

**AGENDA
TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
OCTOBER 21, 2024**

This agenda is subject to change.

Please take notice that the Town of Pittsford Zoning Board of Appeals will hold the following meeting on Monday, October 21, 2024, in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street, and beginning at 6:30PM local time.

NEW HEARINGS

700 Allens Creek Road – Tax ID 138.69-1-1

Applicant is requesting relief from Town Code Section 185-113 B. (2) for the re-construction of a detached garage exceeding 12 feet in height. This property is zoned Residential Neighborhood (RN).

129 Sylvania Road – Tax ID 151.06-1-8

Applicant is requesting relief from Town Code Section 185-17 E. to install a generator within the side setback and not meeting the total side setback. This property is zoned Residential Neighborhood (RN).

11 Black Wood Circle – Tax ID 178.03-5-38

Applicant is requesting relief from the Wilshire Hill Incentive Zoning approval and Town Code Sections 185-17 H. and 185-113 B. (3) for the construction of a pool within the rear setback, a hot tub and gazebo within the side setback, and installation of pool equipment forward of the rear wall of the main structure, also resulting in lot coverage exceeding 40%. This property is zoned Incentive Zoning (IZ).

OTHER BUSINESS

Approval of Minutes

The next scheduled meeting is for Monday, November 18, 2024.

Zoning Board of Appeals Referral Form Information

ZB24-000033

Property Address:

700 Allens Creek Road ROCHESTER, NY 14618
138.69-1-1

Property Owner/Applicant:

Swinford, David N
700 Allens Creek Rd
Rochester, NY 14618

Applicant or Agent:

Design Works Architecture

Present Zoning of Property: RN Residential Neighborhood
Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0
Left Lot Line:	0	Left Lot Line:	0	Left Lot Line:	0.0
Front Setback:	0	Front Setback:	0	Front Setback:	0.0
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0
Height:	12	Height:	23	Height:	11
Size:	0	Size:	0	Size:	0.0

Code Section: Applicant is requesting relief from Town Code Section 185-113 B. (2) for the re-construction of a detached garage exceeding 12 feet in height. This property is zoned Residential Neighborhood (RN).

Staff Notes: Town Code Section 185-225 B. states that a non-conforming residential structure may be rebuilt on the same footprint. The applicant is proposing to reconstruct the detached garage on the same footprint, so a variance is not necessary for the size. The applicant is proposing to increase the height of the garage from 11 feet to 23 feet to allow for attic storage, so a height variance has been requested. This property is a Designated Historic Landmark. The Design Review & Historic Preservation Board (DRHPB) has reviewed the plans and has granted approval for demolition. This application will return to DRHPB after Zoning Board of Appeals resolution for a Certificate of Appropriateness for the new garage.

***Please include a Condition of Approval in the resolution that states, "The proposed use for the detached garage is storage. No living space is proposed or permitted."

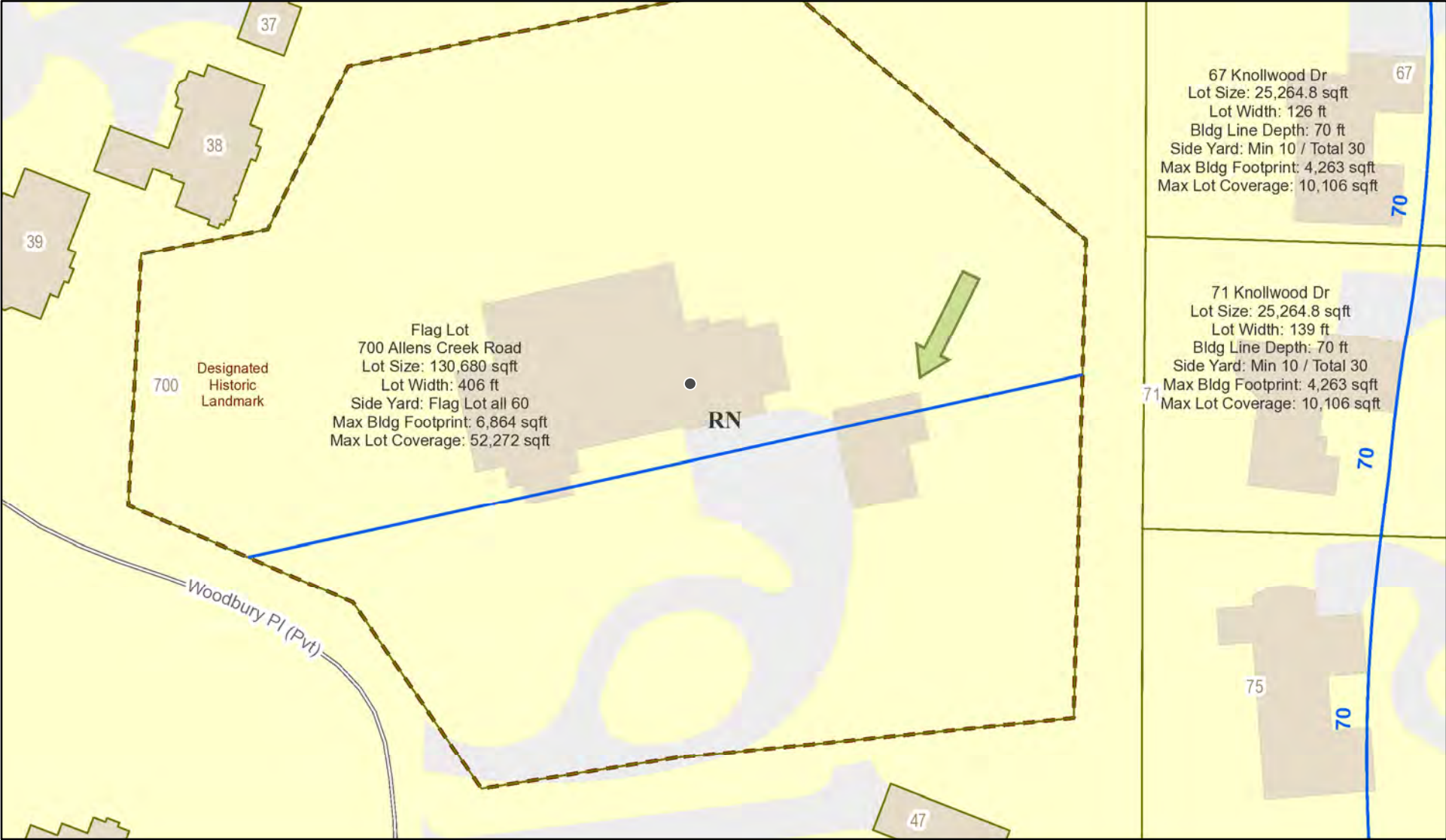
September 30, 2024

ARZ

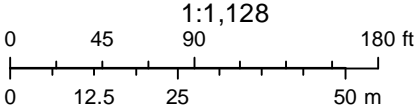
Date

April Zurowski -

700 Allens Creek Road



Printed October 7, 2024



Town of Pittsford GIS

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None

Stream Buffer

Zone AE

401 ft

AH-401.1 ft

FLOODWAY

Zone AE

Woodbury Pl

Woodbury Pl

Woodbury Pl

Woodbury Pl

Killwood Cres

35

33

32

31

36

37

37

38

39

39

700

FIRM Panel
36055C0356E

65

67

71

75

FIRM Panel
36055C0357G

76

52

51

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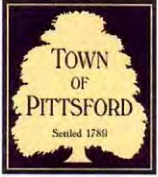
79

Thu Sep 5 2024

Imagery © 2024 Nearmap, HERE

50 ft

Nearmap



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: September 13, 2024 Hearing Date: October 21, 2024

Applicant: David & Bonnie Swinford

Address: 700 Allens Creek Road

Phone: _____ E-Mail: dswinford@yahoo.com

Agent: Design Works Architecture
(if different than Applicant)

Address: 6 N. Main Street

Phone: 377-9001 E-Mail: chuck@newdesignworks.com

Property Owner: David & Bonnie Swinford
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

(If applicant is not the property owner please complete the Authorization to Make Application Form.)

Property Location: 700 Allens Creek Road, Roche Current Zoning: RN

Tax Map Number: 138.69-1-1

Application For: Residential Commercial Other

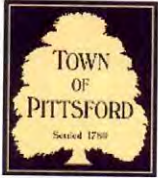
Please describe, in detail, the proposed project:

Re-build detached 3 car garage on existing garage footprint. New garage will be simplified on a slightly smaller footprint with a hip roof. Colors and materials to match existing house and garage.

SWORN STATEMENT: As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

David Swinford
(Owner or Applicant Signature)

9/3/24
(Date)



TOWN OF PITTSFORD

AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals – 11 S. Main Street – Pittsford, 14534 – 248-6260

If the applicant is not the owner of the subject property, this form must be completed and signed by the owner.

I, David Swinford, the owner of the property located at:
700 Allens Creek Road, Rochester, NY 14618
(Street) (Town) (Zip)

Tax Parcel # 138.69-1-1 do hereby authorize
Design Works Architecture to make application to the
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of the munic
approval process regarding re-building a detached 3 car garage on the existing garage fo

David Swinford
(Signature of Owner)
8/3/24
(Date)



NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

TESTS FOR GRANTING AREA VARIANCES

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

There will be no change in the character of the the neighborhood. There is an existing garage located in the place of the proposed new garage. The new garage will be built on the same footprint of the existing garage and the character of the garage will match the existing garage and house.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

The existing garage currently has a flat roof that has been a challenge to maintain in this climate zone. The proposed garage has a hip roof that will exceed the maximum 12 foot limit. The existing garage height is approximately 11 feet. The proposed garage will be 17'-5 3/4" to the midspan of the 7/12 pitch hip roof.

TESTS FOR GRANTING AREA VARIANCES (Continued)

3. Please explain whether the requested area variance is minimal or substantial:

The requested area variance minimal and in line with the scale of the home, lot size, and existing detached garage footprint. The parcel is 3 acres and the home itself is 13,700 SQFT. The existing house is +/- 28'-0" to the midspan of the roof pitch from average grade.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

The surrounding area is comprised of single family town homes that were developed around this existing home. The nearest neighbor is 150ft away on Knollwood Drive. The variance is appropriate to the scale of this unique parcel and would not have a adverse impact on the neighborhood zoning district.

- **NOTE:** *Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;*

5. Is the alleged difficulty self-created?

Yes, the existing garage has deteriorated in large part to the effects of climate and over 100 years of use. Repairing the existing would likely exceed the cost of rebuilding a new one in it's place. Building a new garage with a hip roof would protect the new garage and require less maintenance over time. The hip roof would also provide additional storage to the property.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

700 Allens Creek Road

(Project Name)

The undersigned, being the applicant(s) to the...

Town Board Zoning Board of Appeals Planning Board Architectural Review Board

...of the Town of Pittsford, for a...

change of zoning special permit building permit permit amendment
 variance approval of a plat exemption from a plat or official map

...issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.

I do further certify that there is no officer of the State of New York, the County of Monroe or of the Town of Pittsford or of any other municipality of which the Town of Pittsford is a part who is interested in the favorable exercise of discretion by said Board as to this application, except for those named below:

Name(s)

Address(es)

September 13, 2024

(Signature of Applicant)

(Dated)

700 Allens Creek Road

(Street Address)

Rochester, NY 14618

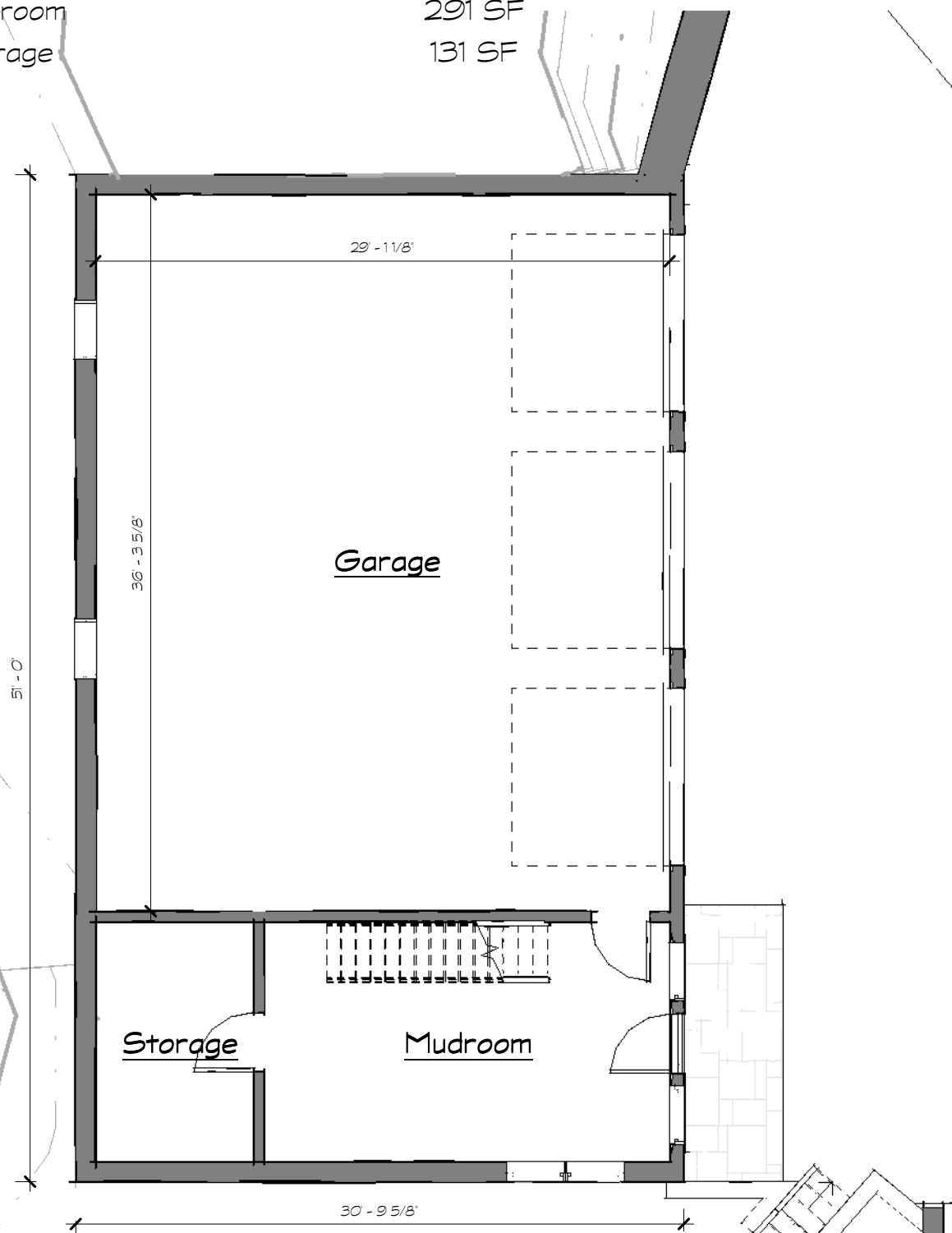
(City/Town, State, Zip Code)



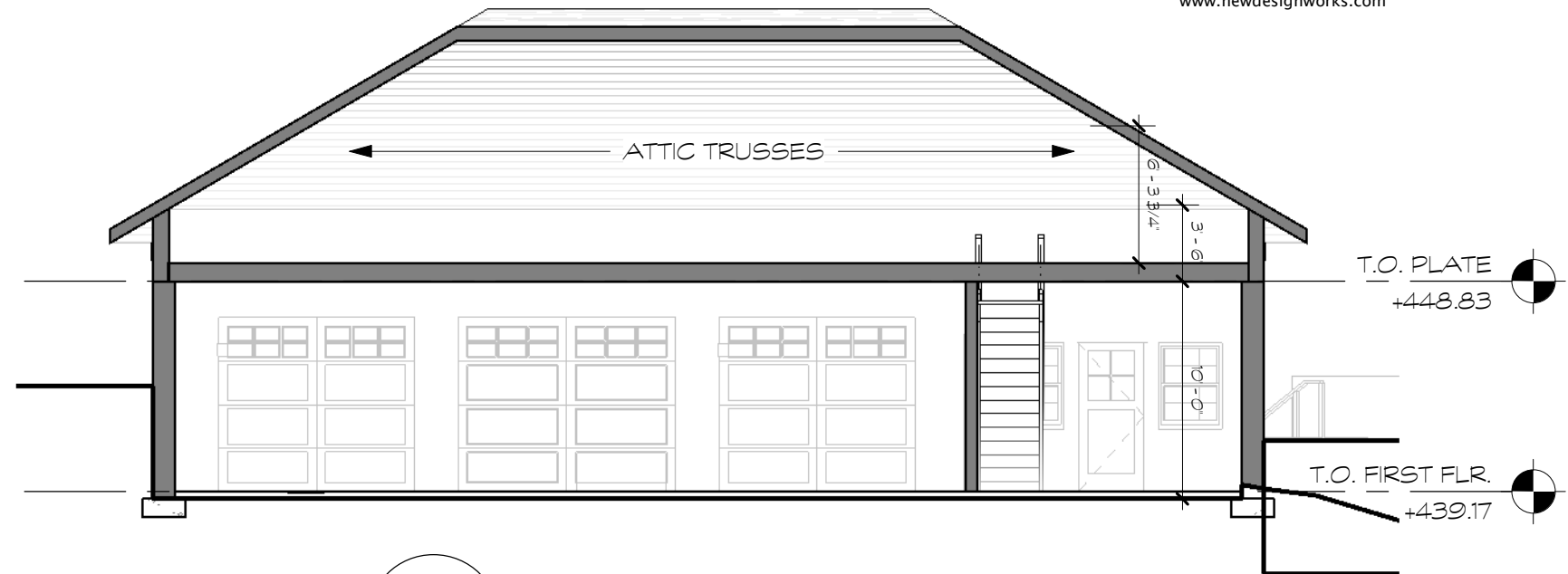


STATISTICS

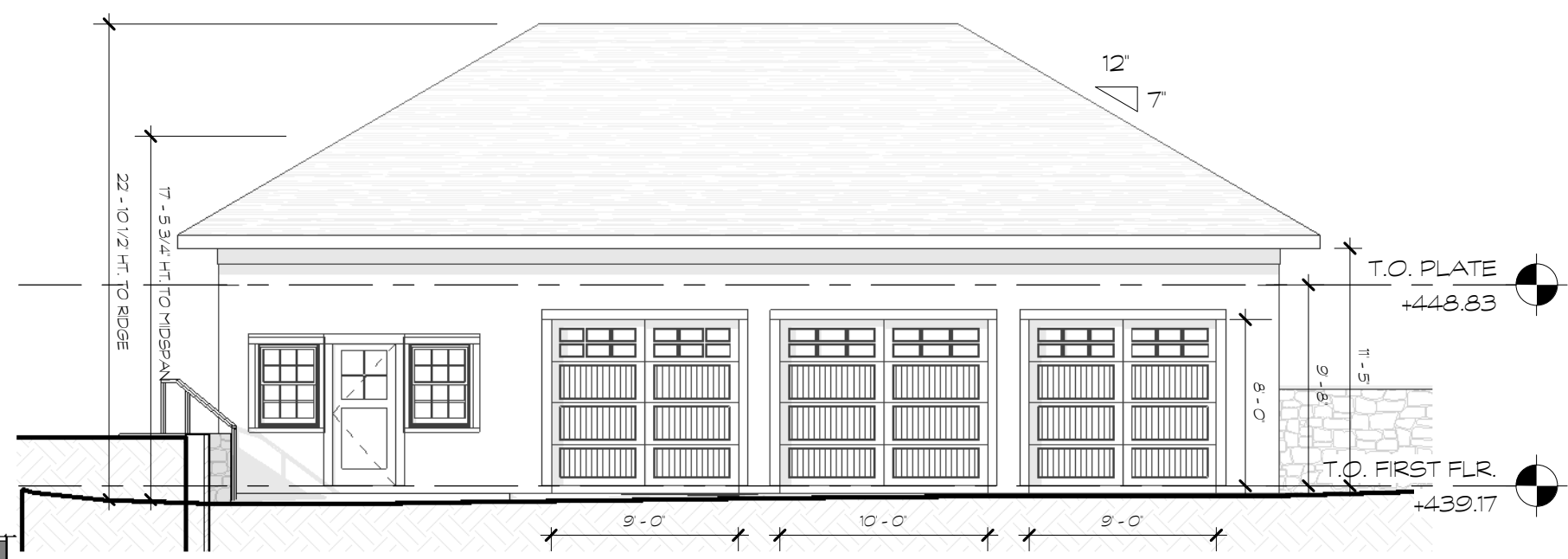
Garage	1149 SF
Attic	450 SF
Mudroom	291 SF
Storage	131 SF



1 First Floor Plan
 A-3a 1/8" = 1'-0"



2 Section 4
 A-3a 1/8" = 1'-0"



3 West Elevation
 A-3a 1/8" = 1'-0"

Strong Mansion Garage
 08/21/24

Drawings

Scale: 1/8" = 1'-0"

David & Bonnie Swinford
 700 Allens Creek Road, Rochester, NY 14618



Strong Mansion Garage
08/21/24

Approach View
Scale:

David & Bonnie Swinford
700 Allens Creek Road, Rochester, NY 14618

Zoning Board of Appeals Referral Form Information

ZB24-000034

Property Address:

129 Sylvania Road ROCHESTER, NY 14618
151.06-1-8

Property Owner/Applicant:

Larrabee, Patricia
129 Sylvania Rd
Rochester, NY 14618

Agent:

Terry Smith - Generator Supercenter

Present Zoning of Property: RN Residential Neighborhood
Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0
Minimum Left Lot Line:	10	Minimum Left Lot Line:	6	Minimum Left Lot Line:	4.0
Total Side Setback:	25	Total Side Setback:	17.7	Total Side Setback:	7.3
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0
Height:	0	Height:	0	Height:	0.0
Size:	0	Size:	0	Size:	0.0

Code Section: Applicant is requesting relief from Town Code Section 185-17 E. to install a generator within the side setback and not meeting the total side setback. This property is zoned Residential Neighborhood (RN).

Staff Notes: The generator is proposed 6 feet from the side property line, where the minimum side setback is 10 feet and the total side setback is 25 feet. Because the right side of the home is 11.7 feet from the right property line, accessory structures on the left side must be 13.3 feet from the left side property line. The applicant is requesting relief from the minimum side setback and total side setback requirement.

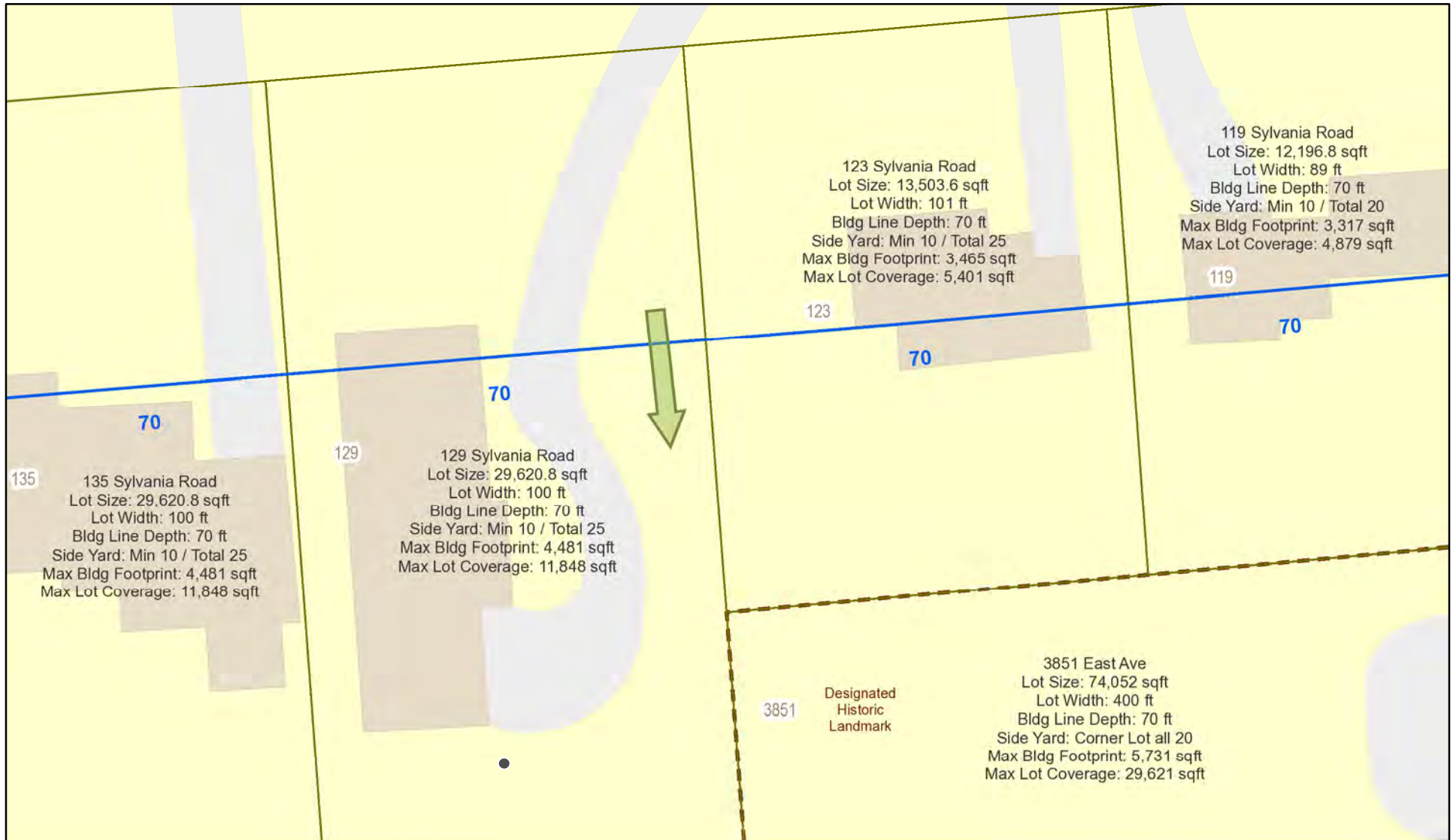
September 30, 2024

ARZ

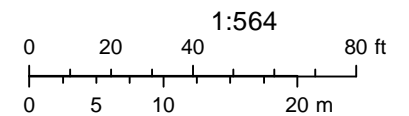
Date

April Zurowski -

129 Sylvania Road



Printed October 7, 2024



Town of Pittsford GIS

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Sylvania Rd

119
119

123
123

129
129

135
135

141
141

3851

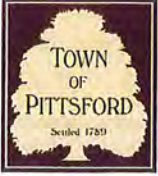
FIRM Panel
36055C0357G

Nearmap

Thu Apr 25 2024

Imagery © 2024 Nearmap, HERE

20 ft



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: 9-11-24 Hearing Date: 10-24-24

Applicant: Generator Supercenter Upstate NY

Address: 1100 Jefferson Rd Rochester NY 14623

Phone: 585-470-3000 E-Mail: t.smith@generatorsupercenter.com

Agent: Terry Smith REP.
(if different than Applicant)

Address: 1100 Jefferson Rd Rochester NY 14623

Phone: 585-470-3000 E-Mail: t.smith@generatorsupercenter.com

Property Owner: Patricia Harrabee
(if different than Applicant)

Address: 129 Sylvania Rd Rochester NY 14618

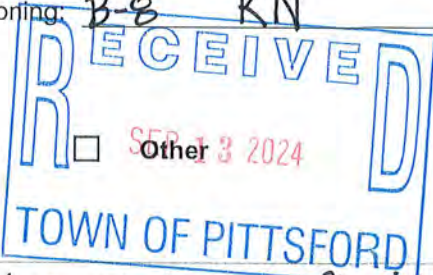
Phone: 585-451-8906 E-Mail: whiteLKadK@gmail.com

(If applicant is not the property owner please complete the Authorization to Make Application Form.)

Property Location: 129 Sylvania Rd Current Zoning: B-8 RN

Tax Map Number: 151.06-1-8

Application For: Residential Commercial



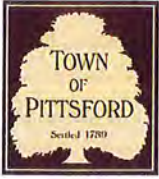
Please describe, in detail, the proposed project:

Installing a 26Kw Generac generator on the left side of Garage. The generator will be set on top of a concrete pad (54" L x 30" W) the generator Dimensions 48" x 25" x 29"
L W H

SWORN STATEMENT: As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

Terry Smith
(Owner or Applicant Signature)

9/6/2024
(Date)



TOWN OF PITTSFORD AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals – 11 S. Main Street – Pittsford, 14534 – 248-6260

If the applicant is not the owner of the subject property, this form must be completed and signed by the owner.

I, Patricia Larrabee, the owner of the property located at:
129 Sylvania Rd Rochester NY 14618
(Street) (Town) (Zip)

Tax Parcel # 151.06-1-8 do hereby authorize
Terry Smith-Generator SuperCenter to make application to the
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of
to make a area variance application

Patricia Larrabee
(Signature of Owner)
9/10/2024
(Date)



NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

TESTS FOR GRANTING AREA VARIANCES

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

Most homes have generators installed on their Properties, the owner is making sure that her Neighbor will not see the generator, plantings and hard scape will hide the generator. Plus there is trees and other plantings Between the properties.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

The property is narrow, the right side is using up the 10' side set back, the rear yard is spa, pool and Patio. The left side of garage is the only location. The generator will be hidden with screening/plants and a hard scape design. ** SEE Design notes **

TESTS FOR GRANTING AREA VARIANCES (Continued)

3. Please explain whether the requested area variance is minimal or substantial:

This is a minimal request, the generator will be ~~10'~~ 6' from the property side line plus it will be hidden from plantings and hard scape.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

Most residents of Pittsford and surrounding towns have generators, the generator will be 10' from the property line and it will be hidden from view by plantings and hard scape.

- **NOTE:** Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;

5. Is the alleged difficulty self-created?

I personally do not think it was, the property is narrow and the left side ~~is~~ of the house is within 10 feet in some location this leaves us 15' of side set back on the right the generator needs to be 5' from building.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

Patricia Larraabee 26kw Generac Generator Install
(Project Name)

The undersigned, being the applicant(s) to the...

Town Board Zoning Board of Appeals Planning Board Architectural Review Board

...of the Town of Pittsford, for a...

change of zoning special permit building permit permit amendment
 variance approval of a plat exemption from a plat or official map

...issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.

I do further certify that there is no officer of the State of New York, the County of Monroe or of the Town of Pittsford or of any other municipality of which the Town of Pittsford is a part who is interested in the favorable exercise of discretion by said Board as to this application, except for those named below:

Name(s)

Address(es)

Terry Smith
(Signature of Applicant)

9/11/2024
(Dated)

1100 Jefferson Rd
(Street Address)

Rochester NY 14623
(City/Town, State, Zip Code)

FRAM

N/
CHERYL & DA
123 SYL

LD
3

SEE REFEREN

CHAIN LINK FENCE W/ GATE

298.27'

existing

ASPHALT DRIVEWAY

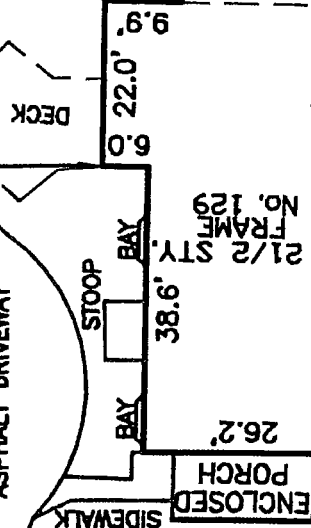
ASPHALT DRIVEWAY

ASPHALT DRIVEWAY

LOT
4

100.00'

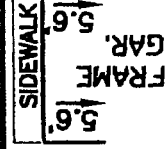
STONE WALL



298.27'

69.7'

STOCKADE FENCE



3.7'

2.5'

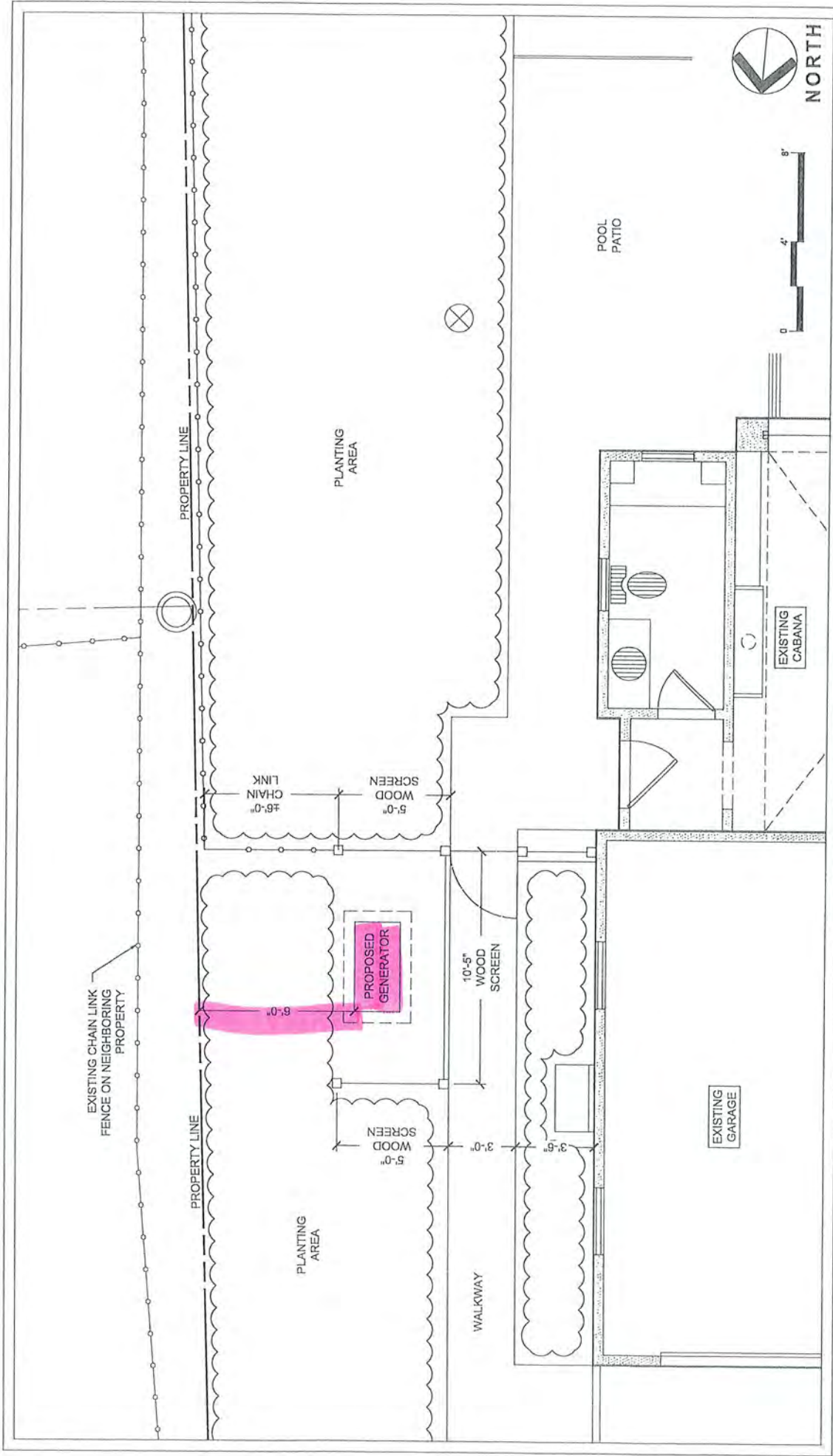
AREA 90°00'00"

F.



EN WEINS
VANIA RD.

LOT
5



LARRABEE RESIDENCE
129 SYLVANIA ROAD

GENERATOR LOCATION PLAN

10 SEPTEMBER, 2024





KUBOTA

SVL
752

ZIPsystem

Join the revolution.
ZIPsystem

STRUCTURAL 1 PANEL
& AIR BARRIER PROTECTION
11-26-23 10120 CV

ZIPsystem

Zoning Board of Appeals Referral Form Information

ZB24-000035

Property Address:

11 Black Wood Circle PITTSFORD, NY 14534

Property Owner/Applicant:

Russo, Thomas
11 Black Wood Cir
Pittsford, NY 14534

Agent:

Marathon Engineering

Present Zoning of Property: IZ Incentive Zoning

Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	7.5	Right Lot Line:	1	Right Lot Line:	6.5
Left Lot Line:	0	Left Lot Line:	0	Left Lot Line:	0.0
Front Setback:	0	Front Setback:	0	Front Setback:	0.0
Rear Setback:	10	Rear Setback:	6.5	Rear Setback:	3.5
Height:	0	Height:	0	Height:	0.0
Impervious Coverage:	40%	Impervious Coverage:	54.3%	Impervious Coverage:	14.3%

Code Section: Applicant is requesting relief from the Wilshire Hill Incentive Zoning approval and Town Code Sections 185-17 H. and 185-113 B. (3) for the construction of a pool within the rear setback, a hot tub and gazebo within the side setback, and installation of pool equipment forward of the rear wall of the main structure, also resulting in lot coverage exceeding 40%. This property is zoned Incentive Zoning (IZ).

Staff Notes: This application includes quite a few requests. The homeowner has an existing hot tub and 64 SF gazebo covering it. The gazebo is located 1 foot from the right property line and the gazebo is 2 feet from the property line. Along with the existing zoning violations, the applicant is proposing an inground pool within the rear setback and drastically increasing the impervious coverage. The pool equipment is also proposed forward of the rear wall of the home. In total, there are 2 current zoning zoning violations for the gazebo and hot tub, plus 3 additional variance requests for the pool. The Town Engineer has submitted a letter, included herein.

October 07, 2024

ARZ

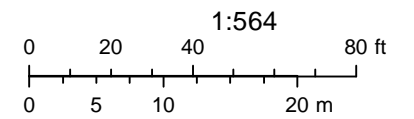
Date

April Zurowski -

11 Black Wood Circle



Printed October 7, 2024



Town of Pittsford GIS

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Thu Apr 25 2024

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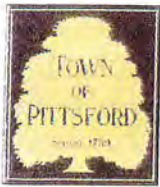
20 ft

Nearmap

185-17 H.

185-113 B. (3)

Iz setback



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: September 13, 2024 Hearing Date: October 21, 2024

Applicant: Rebecca Russo

Address: 11 Black Wood Circle Pittsford, NY 14534

Phone: (734) 624-9313 E-Mail: rfohar@gmail.com

Agent: Heinrih W. Fischer, RLA

(if different than Applicant)

Address: 722 Ayrault Road Fairport, NY 14450

Phone: (585) 738-8687 E-Mail: hwfischer50@gmail.com

Property Owner: Dr. Thomas and Rebecca Russo

(if different than Applicant)

Address: 11 Black Wood Circle Pittsford, NY 14534

Phone: (412) 522-0530 E-Mail: Russo014@gmail.com

(If applicant is not the property owner please complete the Authorization to Make Application Form.)

Property Location: Wilshire Subdivision Current Zoning: Incentive Zoning

Tax Map Number: 178.3-3-5-38

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

The installation of a swimming pool (12' x28') plus concrete decking, corrective regrading of swale inside property line.

Requires 3 Variances:

1 - Relief from Town 40% lot coverage Code.

2 - Relief from Town code for 10' setback from property line of 10' to edge of water to 6'-6".

3 - Relief to place pool equipment on East side of house vs behind the rear line of house.

When the house and property were purchased due to the size of the property (9,828 Sq. Ft.), asphalt driveway, concrete front walk, raised deck on back of house, and stairway down to lower level walkout the lot coverage was approximately 40.6% prior to any exterior development. with the addition of concrete terrace and pool with minimal additional decking, lot coverage is approximately 54.3%.

SWORN STATEMENT: As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

Blutrocha

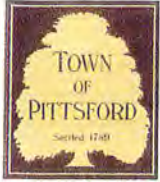
(Owner or Applicant Signature)

Sept. 13, 2024

(Date)

April's Review Copy

ZB24-000035



TOWN OF PITTSFORD

AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals – 11 S. Main Street – Pittsford, 14534 – 248-6260

If the applicant is not the owner of the subject property, this form must be completed and signed by the owner.

I, Rebecca Russo, the owner of the property located at:
11 Black Wood Circle Pittsford , NY 14534
(Street) (Town) (Zip)

Tax Parcel # 178.3-3-5-38 do hereby authorize
Heinrich W. Fischer, RLA to make application to the
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of _____
Mitigating the corrective grading and being granted the 3 Variances here with applied for.

Rebecca Russo
(Signature of Owner)
9/13/24
(Date)



NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

TESTS FOR GRANTING AREA VARIANCES

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

With the property's North-South orientation, backyard facing to the South directly looking into the Town's dedicated green space the property does not have visual contact with any residences to the South. The two immediately adjacent neighbors on the East and West sides will be screened by a 6' high solid wood fence along their respective property lines, metal picket fence facing the southerly direction. Evergreen tree plantings (evergreens) have been added to provide additional screening on the East and West sides. The requested variances will not be detrimental to either property or visible to any of the homes to the West, down hill and down grade from #11 Black Wood Circle. This project will not change the nature of the adjacent properties, neighborhood or entire subdivision.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

Due to the comparatively small square footage lot size, large home in keeping with neighboring properties, asphalt driveway, concrete front walk, rear yard raised deck, stairs down to the lower level walkout, the % lot coverage approximates 40.6% prior to any backyard development. In addition to there is a major drainage swale centerline 5 - 7' inside the property which was supposed to be developed on the property line vs inside. As part of the initial site study and a Town Engineer required topographic survey a discrepancy in property line corner was uncovered. The Russo's had the original subdivision stake out surveyor locate the correct property corner buried monuments re located. This also caused a mislocation of the existing fence - some of the metal picket fence on the green space property and a portion of the West side wood fence encroaching on the neighbor's property - both will need to be removed and reinstalled correctly.

TESTS FOR GRANTING AREA VARIANCES (Continued)

3. Please explain whether the requested area variance is minimal or substantial:

Given the circumstances of the grading, the house/ driveway/ front walk, existing raised deck and stair well for the walkout from the lower level and then adding the additional % of lot coverage for the pool complex is becomes approximately 56.6% above Town Code. It may seem to be substantial but the owners feel it is minimal as it relates to the general neighborhood with no negative impacts.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

This project would again not have diverse effect or impact on any physical, environmental conditions or the incentive Zoning status. The owners feel this type of project does have an effect on keeping property values strong typical of the Pittsford area.

- **NOTE:** *Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;*

5. Is the alleged difficulty self-created?

Given the lot size and existing lot coverage prior to any exterior development, the difficulty is not self-created rather a matter of the entire situation which allows the opportunity to create the environment they desire.

Dr. Russo and his wife are both actively involved in the medica profession in a local Township. They chose to move to the Pittsford area area from out of state due to family ties, the school system for their growing family, career oppourtunities and the many amenities the Finger Lakes region has to offer.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

11 Black Wood Circle Backyard Development

(Project Name)

The undersigned, being the applicant(s) to the...

Town Board Zoning Board of Appeals Planning Board Architectural Review Board

...of the Town of Pittsford, for a...

change of zoning special permit building permit permit amendment
 variance approval of a plat exemption from a plat or official map

...issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.

I do further certify that there is no officer of the State of New York, the County of Monroe or of the Town of Pittsford or of any other municipality of which the Town of Pittsford is a part who is interested in the favorable exercise of discretion by said Board as to this application, except for those named below:

Name(s)

Address(es)



(Signature of Applicant)

September 17, 2024

(Dated)

11 Black Wood Circle

(722 AYRAULT ROAD)
(Street Address) PA

Pittsford, NY 14534

FAIRPORT, N.Y. 14450
(City/Town, State, Zip Code)

MAP OF A SURVEY

11 Black Wood Circle
14954

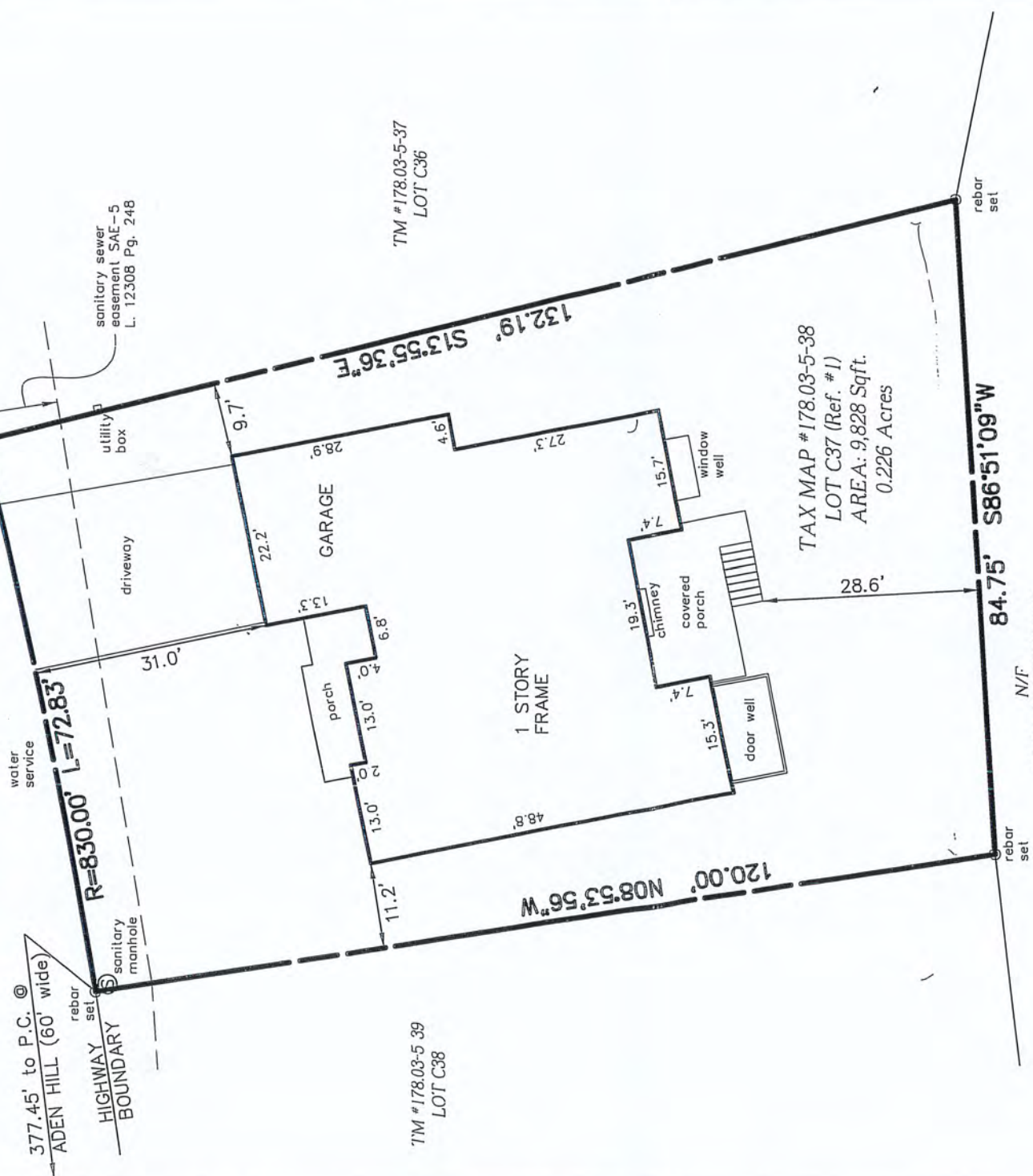
LOT C37-WILSHIRE HILL SECTION 3B

C: 412-921-0536

TOWN OF PITTSFORD, MONROE COUNTY, N.Y.

SCALE 1" = 20'

BLACK WOOD CIRCLE
(60' WIDE)



377.45' to P.C. @
ADEN HILL (60' wide)

HIGHWAY
BOUNDARY

R=830.00' L=72.83'

water
service

sanitary
manhole

driveway

sanitary sewer
easement SAE-5
L. 12308 Pg. 248

utility
box

TM #178.03-5 39
LOT C38

TM #178.03-5-37
LOT C36

TAX MAP # 178.03-5-38
LOT C37 (Ref. #1)
AREA: 9,828 Sqft.
0.226 Acres

TOWN OF PITTSFORD
TM #178.03-4-1.21
L. 12357 PG. 195

MIN. SETBACKS:
FRONT: 25'
SIDE: 7.5'
REAR: 10'

REFERENCES:

- 1. "WILSHIRE HILL SUBDIVISION-SECTION 3B" FILED AUGUST 1, 2019 AS LIBER 358 OF MAPS, PAGE 99.
- 2. CROSSROADS ABSTRACT SEARCH #2157C37 LAST DATED JUNE 30, 2020



ROCHESTER OFFICE
4460 CULVER ROAD
ROCHESTER, N.Y. 14622
(585) 654-5897
dmagde@magdesurveying.com



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DOUGLAS W. MAGDE, L.S. LIC. #049957

CERTIFY TO:
KeyBank, its successors and/or assigns
Marchioni & Associates
Thomas and Rebecca Russo
Oliver Korts LLP
The title insurance company insuring the mortgage.

WE, MAGDE LAND SURVEYING, P.C., HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM NOTES OF A FIELD SURVEY COMPLETED ON JULY 30, 2020 AND FROM THE REFERENCES LISTED HEREON. SUBJECT TO ANY FACTS AN UPDATED ABSTRACT OF TITLE MAY REVEAL.

9/15/2020 - add certs

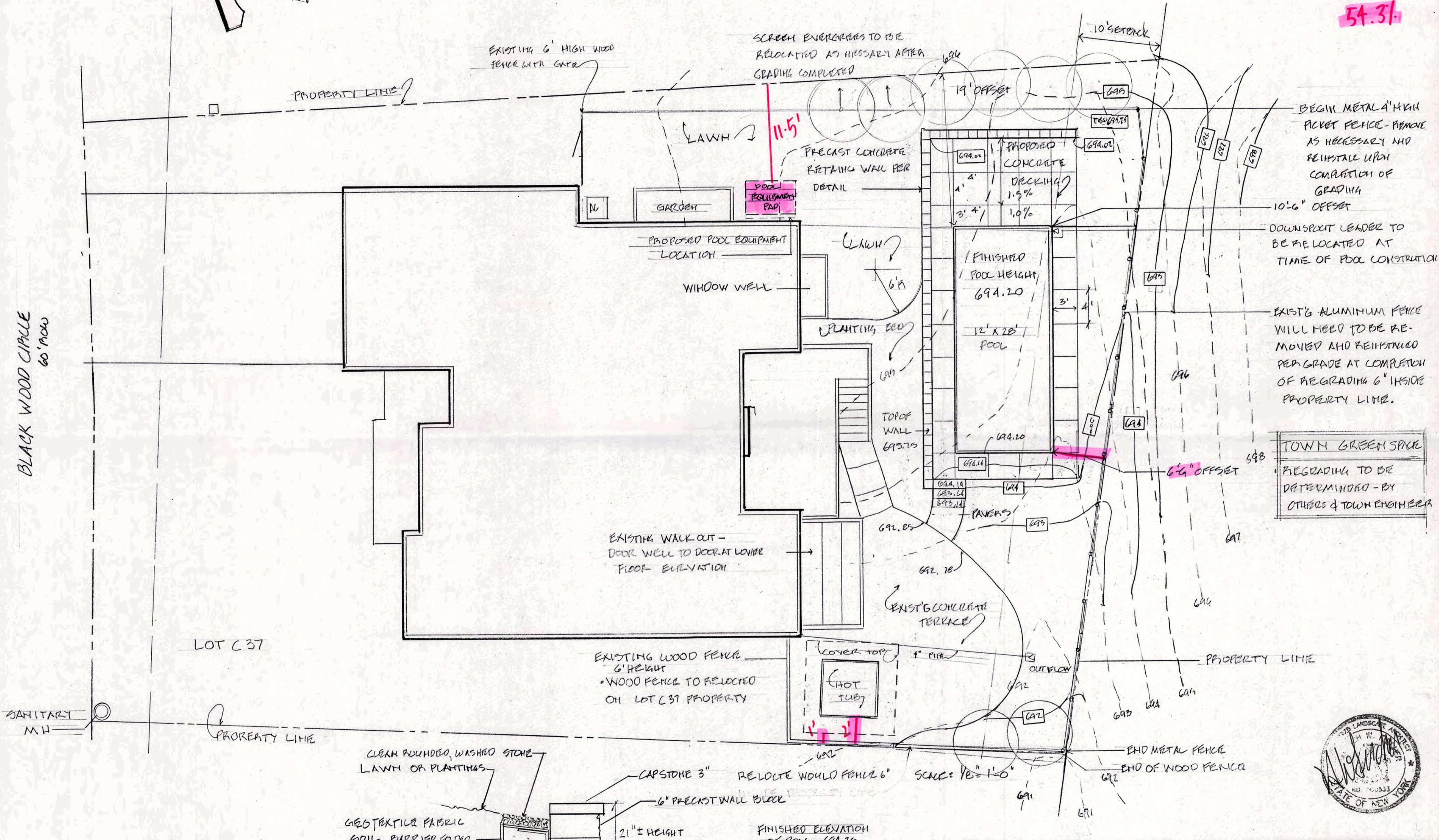
Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, subdivision 2, of the New York State Education Law

Only boundary survey maps with the surveyor's embossed seal are genuine true and correct copies of the surveyor's original work and opinion

Certifications herein are not transferable. The location of underground improvements or encroachments are not always known and often must be estimated.



proposed impervious coverage: **54.31**



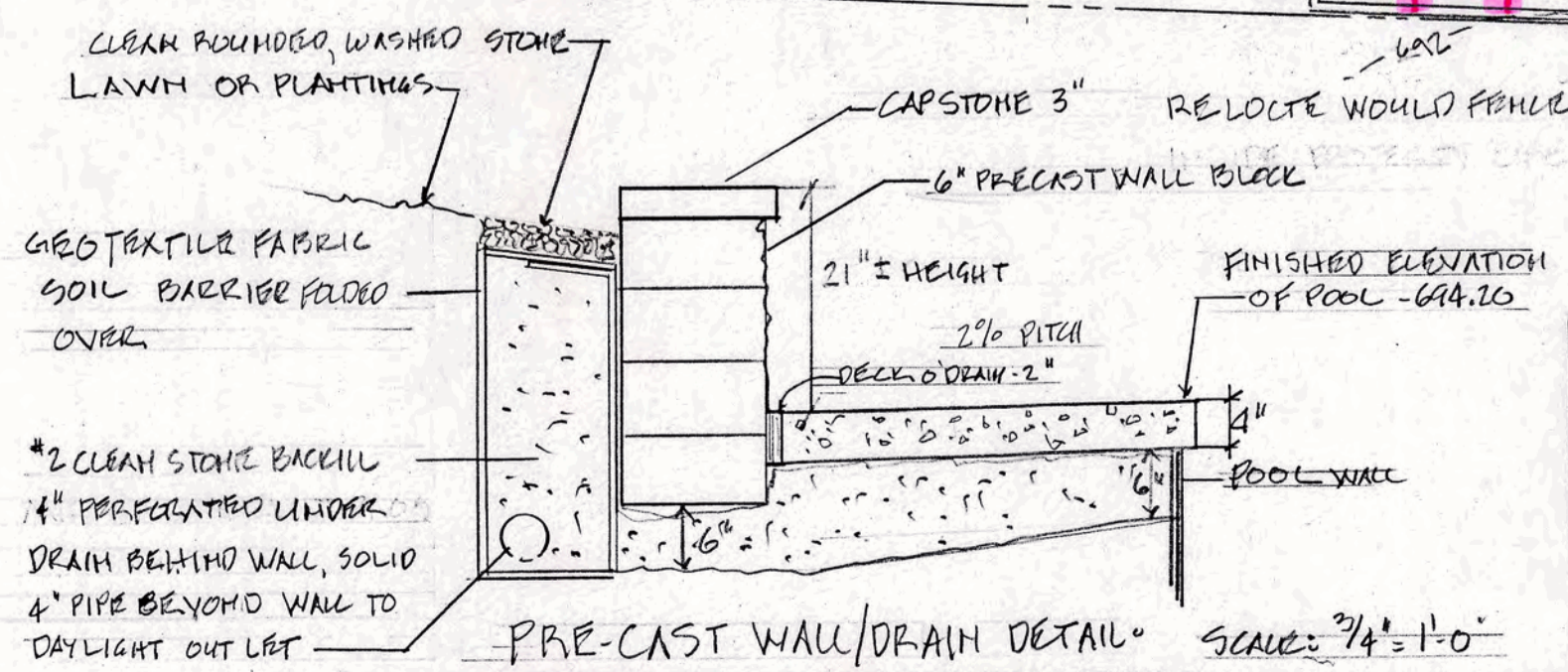
BEGIN METAL 4" HIGH PICKET FENCE - REMOVE AS NECESSARY AND REINSTALL UPON COMPLETION OF GRADING
10'-6" OFFSET

DOWNSPOUT LEADER TO BE RELOCATED AT TIME OF POOL CONSTRUCTION

EXIST'G ALUMINUM FENCE WILL NEED TO BE REMOVED AND REINSTALLED PER GRADE AT COMPLETION OF REGRADING 6" INSIDE PROPERTY LINE.

TOWN GREEN SPACE
REGRADING TO BE DETERMINED - BY OTHERS & TOWN ENGINEER

EXISTING WOOD FENCE 6' HEIGHT
WOOD FENCE TO BE RELOCATED ON LOT C37 PROPERTY



HEINRICH W. FISCHER, R.L.A.
722 AYRAULT ROAD
FAIRPORT, N.Y. 14450
PH: 585-425-3692

LANDSCAPE DEVELOPMENT PLAN		
• TOM & BECKY RUSSO RESIDENCE		
11 BLACKWOOD CIRCLE		PITTSFORD, N.Y. 14894
PROJ. NO: 2417	DRAWN BY: HWF	DRAW'G.
SCALE: AS SHOWN	APPROVED BY:	
DATE: 8-9-24	REVISIONS: 9-10-24	

April Zurowski

From: Robert Fromberger
Sent: Tuesday, October 1, 2024 3:28 PM
To: April Zurowski; Doug DeRue
Cc: Mike O'Leary; Bill Zink; Anthony Caruso
Subject: Impervious Lot Coverage Variance Request at 11 Black Wood Circle

In regards to the Impervious Lot Coverage Variance Request at 11 Black Wood Circle:

Projects that exceed the Impervious Lot Coverage required by code for a given lot, are typically reviewed by the Town Engineer. Projects are reviewed to confirm some form of mitigation is provided to accommodate the runoff generated from the proposed additional impervious coverage. The Town's interest is to ensure downstream facilities are capable of accommodating an increase in runoff. The aesthetics and community context of the proposal should remain the primary concern of the ZBA.

In most instances, the Designer typically mitigates the additional runoff on-site. For this project, the Home Owner and Developer have taken the steps necessary to expand the neighborhood pond, that is immediately to the rear of this property, to accommodate the additional runoff. This minor pond expansion was found acceptable to the Town as work was already being scheduled to complete the construction of this pond and the expansion was considered beneficial. Additionally, the potential to mitigate runoff on-site is extremely limited as the soils found in this area are not well suited to allow for use of an on-site dry well.

At this time, the **Town Engineer has no objection to allowing this parcel to have an impervious lot coverage of 55% or less as runoff mitigation has been provided.**

Thanks

Robert Fromberger, P.E.
Town Engineer
Town of Pittsford
11 South Main Street
Pittsford, NY 14534

Phone: 585-248-6250

Fax: 585-248-6262

Email: RFromberger@townofpittsford.org

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
SEPTEMBER 16, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on September 16, 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: Phil Castleberry, Jennifer Iacobucci, Mary Ellen Spennacchio-Wagner, Jim Pergolizzi

ABSENT: George Dounce, Barbara Servé, Tom Kidera

ALSO PRESENT: April Zurowski, Planning Assistant; Bill Zink, Building Inspector

ATTENDANCE: There were 13 members of the public present.

Board Member Pergolizzi called the meeting to order at 6:45PM.

NEW PUBLIC HEARINGS:

412 Thornell Road, Tax ID 178.15-2-31 – Applicant is requesting relief from Town Code Section 185-17 I. for the construction of an addition within the rear buffer. This property is zoned Residential Neighborhood (RN).

Board Member Pergolizzi opened the public hearing.

Joseph Pierce, of 412 Thornell Road, introduced the application. Mr. Pierce stated that the addition is proposed to create an extra bedroom for his mother-in-law. Board Member Pergolizzi asked when the addition is planned for construction. Mr. Pierce stated that following Design Review & Historic Preservation Board (DRHPB) approval, construction will begin.

Board Member Pergolizzi asked for public comment. Hearing none, Board Member Castleberry motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner; all ayes, none opposed.

A written resolution to grant the area variance for 412 Thornell Road was unanimously approved.

20 Stoney Clover Lane, Tax ID 163.02-1-42 – Applicant is requesting relief from Town Code Section 185-113 B. (3) for the construction of a shed forward of the rear wall of the main structure. This property is zoned Residential Neighborhood (RN).

Board Member Pergolizzi opened the public hearing.

Nancy Haggerty, of 20 Stoney Clover Lane, introduced her application. The proposed shed will replace an existing playhouse. She stated that the most affected neighbor submitted a letter of support. Board Member Pergolizzi asked when the shed is proposed for construction. Ms. Haggerty stated that construction is proposed as soon as possible.

Board Member Pergolizzi asked for public comment. Hearing none, Board Member Pergolizzi motioned to close the public hearing, seconded by Board Member Iacobucci; all ayes, none opposed.

A written resolution to grant the area variance for 20 Stoney Clover Lane was unanimously approved.

3785 East Avenue, Tax ID 138.18-2-13 – Applicant is requesting relief from Town Code Section 185-17 I. for the construction of an addition within the rear buffer. This property is zoned Residential Neighborhood (RN).

Board Member Pergolizzi opened the public hearing.

Scott Odorisi, of 3785 East Avenue, introduced the application. Board Member Pergolizzi asked when the addition is planned for construction. Mr. Odorisi anticipated construction to be completed by the end of next summer.

Board Member Pergolizzi asked for public comment. Hearing none, Board Member Castleberry motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner; all ayes, none opposed.

A written resolution to grant the area variance for 3785 East Avenue was unanimously approved.

35 Old Forge Lane, Tax ID 193.13-1-25 – Applicant is requesting relief from Town Code Sections 185-113 B. (1) and 185-17 I. for the construction of an oversized shed within the rear buffer. This property is zoned Residential Neighborhood (RN).

Board Member Pergolizzi opened the public hearing.

Dave Weigand, of 35 Old Forge Lane, introduced the application. He began construction of the oversized shed without a permit. His neighbors submitted letters of support.

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

A written resolution to grant the area variances for 35 Old Forge Lane were unanimously approved.

94 N Wilmarth Road, Tax ID 191.02-1-3.1 – Applicant is requesting relief from Town Code Sections 185-113 B. (1) and (3) and 185-116 C. (4) for the addition to an oversized and over height accessory structure not meeting the minimum setbacks for the stabling of horses. This property is zoned Residential Neighborhood (RN).

Board Member Pergolizzi opened the public hearing.

Curtis Ecklund, of 94 N Wilmarth Road, introduced the application. He is proposing an addition to his existing non-conforming barn. The addition is currently proposed for storage but may eventually be used as additional stabling for horses. Board Member Pergolizzi asked if the storage space eventually turning into stabling will be permitted. Ms. Zurowski confirmed that the variance includes the stabling of horses, so it will be covered as part of this request. Board Member Spennacchio-Wagner asked about the current state of this non-conforming structure. Ms. Zurowski stated that this structure was permitted by a previous Building Inspector, but the employee failed to subject the structure to an area variance. The referral form submitted to the Board encompasses all variances, both present and proposed, into this request. Christina Ecklund, of 94 N Wilmarth Road, stated that she understands that this variance is a considerable request, but is asking the Board to consider the property's proximity to neighbors. She stated that the additional space will be used to improve animal care. The residents have spoken to their neighbors and have received no concerns.

Board Member Pergolizzi asked for public comment. Hearing none, Board Member Iacobucci motioned to close the public hearing, seconded by Board Member Castleberry; all ayes, none opposed.

A written resolution to grant the area variances for 94 N Wilmarth Road were unanimously approved.

OTHER DISCUSSION:

Board Member Pergolizzi motioned to approve the minutes of August 19, 2024. Following a unanimous voice vote, the minutes were approved, none opposed.

Board Members Spennacchio-Wagner and Iacobucci commented on the proposed Zoning Code updates, stating that chickens should not be permitted on lots equal to or less than 0.5 acres.

Board Member Pergolizzi closed the meeting at 7:39PM.

Respectfully submitted,

April Zurowski
Planning Assistant

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

DRAFT