietta Town Code.
- 3) I/We have been provided with, or have otherwise reviewed the Henrietta Town Code provisions related to the obligation to reimburse the Town with respect to professional and consulting fees, and agree to comply with the same.
- 4) I/We understand that this obligation shall not be dependent upon the approval or success of the application.
- 5) I/We further agree that in the event the Town of Henrietta is required to refer for collection an outstanding debt for such professional and/or consulting fees due to the Town of Henrietta, I/we shall be obligated to pay the reasonable attorney's fees incurred as a result of the Town's efforts to collect such fees. Reasonable attorney's fees shall also include any and all disbursements that may result from the commencement of litigation.
- 6) Each party to the application, including the applicant and the owner, shall be jointly and severally liable for all consulting and professional fees and expenses incurred in conjunction with the application.

Applicant/Business Owner: Rochester Rugby Football Club, Inc.

By: John Vakleas

Title: President

Dated: 3/26/24

Signed: 

Property Owner: Rochester Rugby Football Club, Inc.

By: Sams

Title: _____

Dated: _____

Signed: _____

Heather Voss

From: John Vakiener [REDACTED]
Sent: Wednesday, March 27, 2024 2:35 PM
To: Chris Matagne
Cc: Joseph Ardieta PE; Heather Voss; Amy Englert; Bruce Meckling; Paul Micciche; William Guminski; Aardvark Rugby (RRFC)
Subject: Re: Aardvark Park

This is John Vakiener, President of the rugby club. Joe/Vanguard are our representatives for this variance request. We much appreciate Joe's help with this project.

Please let me/us know if this email is sufficient, or if other confirmation Joe is representing us is required.

Unfortunately, I am out of town today, and away from my home scanner/printer, so I cannot readily provide a written signature. I will be back by Friday and can sign/scan one then if needed.

Thank you for your consideration.

John Vakiener
President, Rochester Rugby Football [REDACTED]
[REDACTED]

On Wed, Mar 27, 2024 at 2:23 PM Chris Matagne <cmatagne@henrietta.org> wrote:

Thank you. Much appreciated.

Regards,

Christian Matagne

Town of Henrietta, NY

Building and Fire Prevention Office

Phone: 585-444-2263

Web: <http://www.henrietta.org>

Email: cmatagne@henrietta.org

Aardvark Park Photographs



Along proposed setback line, looking east toward East Henrietta Road bridge over Thruway.



Along proposed setback line, looking south toward Thruway.

Aardvark Park Photographs



Approximately 10-feet from proposed setback line, looking southwest toward Thruway.



Along property line, looking west toward Thruway and pitches.



LEHIGH RIDGE SUBDIVISION
(UNDER CONSTRUCTION)

PROPOSED RECREATIONAL COMMUNITY
CENTER AT APPROXIMATE 10' SETBACK

PAVILION

BARN WITH APPROXIMATE 15' SETBACK
TWO-STORY HOUSE WITH APPROXIMATE 18' SETBACK

GRAPHIC SCALE



(IN FEET)
1 inch = 200ft.

VANGUARD
E n g i n e e r i n g P C

133 South Fitzhugh Street
Rochester New York 14610
585.427.0320
www.VanEng.com

NOT FOR CONSTRUCTION
THIS PLAN HAS NOT RECEIVED FINAL APPROVAL OF ALL
REVIEWING AGENCIES. IT IS SUBJECT TO REVISIONS AND
SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.

Scale	1" = 200'
Date	03/26/2024
Job No.	202405
Designed by	JCA
Drawn by	JCA
Checked by	JCA
Approved by	JCA

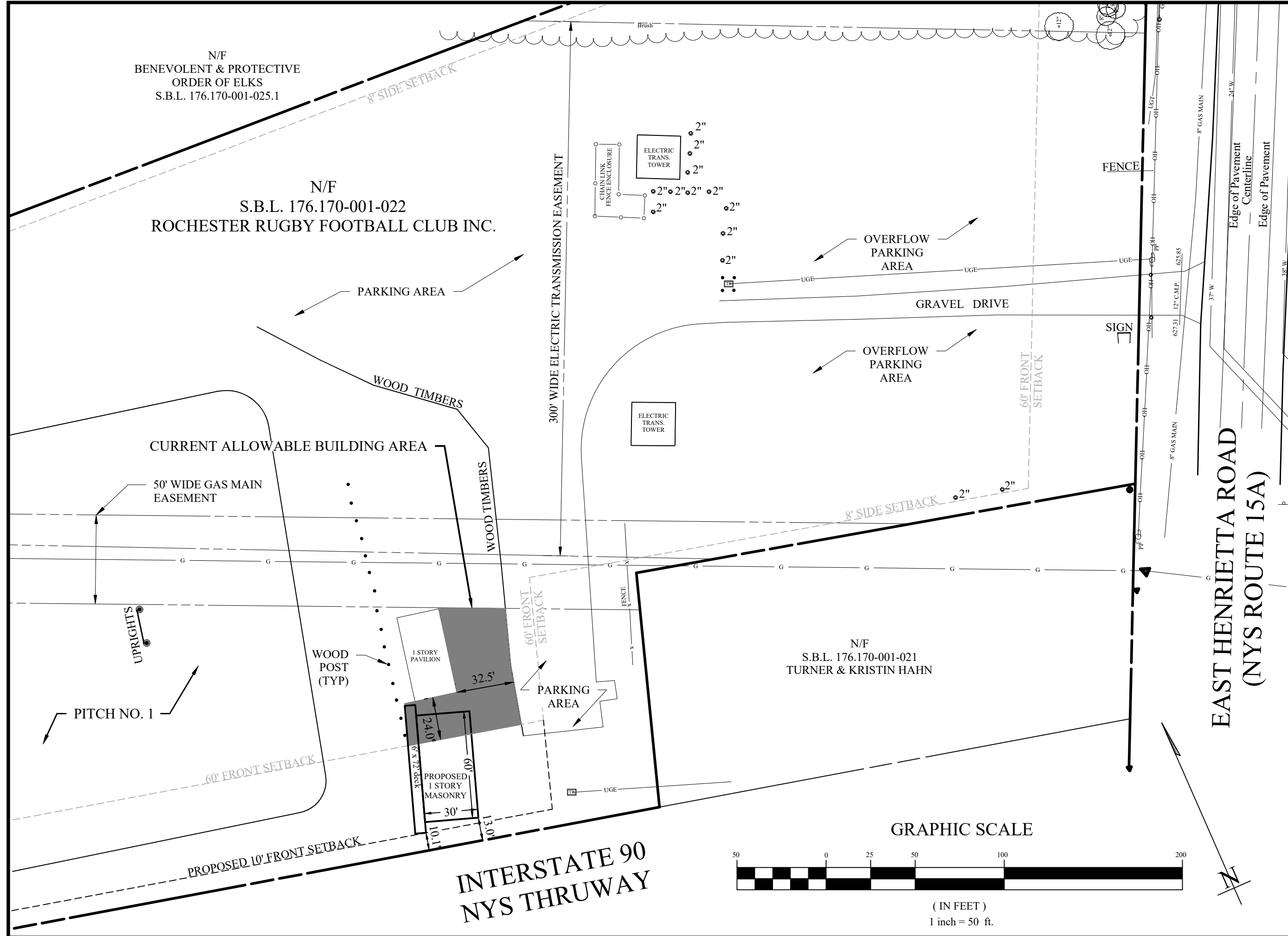
Client
ROCHESTER RUGBY FOOTBALL CLUB INC.
3625 East Henrietta Road, Henrietta NY 14467

Project
RECREATIONAL COMMUNITY CENTER
3625 East Henrietta Road, Henrietta NY 14467

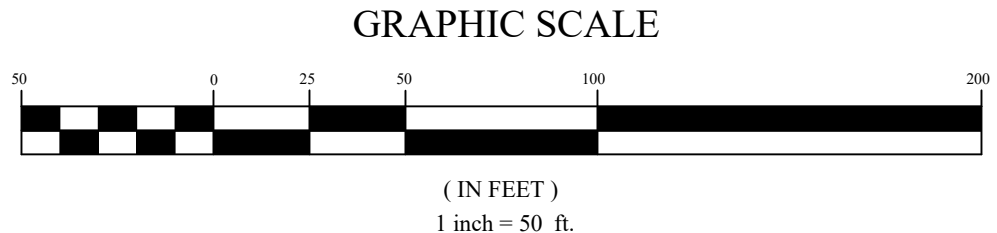
Drawing
AREA VARIANCE OVERALL PLAN

Sheet No. 1 of 2

Drawing No. C-1



**EAST HENRIETTA ROAD
(NYS ROUTE 15A)**



VANGUARD E n g i n e e r i n g P C		133 South Fitzhugh Street Rochester New York 14610 585.427.0320 www.VanEng.com	
NOT FOR CONSTRUCTION THIS PLAN HAS NOT RECEIVED FINAL APPROVAL OF ALL REVIEWING AGENCIES. IT IS SUBJECT TO REVISIONS AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.			
Scale	1" = 50'	Date	03/26/2024
Job No.	202405	Designed by	JCA
Drawn by	JCA	Checked by	JCA
Approved by	JCA		
Client ROCHESTER RUGBY FOOTBALL CLUB INC. 3625 East Henrietta Road, Henrietta NY 14467		Project RECREATIONAL COMMUNITY CENTER 3625 East Henrietta Road, Henrietta NY 14467	
Sheet No.		2 of 2	
Drawing No.		C-2	
AREA VARIANCE SITE PLAN			