

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MAY 20, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on May 20, 2024 at 6:30PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

PRESENT: George Dounce, Mary Ellen Spennacchio-Wagner, Jim Pergolizzi, Barbara Servé, Phil Castleberry, Jennifer Iacobucci

ABSENT: Tom Kidera

ALSO PRESENT: April Zurowski, Planning Assistant; Bill Zink, Building Inspector; Robert Koegel, Town Attorney; Naveen Havannavar, Town Board Liaison

ATTENDANCE: There were 15 members of the public present.

Chairman George Dounce called the meeting to order at 6:30PM.

NEW PUBLIC HEARINGS:

33 Merryhill Lane – Tax ID 163.16-2-21

Applicant is requesting relief from Town Code Sections 185-113 B. (1) and (3) for the construction of a 220 square-foot oversized pool house forward of the rear wall of the main structure. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Nick Shotwell, of 33 Merryhill Lane, introduced his application. He stated that the pool house will be partially enclosed for storage and partially unenclosed for a shaded patio. Chairman Dounce asked if additional landscaping is proposed to hide the pool house. Mr. Shotwell confirmed that the existing tree line will be extended to shield the pool house from view of Merryhill Lane. Chairman Dounce asked if the applicant heard of any neighbor opposition. Mr. Shotwell stated that he contacted his only immediate neighbor, and no opposition was expressed. Chairman Dounce asked the applicant when he plans to complete construction. Mr. Shotwell stated that the contractor plans to begin in the fall.

Chairman Dounce asked for public comment. Hearing none, Board Member Spennacchio-Wagner motioned to close the public hearing, seconded by Board Member Iacobucci, none opposed.

A written resolution to grant the area variance for 33 Merryhill Lane was moved by Vice Chairperson Servé, seconded by Chairman Dounce. The resolution was unanimously approved.

11 Pin Hook Lane – Tax ID 150.15-2-38

Applicant is requesting relief from Town Code Section 185-113 B. (3) for the construction of a deck forward of the rear wall of the main structure. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Kevin Fiore, on behalf of Kim Salvato, of 11 Pin Hook Lane, introduced the application. The applicant is requesting to construct a deck to cover the existing concrete patio on the side of the house. Chairman Dounce asked the applicant when he plans to complete construction. Mr. Fiore stated that the contractor will start as soon as possible. Chairman Dounce noted that he spoke with a resident from 11 Pin Hook Lane on site and no opposition was heard. Board Member Iacobucci thanked the applicant for spray painting the grass where the deck will be placed, as it provided a helpful visual.

Chairman Dounce asked for public comment. Hearing none, Board Member Castleberry motioned to close the public hearing, seconded by Chairman Dounce, none opposed.

A written resolution to grant the area variance for 11 Pin Hook Lane was moved by Board Member Spennacchio-Wagner, seconded by Vice Chairperson Servé. The resolution was unanimously approved.

94 Coventry Ridge – Tax ID 177.04-3-49

Applicant is requesting relief from Town Code Section 185-113 B. (1) for the construction of a 351 square-foot oversized pool house. This property is zoned Incentive Zoning (IZ).

Chairman Dounce opened the public hearing.

Nate Esh, of Keystone Custom Decks, introduced the application. He stated that the pool house will be partially enclosed for storage and partially unenclosed for a shaded patio. Chairman Dounce asked the applicant when he plans to complete construction. Mr. Esh stated that construction is anticipated for late July. Board Member Spennacchio-Wagner thanked the applicant for using existing patio space as an area to place the shed. Board Member Iacobucci noted that the requested size is nearly twice the size allowed by code which is a significant variance. She asked if the applicant spoke to his neighbors. Phil Gurbacki, of 94 Coventry Ridge, stated that he spoke with neighbors and no opposition was heard. Board Member Iacobucci asked if the land behind this property could be developed in the future. Ms. Zurowski confirmed this land is open space and is not to be developed.

Chairman Dounce asked for public comment. Hearing none, Vice Chairperson Servé motioned to close the public hearing, seconded by Board Member Iacobucci, none opposed.

A written resolution to grant the area variance for 94 Coventry Ridge was moved by Chairman Dounce, seconded by Board Member Iacobucci. The resolution was unanimously approved.

39 Knollwood Drive – Tax ID 138.13-1-9

Applicant is requesting relief from Town Code Section 185-17 E. for the installation of a freestanding air-conditioner within the side setback and not meeting the total side setback requirements. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Jack Sigrist, as architect for the project, introduced the application. The applicant is proposing to install one new AC unit behind the existing AC unit on the south side of the home. He stated that the plans submitted show a second AC unit on the north side of the home, which has been moved in front

of the home. Ms. Zurowski stated that this inconsistency was discovered on Friday and the applicant was notified that a new area variance application will be required for placement of an AC unit in front of the front wall of the home.

Chairman Dounce asked for public comment. Hearing none, Board Member Pergolizzi motioned to close the public hearing, seconded by Board Member Castleberry, none opposed.

A written resolution to grant the area variance for 39 Knollwood Drive was moved by Chairman Dounce, seconded by Board Member Pergolizzi. The resolution was unanimously approved.

259 Tobey Road – Tax ID 164.17-1-1.2

Applicant is requesting relief from Town Code Section 185-121 A. for the installation of a 4-foot-tall fence in front of a front setback. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Rohit Gupta, of 259 Tobey Road, introduced his application. He stated that his property is a flag lot, and the fence is proposed for the front yard. He spoke with the neighbor in front of the property and no opposition was heard. Vice Chairperson Servé asked why this fence is requested, as the backyard is already fenced in. Mr. Gupta stated that the backyard is hilly and that he would like a flat area for his kids and pets to play. Vice Chairperson Servé asked if the split-rail wooden fence will be removed. Mr. Gupta stated that it will not be removed. Chairman Dounce asked the applicant when he plans to complete construction. Mr. Rohit anticipates fence installation this summer.

Chairman Dounce asked for public comment. Hearing none, Board Member Iacobucci motioned to close the public hearing, seconded by Vice Chairperson Servé, none opposed.

A written resolution to grant the area variance for 259 Tobey Road was moved by Board Member Castleberry, seconded by Board Member Spennacchio-Wagner. The resolution was unanimously approved.

44 Saddle Brook – Tax ID 164.03-1-62

Applicant is requesting relief from Town Code Section 185-120 A. for the construction of a shed within the front setback on Mendon Center Road. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Riley Wheaton, of 44 Saddle Brook, introduced his application. His property is located between two road frontages, and he is looking to place a shed within the front setback on Mendon Center Road.

Chairman Dounce asked for public comment. Hearing none, Board Member Spennacchio-Wagner motioned to close the public hearing, seconded by Board Member Pergolizzi, none opposed.

A written resolution to grant the area variance for 44 Saddle Brook was moved by Board Member Pergolizzi, seconded by Board Member Castleberry. The resolution was unanimously approved.

2490 Lehigh Station Road – Tax ID 177.01-2-8.11

Applicant is requesting relief from Town Code Section 185-121 A. for the installation of a 4.5-foot-tall fence in front of front setbacks. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Kody Young, of 2490 Lehigh Station Road, introduced his application. His property has three road frontages, and he is requesting installation of a fence to create a safe area for his family to enjoy the yard. He recently subdivided his property and has spoken with all future neighbors. No opposition was heard. Chairman Dounce asked the applicant when he plans to complete construction. Mr. Young anticipates fence installation within two months. PC close, MS second.

Chairman Dounce asked for public comment. Hearing none, Board Member Castleberry motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner, none opposed.

A written resolution to grant the area variance for 2490 Lehigh Station Road was moved by Board Member Iacobucci, seconded by Board Member Spennachio-Wagner. The resolution was unanimously approved.

OTHER DISCUSSION:

Chairman Dounce motioned to approve the minutes of April 15, 2024. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman George Dounce closed the meeting at 7:34PM.

Respectfully submitted,

April Zurowski
Planning Assistant

OFFICIAL MINUTES ARE ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 33 Merryhill Lane

**Tax Parcel: 163.16-2-21
Applicant: Nicholas Shotwell
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Sections 185-113 B. (1) and (3) to allow construction of a 220 square-foot oversized pool house forward of the rear wall of the main structure where 180 square feet is the maximum permitted by code and accessory structures are required to be placed behind the rear wall of the main structure at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on May 20, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(12) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change produced in the neighborhood by granting this 220 square-foot pool house structure. This home is on a corner lot with three road frontages and therefore three front setbacks. The placement of the structure will not be seen from Stone Road due to a large berm and will not be near the most immediate neighbor.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

Due to utility easements and underground plumbing for the inground pool and equipment, there is no other practical space to locate the pool house without it being inaccessible from the pool and patio.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The requested variance for the size of the structure is 40 square feet, or 22%. The code limits accessory structures to 180 square feet and this pool house is proposed for 220 square feet. The request for this structure also needs a variance since it is forward of the rear wall of the home, a substantial variance from code.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

There will be no adverse impact on the physical and/or environmental conditions in this neighborhood by granting the location and size of this structure. The owner has proposed additional landscaping between the pool house and Merryhill Lane. There are vegetated berms to shield Stone Road and the adjacent neighbor. This property is nearly an acre, but the topography is hilly, limiting where the pool house can be built.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by vegetation and the location of the pool house away from the most adjacent neighbor, so the variance is not precluded.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated March 19, 2024, and attached hereto as Exhibit A.
2. All construction of the pool house must be completed by December 31, 2026.

The within Resolution was moved by Zoning Board of Appeals Member Barb Servé, seconded by Chairman George Dounce, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on May 20, 2024.

April Zurowski
Planning Assistant

Lot No.

201

Subdivision

MERRYHILL FARM SUBDIVISION, SECTION 2

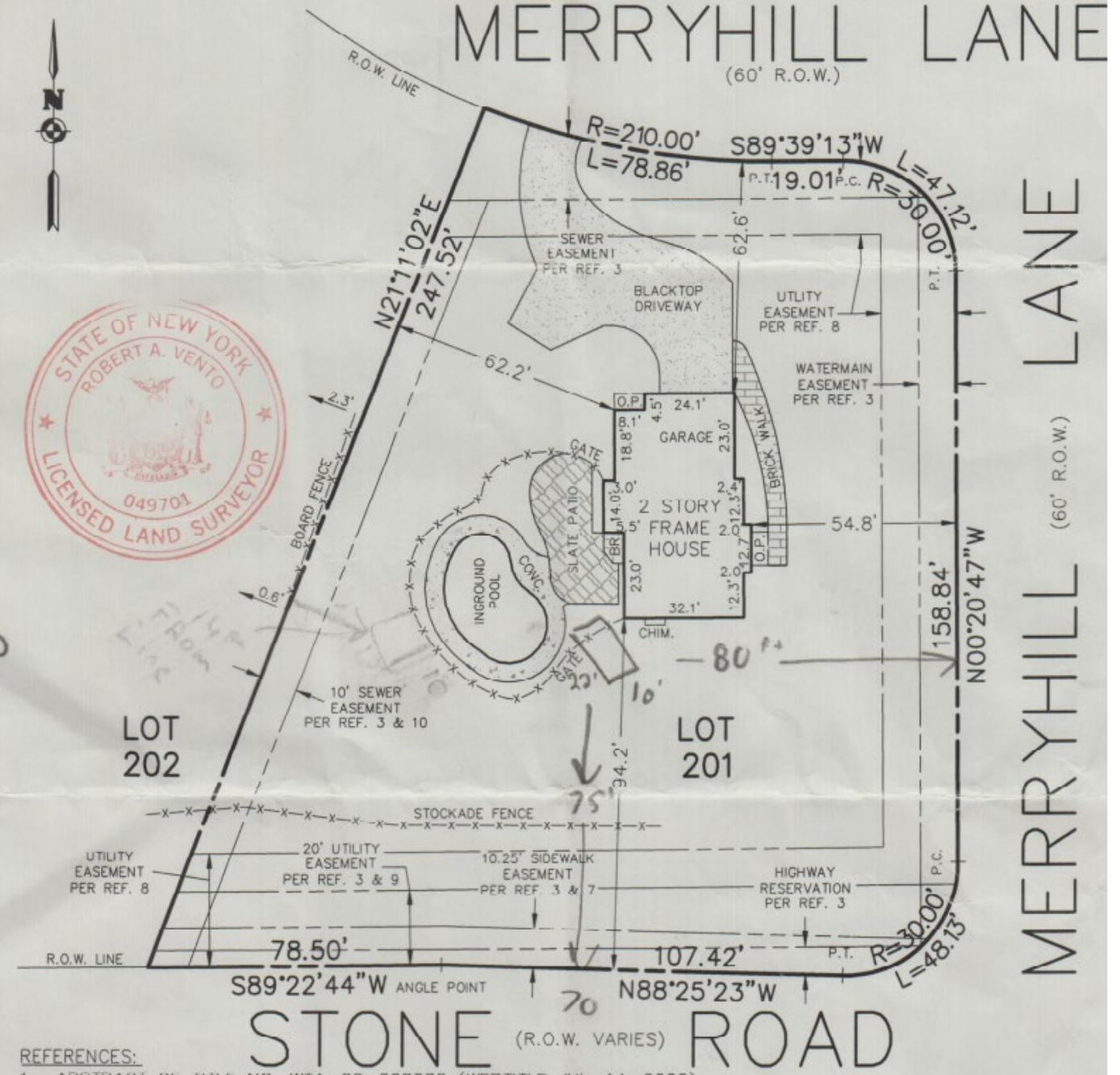
MERRYHILL LANE

(60' R.O.W.)



MERRYHILL LANE

(60' R.O.W.)



**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 11 Pin Hook Lane

**Tax Parcel: 150.150-02-038
Applicant: Kim Salvato
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-113 B. (3) to allow the construction of a deck forward of the rear wall of the main structure where accessory structures must be behind the rear wall of the main structure, as required by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on May 20, 2024 and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(12) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change in the neighborhood. The most affected neighbor supports the project. There are other decks in the neighborhood. A concrete patio is existing in the location where the deck is proposed.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The current concrete patio has deteriorated, is cracked, and has an uneven surface. The new deck will replace the slab, provide a level surface, and surround an exterior fireplace the owner wishes to use. To achieve ample space to best utilize the fireplace and seating area of the deck, encroachment forward of the rear wall of the main structure is necessary. Therefore, the benefits sought so as to best utilize the space cannot be achieved without the granting of the variance.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The application does not reflect a substantial variance from code and the deck is proposed only slightly forward of the rear wall of the main structure.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.

The need for this variance is self-created but is mitigated by the specific location of the proposed deck, so the variance is not precluded.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the attached plans submitted and prepared by the applicant dated March 21, 2024, and attached hereto as Exhibit A.
2. All construction of the deck must be completed by December 31, 2025.

The within Resolution was moved by Zoning Board of Appeals Member Mary Ellen Spennacchio-Wagner, seconded by Board Member Barb Servé, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on May 20, 2024.

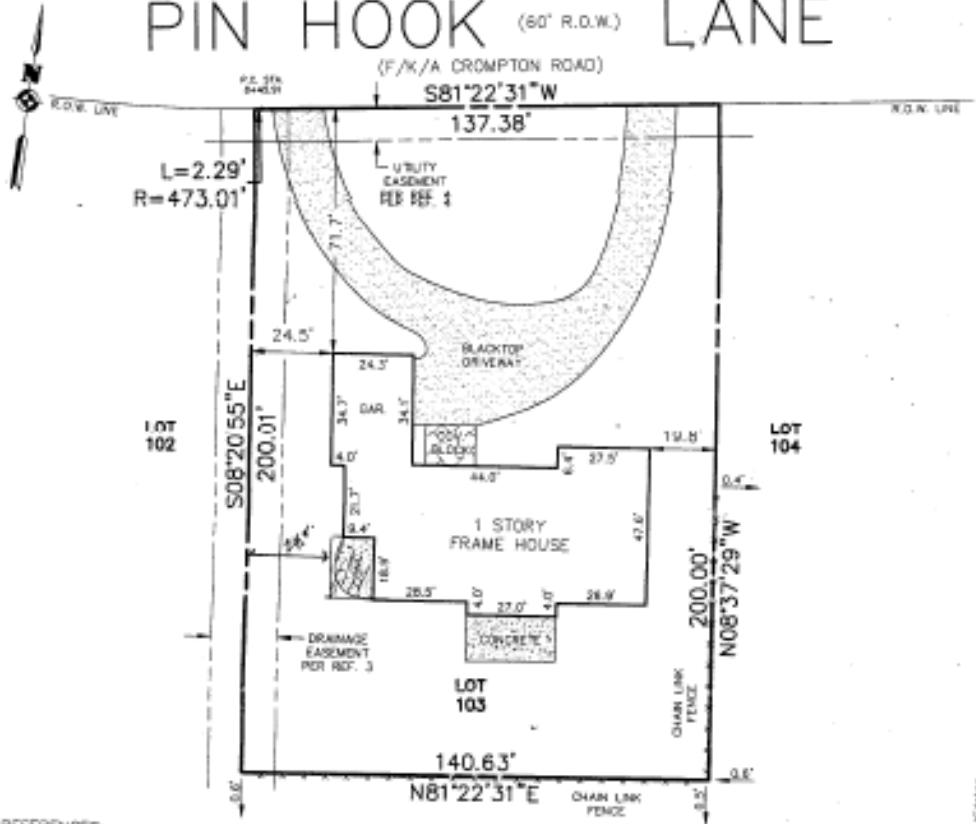
April Zurowski
Planning Assistant

EXHIBIT A

INSTRUMENT SURVEY

Client HARTER, SECREST & EMERY, LLP Tax ID 150.150-02-038
 Street 11 PIN HOOK LANE Town PITTSFORD, COUNTY OF MONROE, N.Y.
 Lot No. 103 Subdivision CAMBRIDGE COLONY SUBDIVISION, SECTION 6

PIN HOOK (60' R.O.W.) LANE



REFERENCES:
 1. ABSTRACT OF TITLE NO. 65600 SEC.6/103 (STEWART SEP. 6, 2021).
 2. LIBER 9023 OF DEEDS, PAGE 222.
 3. LIBER 176 OF MAPS, PAGE 78.
 4. EASEMENT TO ROE & RTC PER L-39630, P-316 (ALONG SIDE E & A STRIP OF LAND ALONG R.O.W.).

CERTIFICATION:
 WE, PASSERO ASSOCIATES, CERTIFY THAT THIS MAP WAS PREPARED USING PORTIONS OF THE REFERENCE MATERIAL AS LISTED HEREON AND FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED SEP. 23, 2021. THIS PARCEL IS SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES OF RECORD. NO CERTIFICATION IS EXTENDED TO INFORMATION NOT REFERENCED.
 1. METRO REAL ESTATE SERVICES
 2. ELLIOTT STERN CALABRESE LLP
 3. KIM M. SALVATO



Robert A. Vento

SNOW COVER MAY IMPEDE THE ABILITY TO LOCATE GROUND FEATURES
 NOTE: FUTURE AFFIDAVITS OF "NO CHANGE" BASED UPON THIS MAP RELIEVE THE SURVEYOR PREPARING THIS MAP OF ANY AND ALL LIABILITY THEREAFTER. FOR UPDATING PROCEDURES CONTACT A LICENSED PROFESSIONAL LAND SURVEYOR.

CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE AGENCIES LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

Passero Associates SURVEY FIELD OFFICE East Main St., Suite 435, Rochester, NY 14614 5-454-6010 FAX: 585-454-6015 rw.passero.com		ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL INKED OR EMBOSSED SEAL AND INKED SIGNATURE SHALL BE CONSIDERED A TRUE AND VALID COPY.	Scale: 1" = 40' Date: SEP. 24, 2021 PIC: David Cox, PE PM: Rob A. Vento, PLS
		UNAUTHORIZED ALTERATION OR ADDITION TO THIS	Drafted By: RV

JAMES KOSMAN
 9/27/2021 1:23 PM
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**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 94 Coventry Ridge

**Tax Parcel: 177.04-3-49
Applicant: Phillip M. Gurbacki
Zoned: Incentive Zoning (IZ)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-113 B. (1) for the construction of a 351 square-foot oversized pool house at the above location and bearing the above tax parcel number. This resolution follows a public hearing held on May 20, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(12) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change in the neighborhood or detriment to nearby properties if this application is granted. There are several homes in the neighborhood with pools and accessory structures, including the property next door at 92 Coventry Ridge. The placement of the structure behind the large home and the sloping nature of the rear yard will serve to limit the view of it from the street. There are large plantings along both sides of the rear yard between the two closest neighbors and the property behind the home will not be developed, so there will be limited visual impact caused by this structure.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The benefit sought by the applicant cannot be achieved by other feasible means. The size of the project is dictated by the desire to use it both as a pool equipment storage unit, as well as an open sided covered poolside porch for outdoor living.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The application to allow for an accessory structure of 351 square feet, where only 180 square feet is allowed, does represent a substantial variance from code (95%).

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision but shall not necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by the location of the structure behind the home and the limited visibility from the road or neighboring properties, so the variance is not precluded.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated April 4, 2024, and attached hereto as Exhibit A.
2. All construction of the pool house must be completed by December 31, 2025.

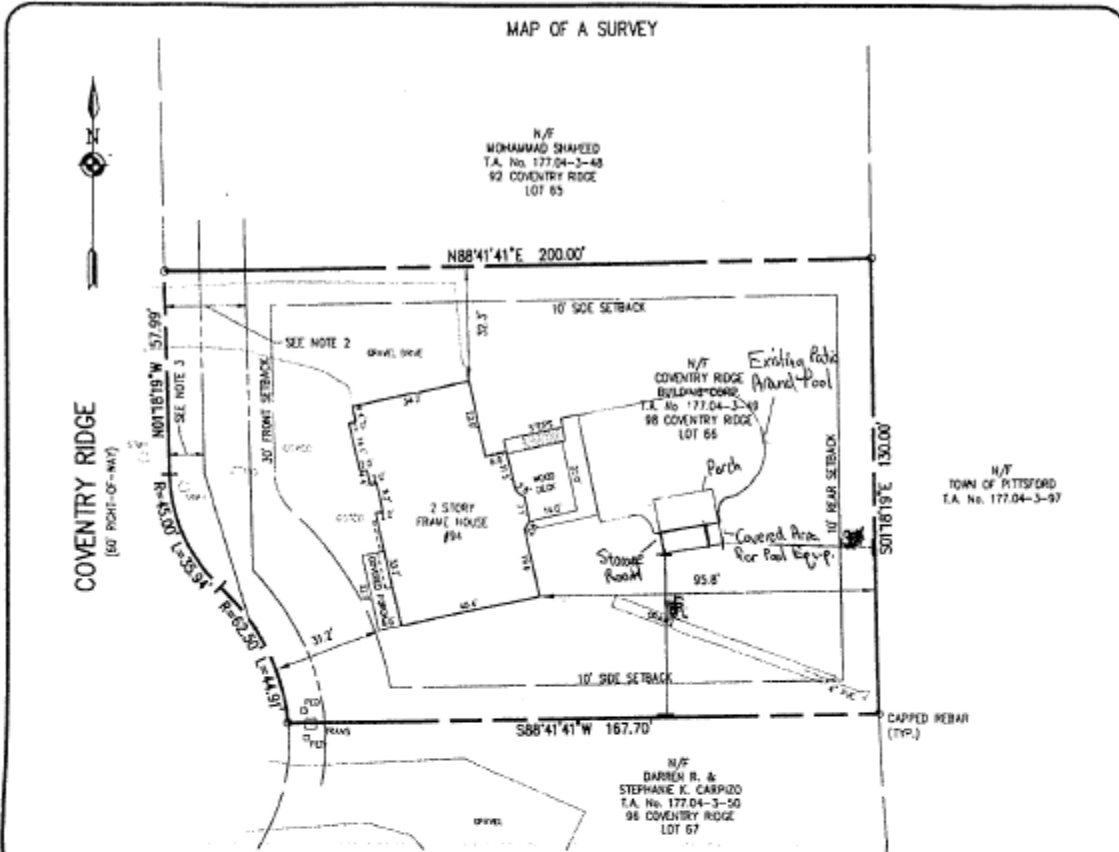
The within Resolution was moved by Zoning Board of Appeals Chairman George Dounce, seconded by Board Member Jennifer Iacobucci, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on May 20, 2024.

April Zurowski
Planning Assistant

MAP OF A SURVEY



REFERENCES:

1. A PLAN PREPARED BY BME ASSOCIATES ENTITLED "COVENTRY RIDGE, SECTION 1, PHASE A, FINAL SUBDIVISION PLAT" AS FILED AT THE MONROE COUNTY CLERK'S OFFICE IN LIBER 341 OF MAPS, PAGE 94.
2. ABSTRACT OF TITLE PREPARED BY STEWARD TITLE INSURANCE COMPANY, HAVING ORDER NUMBER 81120094, AND DATED DECEMBER 4, 2020.

NOTES:

1. PARCEL SUBJECT TO A DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS PER LIBER 11066 OF DEEDS, PAGE 245.
2. PARCEL SUBJECT TO A UTILITY EASEMENT TO ROCHESTER GAS & ELECTRIC COMP., FRONTIER TELEPHONE OF ROCHESTER, INC., TIME WARNER ENTERTAINMENT COMPANY - ADVANCE NEWHOUSE PARTNERSHIP, THROUGH ITS ROCHESTER DIVISION, DBA TIME WARNER CABLE PER LIBER 11079 OF DEEDS, PAGE 653.
3. PARCEL SUBJECT TO A UTILITY EASEMENT TO THE TOWN OF PITTSFORD FOR REFERENCE 1.
4. SETBACK REQUIREMENTS:
 FRONT YARD: 30'
 SIDE YARD: 10'
 REAR YARD: 10'

WE, BME ASSOCIATES, CERTIFY TO: ES, FEDERAL CREDIT UNION, ISACA; PHILIP M. AND LAUREN E. GURBACK; MARINO LAW GROUP, PLLC; FIRST AMERICAN TITLE INSURANCE COMPANY, THAT THIS MAP WAS PREPARED FROM THE NOTES OF AN INSTRUMENT SURVEY COMPLETED BY US ON JUNE 25, 2021, AND FROM THE REFERENCES NOTED HEREON. THIS MAP OR PLAT AND THE SURVEY UPON WHICH IT WAS BASED MEETS THE GWSA 2017 MINIMUM STANDARDS FOR A SURVEY MAP.

THIS MAP IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY SOURCES OTHER THAN THOSE REFERENCED HEREON.

BY: *Matthew R. Palmer*
 MATTHEW R. PALMER, NYSPLS NO. 060964

PHELPS & GORHAM PURCHASE, TOWNSHIP 12, RANGE 5, TOWN LOT 46

NOTHING IS SHOWN HEREON SHALL BE TAKEN AS A WARRANTY OR GUARANTEE BY THE SURVEYOR, AND HE SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIM OR HER. THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.

BME ASSOCIATES

ENGINEERS & SURVEYORS (LICENSED) AND ARCHITECTS

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LOT 66 COVENTRY RIDGE SUBDIVISION SECTION 1
 TOWN OF PITTSFORD MONROE COUNTY NEW YORK

DRAWN BY: MSP
 DATE: 6-29-21

SCALE: 1"=30'
 DWG NO: 95020-60



**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 39 Knollwood Dr

**Tax Parcel: 138.13-1-9
Applicant: Matt Bender
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-17 E. to allow placement of one new and one existing HVAC condenser units 8 feet and 7 feet from the left lot line where 20 feet required by code, with a total side setback of 62 feet where 90 feet is required by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on May 20, 2024 and reviewed by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(16) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

The proposed variance will not result in an undesirable change in the neighborhood or create a detriment to nearby properties. The unit cannot be seen from the road. There is no neighborhood opposition. One new and one existing HVAC unit are proposed within the left side setback and not meeting the total side setback requirement.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The benefit sought by the applicant cannot be achieved by other feasible means. Other possible areas are either in existing landscaped areas or in floodplain areas.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The request for a 12-foot side setback variance and 28-foot total side setback variance is considered substantial (60% and 31%). The fact that the location chosen is not visible from the street and that the home was built when zoning setbacks were 10 feet and are now 20, mitigates the substantial variance concern.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The requested variance will have no adverse impact on the physical and/or environmental conditions in the neighborhood.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board’s decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by the placement of the condenser units and the home’s placement not meeting current zoning setbacks, so the variance is not precluded.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

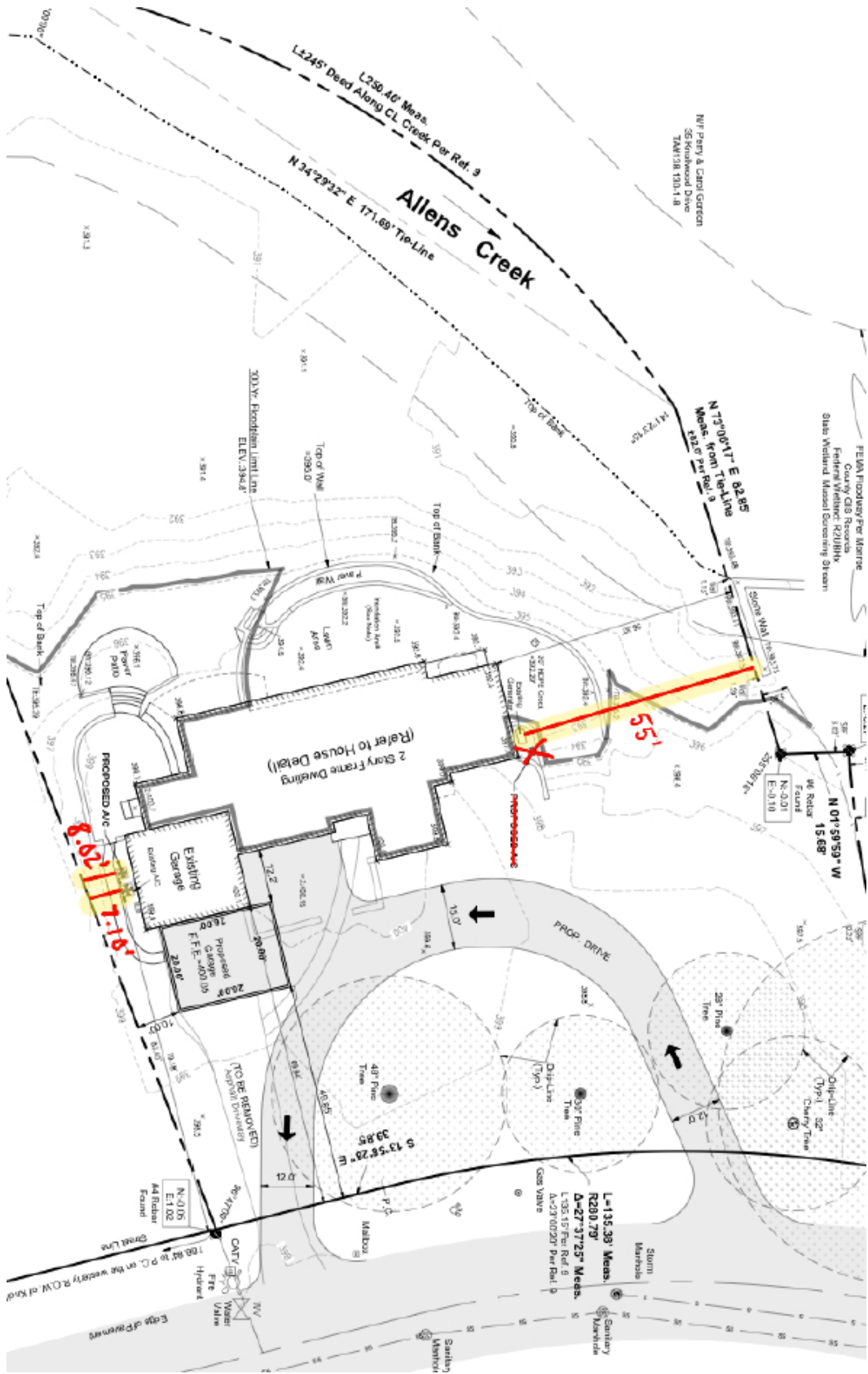
1. This variance is granted only for the plans submitted and prepared by the applicant dated April 10, 2024, and attached hereto as Exhibit A.
2. Hook up of the new condenser unit must be installed by December 31, 2024. One unit is existing.

The within Resolution was moved by Zoning Board of Appeals Chairman George Dounce, seconded by Board Member Jim Pergolizzi, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on May 20, 2024.

April Zurowski
Planning Assistant



NIF Perry & Carol Gordon
35 Skidwood Drive
TAMU 738 1301-18

FEMA Floodway For Marine
County GIS Records
Federal Wetland (420BHW)
State Wetland (Meadow) (420BHW)

L=245' Deed Along CL Creek Per Ref. 9
L=250.40' Meas.
N 34°29'22" E 171.69' Tie-Line

Allens Creek

N 19°00'17" E 82.85'
Meas. from Tie-Line
132.0' Per Ref. 9

100 Yr. Floodplain Limit Line
ELEV. 394.6'

2 Story Frame Dwelling
(Refer to House Detail)

51'

N 01°59'59" W
15.68'

8.62' x 117.16'

PROP. DRIVE

L=135.39' Meas.
R288.79'
A=27°37'23" Meas.
L=135.157' Per Ref. 9
L=123.00231' Per Ref. 9

S 13°58'28" E
39.85'

TO BE REMOVED
NAD (NOI) DIVISION

N=0105
E1102
At Refuse
Found

CATY
Fire Hydrant
168.88' to P.C. on the westerly R.O.W. of Knoll

Sanitary
Manhole

Sanitary
Manhole

PROPOSED A/C

Existing
Garage

Proposed
Garage
F.F.E.-600110
22.00'

22.00'

10.00'

10.00'

10.00'

10.00'

10.00'

10.00'

10.00'

10.00'

10.00'

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 259 Tobey Road

**Tax Parcel: 164.17-1-1.2
Applicant: Rohit Gupta
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-121 A. to allow for the installation of a 4-foot-tall fence in front of a front setback, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on May 20, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(16) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change produced in the neighborhood or detriment to nearby properties. The property is a flag lot and is not very visible from the main road. The most impacted neighbor has significant vegetation that reduces their visibility of the proposed fence. Additionally, the applicant has selected an aesthetically pleasing fence for installation.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

As the property is a flag lot, it brings with it special circumstances. Specifically, the front yard is immediately adjacent the rear yard of the most impacted neighbor. Further, the grade and obstacles present in the rear yard make a front fenced yard more practical and safer for the applicant. The applicant could install a 3-foot-tall fence in the front yard area, but it may be too easy for pets or people to climb over.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

An increase of 33% over the allowable height of a fence in the front of a front setback does represent a significant variance from Code but is mitigated by the fact that this property is a flag lot.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this fence variance is self-created but is mitigated by its minimal impact to neighbors, as the property is a flag lot.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the attached plans submitted and prepared by the applicant dated April 5, 2024, and attached hereto as Exhibit A.
2. Construction of the fence must be completed by December 31, 2025.

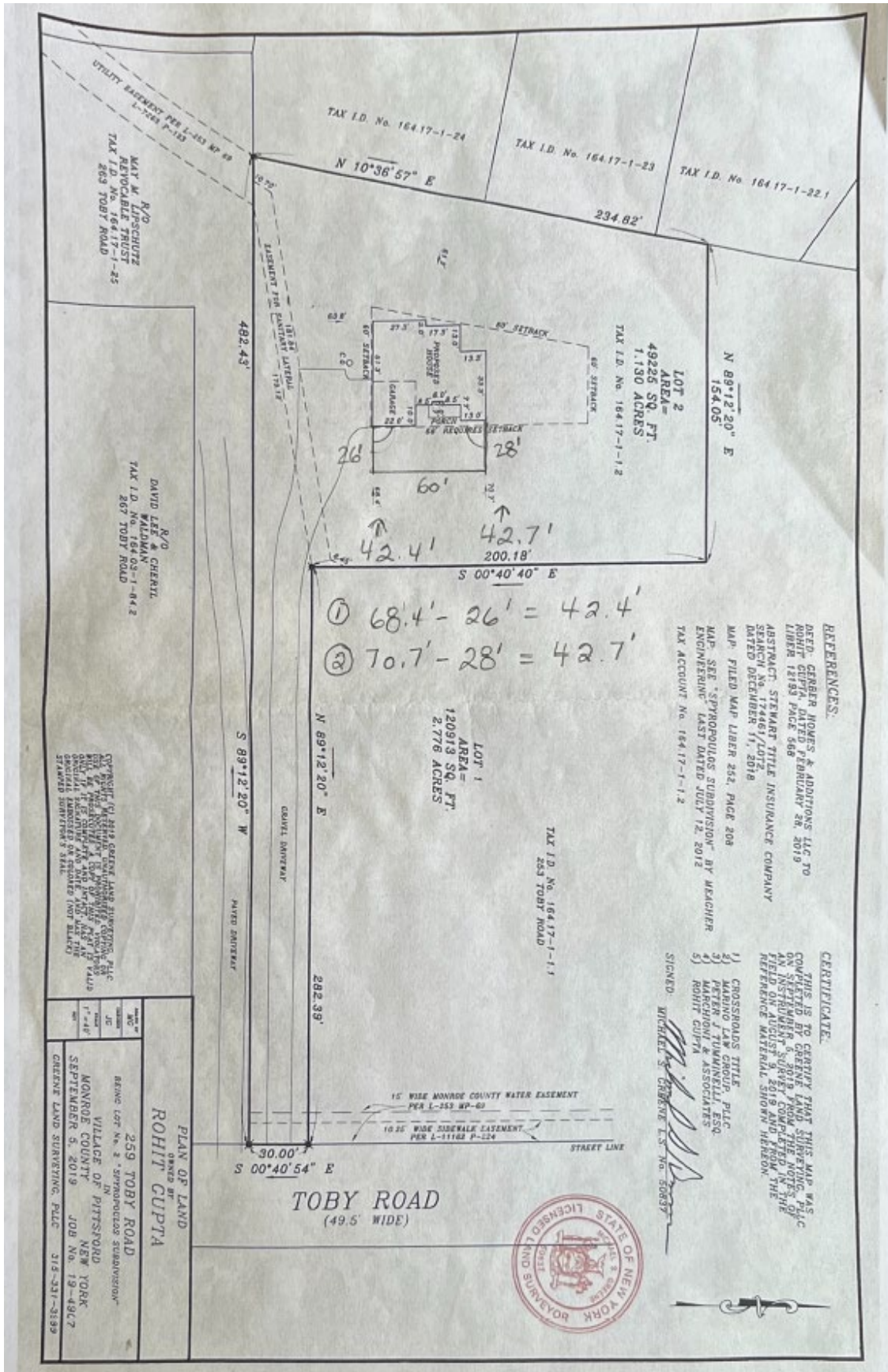
The within Resolution was moved by Zoning Board of Appeals Member Phil Castleberry, seconded by Board Member Mary Ellen Spennacchio-Wagner, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on May 20, 2024.

April Zurowski
Planning Assistant

EXHIBIT A



UTILITY EASEMENT PER L-143 EP-69
 L-143 P-113
 R/O
 MAX M. LIPSCHITZ
 REVOCABLE TRUST
 TAX I.D. No. 16417-1-25
 263 TOBY ROAD

R/O
 DAVID LEE & CHERIL
 WALDMAN
 TAX I.D. No. 16417-1-042
 267 TOBY ROAD

PROPERTY IS BEING OFFERED FOR SALE BY GREENE LAND SURVEYING, PLLC
 259 TOBY ROAD
 VILLAGE OF PITTSFORD
 MONROE COUNTY
 NEW YORK
 SEPTEMBER 5, 2019
 JOB NO. 19-4967
 GREENE LAND SURVEYING, PLLC 315-331-3139

PLAN OF LAND
 ROHIT GUPTA
 259 TOBY ROAD
 VILLAGE OF PITTSFORD
 MONROE COUNTY
 NEW YORK
 SEPTEMBER 5, 2019
 JOB NO. 19-4967
 GREENE LAND SURVEYING, PLLC 315-331-3139

① $68.4' - 26' = 42.4'$
 ② $70.7' - 28' = 42.7'$

- REFERENCES:
- DEED: GREENE HOMES & ADDITIONS LLC TO ROHIT GUPTA DATED FEBRUARY 28, 2019 LIBER 12183 PAGE 588
 - ABSTRACT: STEWART TITLE INSURANCE COMPANY SEARCH NO. 174461/LOT2 DATED DECEMBER 11, 2018
 - MAP: FILED MAP LIBER 282, PAGE 208
 - MAP: SEE "SPYROPOULOS SUBDIVISION" BY MEGACHER ENGINEERING LAST DATED JULY 12, 2012 TAX ACCOUNT No. 16417-1-12

CERTIFICATE:

THIS IS TO CERTIFY THAT THIS MAP WAS COMPLETED BY GREENE LAND SURVEYING, PLLC AN INSTRUMENT NUMBERED 19-4967, COMPLETED IN THE FIELD ON AUGUST 9, 2019 AND FROM THE REFERENCE MATERIAL SHOWN HEREON.

1) CROSSROADS TITLE
 2) MARINO LAMORIELLO, PLLC
 3) MICHAEL S. GREENE, E.S. NO. 60837
 4) MARCHIONI & ASSOCIATES
 5) ROHIT GUPTA

SIGNED: *Michael S. Greene*
 MICHAEL S. GREENE, E.S. No. 60837



TOBY ROAD
 (49.5' WIDE)

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 44 Saddle Brook

**Tax Parcel: 164.03-1-3
Applicant: Kristen Burhans
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant to the above applicant relief from Town Code Section 185-120 A. to allow for the construction of a shed within the front setback on Mendon Center Road at the above location and bearing the above tax parcel number. The within resolution follows public hearings held on May 20, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(16) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

Allowing a shed 50 feet from Mendon Center Road, but within the 70-foot front setback, will not produce an undesirable change in the neighborhood or detriment to nearby properties. The property is located between Mendon Center Road and Saddle Brook and, thus, has two front setbacks. The shed will be barely visible, if at all, from Mendon Center Road or adjacent properties due to vegetation shielding it from view. The shed will match the general character of the house and be located 20 feet from the southern property line.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The proposed location of the shed cannot be achieved by feasible means other than the requested variance. Because the property has two front setbacks, the potential locations for the shed without the requested variance are limited and located close to the house in the middle of backyard.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The request to construct a shed within the front setback of Mendon Center Road represents a substantial variance from Code, but it is mitigated by the hardship of the property having two front setbacks and the dense vegetation on the property.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board’s decision.
2. The need for the requested variance is self-created but does not preclude granting of the variance and is mitigated by the fact that the shed will be screened from view from Mendon Center Road and adjacent properties.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated April 10, 2024, and attached hereto as Exhibit A.
2. All construction of the shed is to be completed by December 31, 2025.

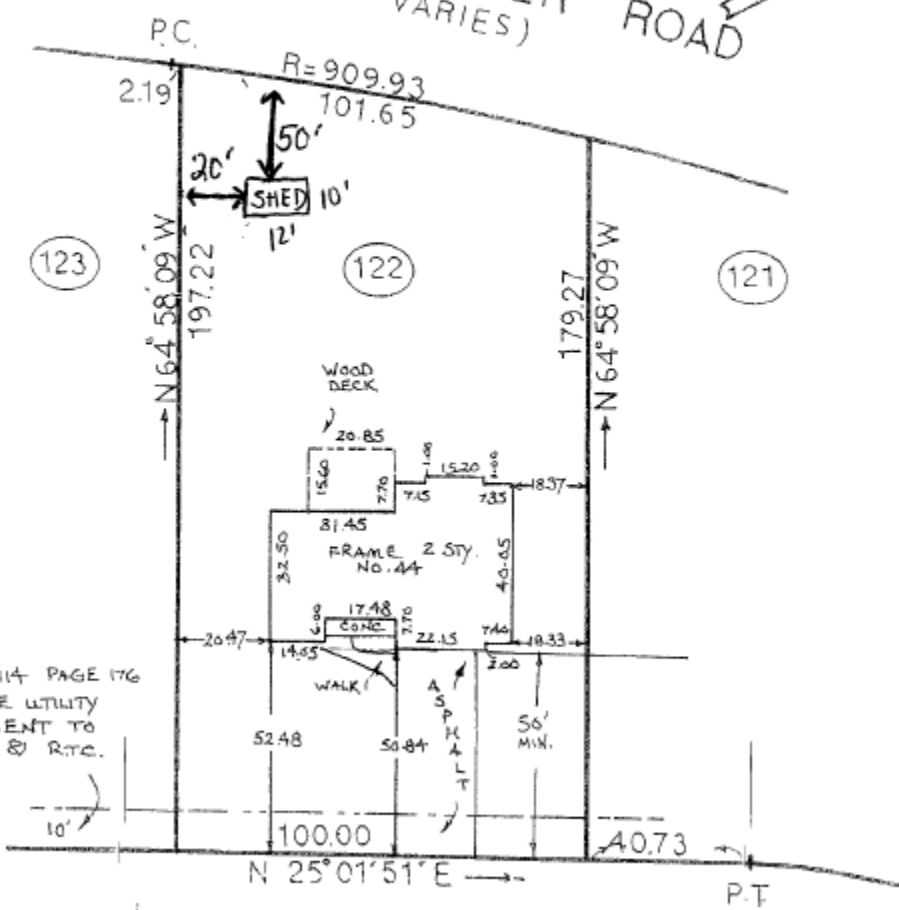
The within Resolution was moved by Zoning Board of Appeals Member James Pergolizzi, seconded by Board Member Phil Castleberry, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on May 20, 2024.

April Zurowski
Planning Assistant

MENDON CENTER ROAD
(WIDTH VARIES)



LIBER 614 PAGE 176
10' WIDE UTILITY
EASEMENT TO
R.G.E. & R.T.C.

44 SADDLE BROOK (60' WIDE)

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 2490 Lehigh Station Road

**Tax Parcel: 177.01-2-8.1
Applicant: Kody & Nicole Young
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-121 A. to allow for the installation of a 4.5-foot-tall fence in front of the front setbacks, where code limits fences to 3 feet in front of a front setback, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on May 20, 2024 and reviewed by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(12) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

The requested variance will not produce an undesirable change in the character of this neighborhood. This property is unique in that it is bordered on three sides by two major roadways and a private drive. A variance was previously approved with respect to the two main roads on October 17, 2022, but the applicant neglected to obtain a similar variance for the portion of the property that abuts the newly constructed private drive. No houses have been built along the private drive yet, but all properties have been sold and the applicant has contacted those owners about the request. The new owners have no issues with the proposed variance. With respect to the proposed height of the fence, it is higher than that approved in 2022, but by only six inches. This will not cause any undesirable change to the neighborhood as this property sits on the corner of two main roads with very few neighboring properties. The fence is not proposed in a location to impact sightlines.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

Due to the location of the property and the road frontages, a 3-foot-tall fence is the only height that would meet zoning. The fence could be shorter than 4.5 feet but would not provide the same security to the residents from the three road frontages.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The requested variance regarding is a substantial variance from the Town Code, as location and height are factors. The construction of the private drive created a new front setback requirement in the previous “rear” of the applicant’s property.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The requested variances will not have an adverse effect on the physical or environmental conditions of this neighborhood. The fence may impact the character of the subdivision, but the split-rail style of fence proposed will be minimally impactful in comparison to a board-on-board fence.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board’s decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by the proposed style and required safety needs of having three road frontages, so the variance is not precluded.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated April 10, 2024, and attached hereto as Exhibit A.
2. Installation of the fence must be completed by December 31, 2025.

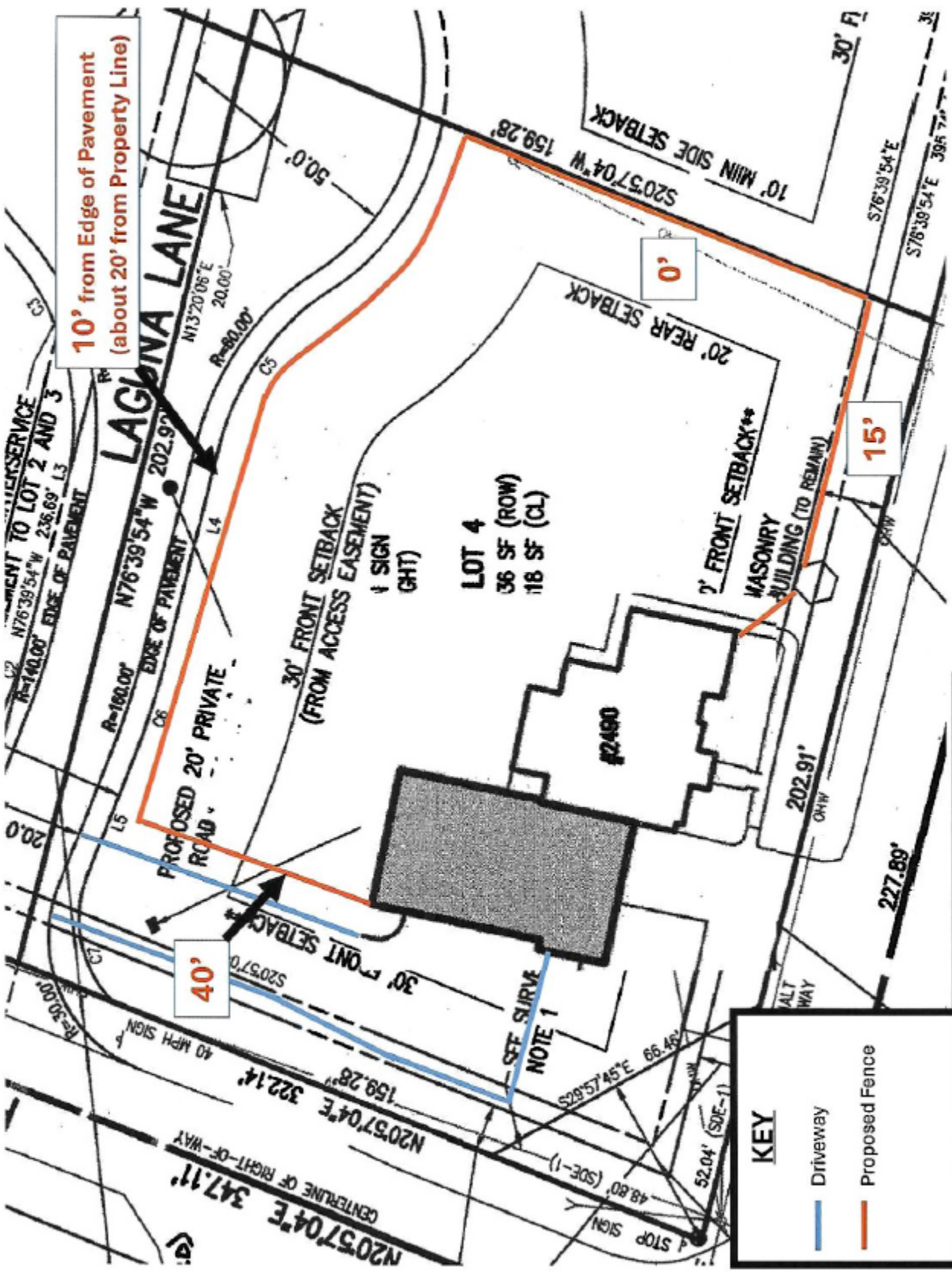
The within Resolution was moved by Zoning Board of Appeals Member Jennifer Iacobucci, seconded by Board Member Mary Ellen Spennacchio-Wagner, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on May 20, 2024.

April Zurowski
Planning Assistant

EXHIBIT A



10' from Edge of Pavement
(about 20' from Property Line)

40'

0'

15'

KEY

— Driveway
— Proposed Fence

CENTERLINE OF RIGHT-OF-WAY
 N20°57'04"E 347.11'
 N20°57'04"E 322.14'
 159.28'
 N20°57'04"E 322.14'

PROPOSED 20' PRIVATE ROAD
 N76°39'54"W 202.97'
 N76°39'54"W 236.69' L3
 R=140.00' EDGE OF PAVEMENT

LOT 4
 36 SF (ROW)
 18 SF (CL)

20' REAR SETBACK
 2' FRONT SETBACK**
 MASONRY BUILDING (TO REMAIN)

OFF SURVEY
 NOTE 1

LAGUNA LANE
 N13°20'06"E 20.00'
 R=80.00'
 50.0'
 30' FRONT SETBACK (FROM ACCESS EASEMENT) 1 SIGN GHT)

10' MIN SIDE SETBACK
 S20°57'04"W 159.28'
 30' FI

S76°39'54"E
 S76°39'54"E 395.77'

202.91'
 227.89'
 ALT WAY

R=30.00'
 20.0'
 40 MPH SIGN

STOP SIGN
 48.80' (SDE-1)
 52.04' (SDE-1)
 3.97' 99 3.54' 625