

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
March 18, 2019**

PUBLIC HEARING FOR AN AREA VARIANCE

- 507 Allens Creek Road, Tax # 137.20-2-6.21, Applicant is requesting relief from Town Code 185-113 (B) (6) & 185-17 (E) to place a generator on the property encroaching on the total side yard setback requirement. This property is zoned RN – Residential Neighborhood.

OTHER

- Review and Approval of the January 21, 2019 Minutes

draft
**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
January 21, 2019**

PRESENT

George Dounce, Chairperson; Jaime Waldman, Mary Ellen Spennacchio-Wagner, Barbara Servé, Phil Castleberry, Mike Rose, David Rowe

ALSO PRESENT

Stephanie Townsend, Town Board Liaison; Robert Koegel, Town Attorney; Mark Lenzi, Building Inspector; Susan Donnelly, Secretary to the Board

ABSENT

George Dounce, Chairperson, called the regularly scheduled meeting of the Zoning Board of Appeals to order at 7:00 pm.

Mark Lenzi indicated that the applications before the Board this evening are Type II Actions under 6-NYCRR §617.5(c) (7) or (12) & (13) and, therefore, are not subject to Environmental Review under SEQRA. These applications are exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

PUBLIC HEARING FOR AN AREA VARIANCE

- 648 Mendon Road. Tax # 178.03-2-29.21, Applicant is requesting relief from Town Code(s) §185-113 (B) (1) & (2) to construct an oversized and over height accessory structure (Detached Garage) in the rear yard. The accessory structure is proposed to be approximately 15' in height and approximately 572 Sq. Ft. in size. Property is zoned RN – Residential Neighborhood District.

The homeowner, Stephen Smeulders, was present.

The Board had questions about how the neighbors felt about the project and the timing of the proposed project. Mr. Smeulders responded that there has been no comment from the neighbors and that he would like to start the project around the first week of June.

There was no public comment.

Mary Ellen Spennacchio-Wagner moved to close the Public Hearing and David Rowe seconded.

All Ayes.

- 4 Sassafras Lane. Tax # 179.09-1-4. Applicant is requesting relief from Town Code(s) §185-17 (L) to construct a 1st and 2nd floor addition encroaching into the side setback. The additions are proposed to be located at approximately 50' from the west property line where code requires 60'. Property is zoned RN – Residential Neighborhood District

The architect for the project, David Waldarek, spoke on behalf of the homeowner.

The Board questioned if there was another option for placement considered. Mr. Waldarek responded that due to the configuration of the flag lot of the property this is not possible. The Board asked about the timing and the applicant responded as soon as possible weather permitting.

There was no public comment.

Mike Rose moved to close the Public Hearing and Jaime Waldman seconded.

All Ayes.

- 255 Woodland Road. Tax # 150.20-2-21. Applicant is requesting relief from Town Code(s) §185-17 (E) to construct a garage addition encroaching approximately 5 feet into the side setback. The required minimum side setback for this property is 10'. Property is zoned RN – Residential Neighborhood District

The homeowner, Taylor Wold, was present to discuss the application with the Board. He stated he would be doing his own work on the project. The original garage is on a slab and will be turned into a mudroom.

There was no public comment.

Phil Castleberry moved to close the Public Hearing and Barbara Servé seconded.

All Ayes.

DECISION FOR 648 MENDON ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 648 Mendon Road was moved by Phil Castleberry and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	aye
Barbara Servé voted	aye
Jaime Waldman voted	aye
David Rowe voted	absent
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry voted	aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated November 17, 2018.
2. The construction is to be completed by December 31, 2020.
3. This application is subject to the approval of the Design Review & Historic Preservation Board.

DECISION FOR 4 SASSAFRAS LANE – AREA VARIANCE

A written Resolution to grant the area variance for 4 Sassafras Lane was moved by Mary Ellen Spennacchio-Wagner and seconded by David Rowe.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	aye
Barbara Servé voted	aye
Jaime Waldman voted	aye
David Rowe voted	absent
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry voted	aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated December 7, 2018.
2. All construction is to be completed by December 31, 2021.
3. This application is subject to the approval of the Design Review & Historic Preservation Board.

DECISION FOR 255 WOODLAND ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 255 Woodland Road was moved by David Rowe and seconded by Phil Castleberry.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	aye
Barbara Servé voted	aye
Jaime Waldman voted	aye
David Rowe voted	absent
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry voted	aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans and application submitted by the Applicant and dated 12/12/2018.
2. All construction is to be completed by 12/31/22.
3. This application is subject to the approval of the Design Review & Historic Preservation Board.

APPROVAL OF THE MEETING MINUTES OF NOVEMBER 19, 2018

George Dounce moved to accept the minutes of November 19, 2018 with a change.

VOICE VOTE: Ayes – All

OTHER

There will be no February meeting due to lack of applications to review.

MEETING ADJOURNMENT

The meeting adjourned at 7:30 pm.

VOICE VOTE: Ayes – All

Respectfully submitted,

Susan Donnelly
Secretary to the Zoning Board of Appeals

**Zoning Board of Appeals
Referral Form Information**

Property Address:

507 Allens Creek Road ROCHESTER, NY 14618

Property Owner:

Ron Ricotta
507 Allens Creek Rd
Rochester, NY 14618

Applicant or Agent:

Ketmar Development Corp
502 S. Main St.
Canandaigua, NY 14424
(585) 280-6817

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
Total Setback:	60	Total Setback:	43.7	Total Setback:	16.3
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(s): 185-17 E & 185-113 B

Description: Applicant is requesting relief from Town Code to place a generator on the property encroaching on the total side yard setback requirement.

Note: Town Code requires a total side yard setback for structures on this property to be 60 feet. When the left (23.7' to the side of the house) and right (20' to the generator) side setbacks are added together they equal 43.7 feet. To be compliant with code these numbers must equal 60 feet or more.

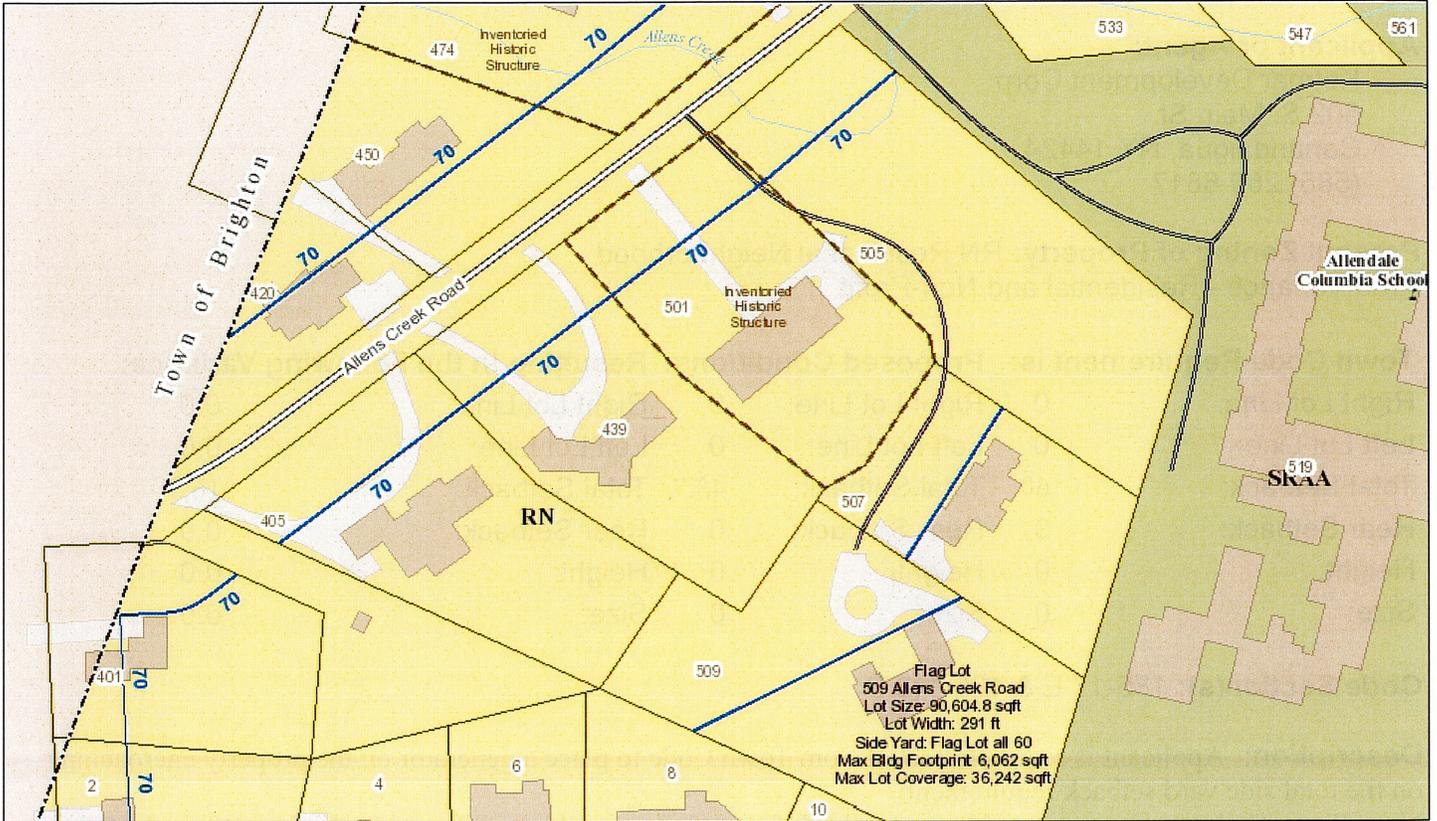
March 07, 2019



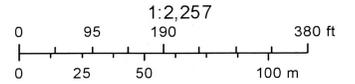
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning



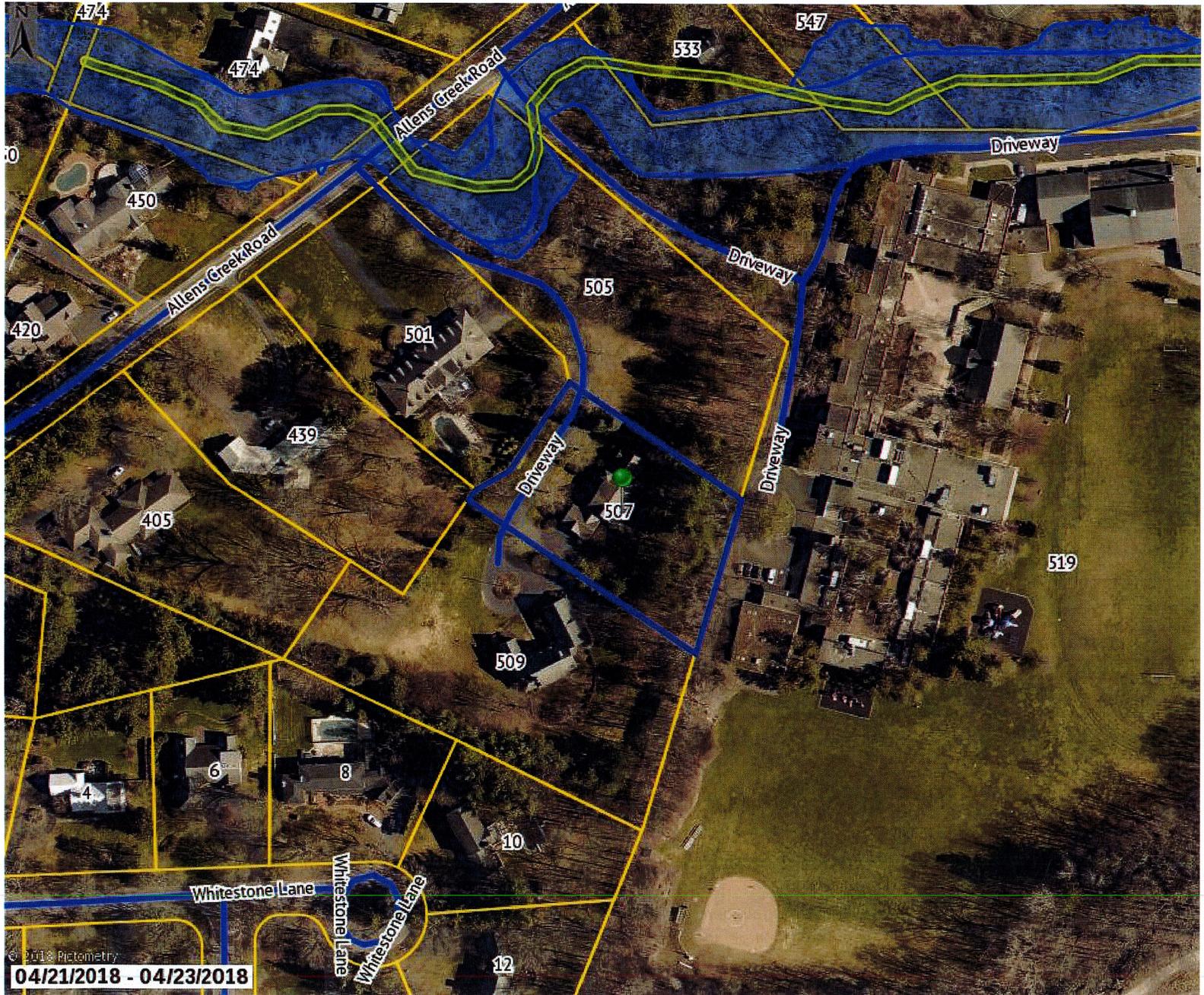
Printed March 7, 2019

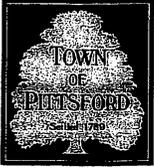


Town of Pittsford GIS

The information depicted on the map is representational and should be used for general reference purposes only. No warranties, expressed or implied, are provided for the data or its use or interpretation.

ENVIRONMENTAL REPORT





TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: 2.20.19 Hearing Date: 3.18.19

Applicant: RON RICOTTA

Address: 507 ALLEN'S CREEK, PITTSFORD, N.Y. 14534

Phone: _____ E-Mail: _____

Agent: KETMAR DEVELOPMENT (MARIE KENTON) CELL # 259.7041 (TRAVIS WOLFE)
(if different than Applicant)

Address: 502 SOUTH MAIN ST.

Phone: 585.381.5578 E-Mail: MKENTON@KETMAR.COM

Property Owner: _____
(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: 507 ALLEN'S CREEK Current Zoning: RN

Tax Map Number: 137.20-2-6.21

Application For: Residential Commercial Other

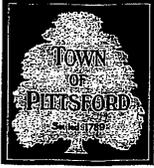
Please describe, in detail, the proposed project:

GENERATOR FOR THE
CURRENT HOME. GENERATOR LOCATION AS DRAWN (75' FROM REAR/20' FROM SIDE).

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.

(Owner or Applicant Signature)

2.20.19
(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, RON RICOTTA (SEE AUTHORIZATION E-MAIL), the owner of the property located at:
507 ALEN'S CREEK PITTSFORD N.Y. 14534
(Street) (Town) (Zip)

Tax Parcel # 137.20-2-6.21 do hereby authorize
TRAVIS WOOLLEY to make application to the
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of
* GENERATOR VARIANCES.

[Signature]
(Signature of Owner)
2-20-19
(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:

THE GENERATOR WILL NOT BE VISIBLE BY NEIGHBORS DUE TO INSTALLED PLANTINGS

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

GENERATOR PLACEMENT ~~AND~~ WITH IN THE SETBACKS WILL CAUSE NOISE POTENTIAL TO BE GREATER FOR APPLICANT AS WELL AS 59 NEIGHBOR. THE DESIRED LOCATION WILL SIT BENEATH LARGE PINE TREES & NEXT TO EXISTING TRANSFORMER. (CONSOLIDATING UTILITIES TO A CENTRAL SPOT).

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

DUE TO LOCATION & VIEW SHEDS THIS WORK WILL BE
NOT NOTICABLE (MINIMAL) IF PLACED AMONGST ESTABLISHED PLANTINGS
FOR THE GENERATOR.

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:

CHANGES WON'T BE OBSERVABLE UNLESS AN INDIVIDUAL
PULLS ALL THE WAY INTO DRIVEWAY. MASS PLANTINGS HAVE BEEN
INSTALLED

- 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, HOWEVER MINUTE IN SCALE, NOT A DIFFICULTY BUT AN IMPROVEMENT

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

507 ALLEN'S CREEK
(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)

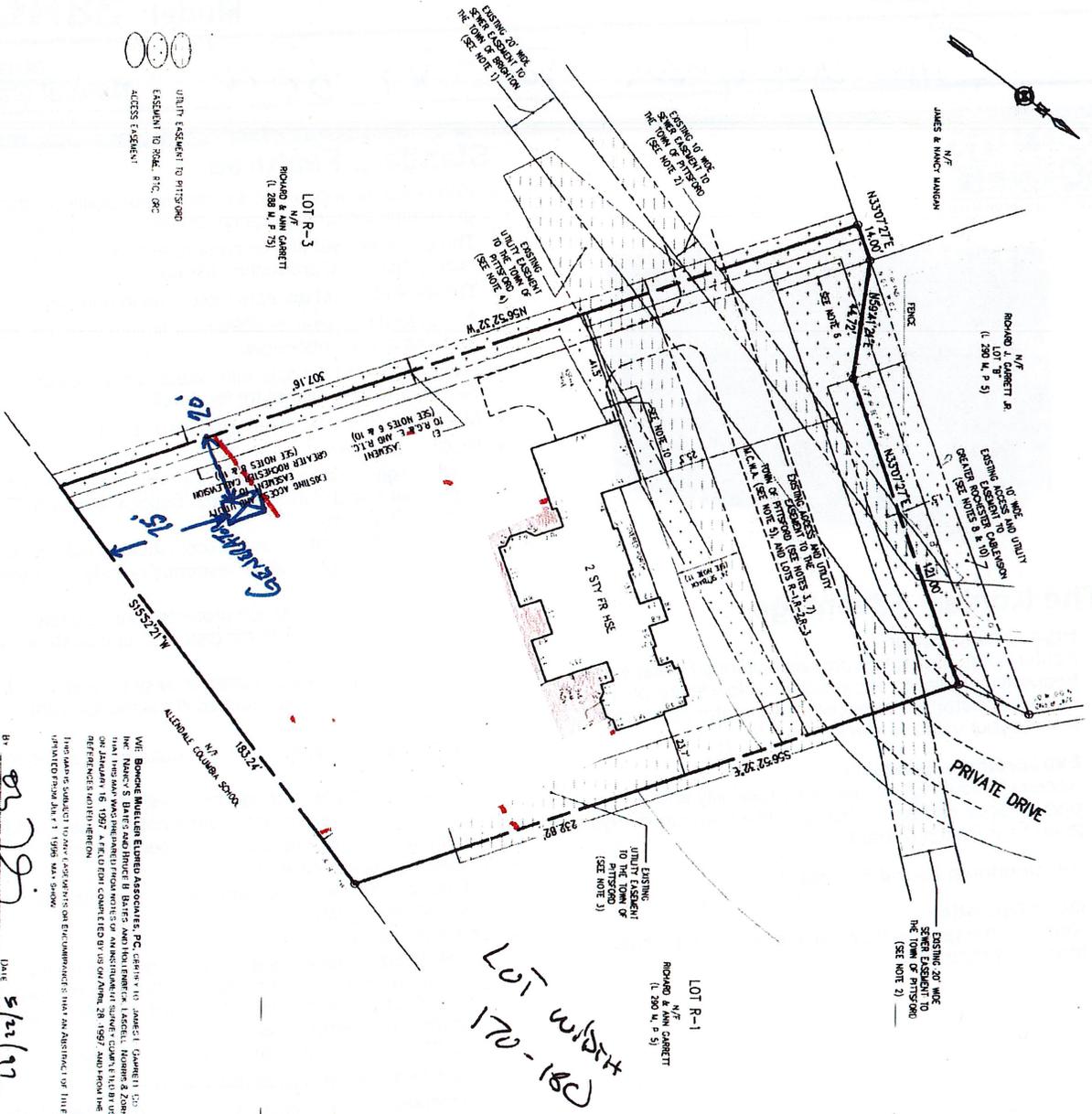
Address(es)

 (KETMAR)
(Signature of Applicant)

2-20-20
(Dated)

502 S. MAIN ST.
(Street Address)

CANANDAIGUA NY 14424
(City/Town, State, Zip Code)



WE, Boncke Muller Eubank Associates, P.C. certify to James L. Garrett, County Clerk, that the Survey S. Bates and Bruce B. Bates and their Associates, Licensed Engineers & Surveyors, has been prepared from notes of a field survey conducted by us on April 28, 1997, and from the references noted herein.

This map was prepared by us on April 28, 1997, and from the references noted herein.

Date: 5/22/97

James L. Garrett, County Clerk

1. A certain portion of the Block of land lying between the following described boundaries...

2. A certain portion of the Block of land lying between the following described boundaries...

3. A certain portion of the Block of land lying between the following described boundaries...

4. A certain portion of the Block of land lying between the following described boundaries...

5. A certain portion of the Block of land lying between the following described boundaries...

6. A certain portion of the Block of land lying between the following described boundaries...

7. A certain portion of the Block of land lying between the following described boundaries...

- REVISIONS
- | NO. | DATE | BY |
|-----|------|----|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |

PROJECT NO. 9007
 PROJECT MANAGER DATE
 PROJECT ENGINEER DATE
 DRAWN BY DATE
 PS TRUCK DATE
 SCALE DATE ISSUED
 PROJECT NO. 9007
 DRAWING NO. 22

PROJECT BENT CREEK
 LOCATION TOWN OF PITTSFORD MONROE COUNTY NEW YORK
 CLIENT JAMES L. GARRETT Co., INC.
 37 ALLENS CREEK ROAD
 ROOSTER, NY 14611
 DRAWING TITLE INSTRUMENT SURVEY LOT R-2



BONCKE MUELLER EUBANK ASSOCIATES, P.C.
 ENGINEERS, SURVEYORS, PLANNERS
 6 NORTH MAIN STREET
 PITTSFORD, N.Y. 14650
 716-377-2800
 FAX 716-377-7398

NO.	DATE	BY
1		
2		
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7		

2/18/17 From Home Power System

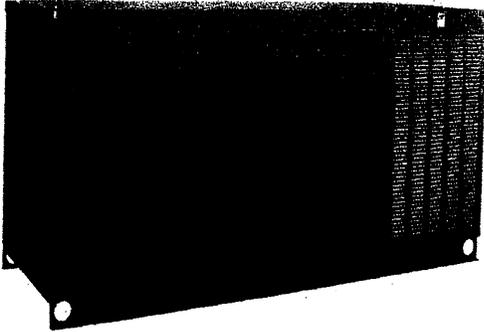
KOHLER.

Model: **38RCLB**

Jim Sweetman 585-314-6896

Multi-Fuel
Natural Gas/LPG

ISO 9001
KOHLER.
NATIONALLY REGISTERED



Standard Features

- Kohler Co. provides one-source responsibility for the generating system and accessories.
- The generator set and its components are prototype-tested, factory-built, and production-tested.
- The generator set accepts rated load in one step.
- A standard five-year or 2000 hour limited warranty covers all systems and components.
- Quick-ship (QS) models with selected features are available. See your Kohler distributor for details.
- Meets 291 kph (181 mph) wind load rating.
- RDC2 Controller
 - One digital controller manages both the generator set and transfer switch functions (with optional Model RXT transfer switch).
 - Designed for today's most sophisticated electronics.
 - Electronic speed control responds quickly to varying household demand.
 - Digital voltage regulation protects your valuable electronics from harmonic distortion and unstable power quality.
 - Two-line, backlit LCD screen is easy to read in all lighting conditions, including direct sunlight and low light.
- Engine Features
 - Powerful and reliable 2.2 L turbocharged liquid-cooled engine
 - Electronic engine management system.
 - Simple field conversion between natural gas and LPG fuels while maintaining emission certification.
- Innovative Cooling System
 - Electronically controlled fan speeds minimize generator set sound signature.
- Certifications
 - The 60 Hz generator set engine is certified by the Environmental Protection Agency (EPA) to conform to the New Source Performance Standard (NSPS) for stationary spark-ignited emissions.
 - UL 2200/cUL listing is available (60 Hz only).
 - CSA certification is available (60 Hz only).
 - Accepted by the Massachusetts Board of Registration of Plumbers and Gas Fitters.
- Approved for stationary standby applications in locations served by a reliable utility source.

The Kohler® Advantage

- **High Quality Power**
Kohler home generators provide advanced voltage and frequency regulation along with ultra-low levels of harmonic distortion for excellent generator power quality to protect your valuable electronics.
- **Extraordinary Reliability**
Kohler is known for extraordinary reliability and performance and backs that up with a premium five-year or 2000 hour limited warranty.
- **All-Aluminum Sound Enclosure**
- **Quiet Operation**
Kohler home generators provide quiet, neighborhood-friendly performance.

Generator Set Ratings

Alternator	Voltage	Ph	Hz	Standby Ratings			
				Natural Gas		LPG	
				kW/kVA	Amps	kW/kVA	Amps
4E8.3	120/240	1	60	38/38	158	38/38	158
	120/208	3	60	38/47	132	38/47	132
	127/220	3	60	38/47	125	38/47	125
	120/240	3	60	38/47	114	38/47	114
4D8.3	277/480	3	60	38/47	57	38/47	57
	220/380*	3	50	30/38	58	31/39	59
	230/400	3	50	30/38	55	31/39	56
	240/416*	3	50	30/38	53	31/39	54

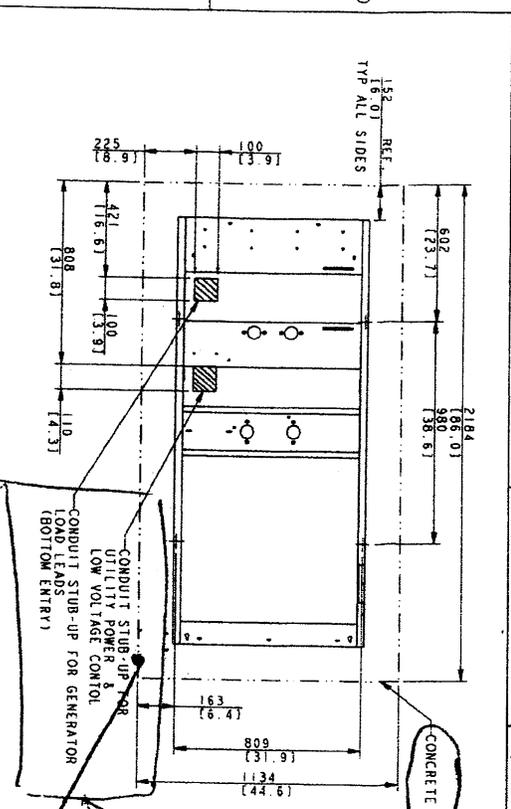
main Break size in generator is 175 Amps

* 50 Hz models are factory-connected as 230/400 volts. Field-adjustable to 220/380 or 240/416 volts by an authorized service technician.

RATINGS: All three-phase units are rated at 0.8 power factor. All single-phase units are rated at 1.0 power factor. Due to manufacturing variations, the ratings tolerance is ±5%. Standby Ratings: Standby ratings apply to installations served by a reliable utility source. The standby rating is applicable to varying loads with an average load factor of 80% for the duration of a power outage. No overload capacity is specified for this rating. Ratings are in accordance with ISO-3046/1, BS 5514, AS 2789, and DIN 6271. GENERAL GUIDELINES FOR DERATING: Altitude: Derate 1.3% per 100 m (328 ft.) elevation above 200 m (656 ft.). Temperature: Derate 3.0% per 10°C (18°F) temperature above 25°C (77°F). Availability is subject to change without notice. The generator set manufacturer reserves the right to change the design or specifications without notice and without any obligation or liability whatsoever. Contact your local Kohler generator distributor for availability.

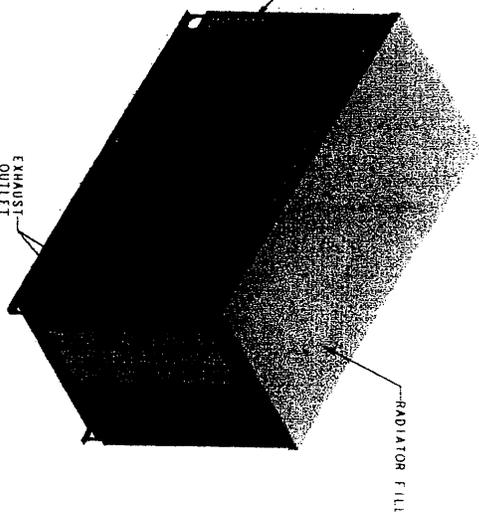
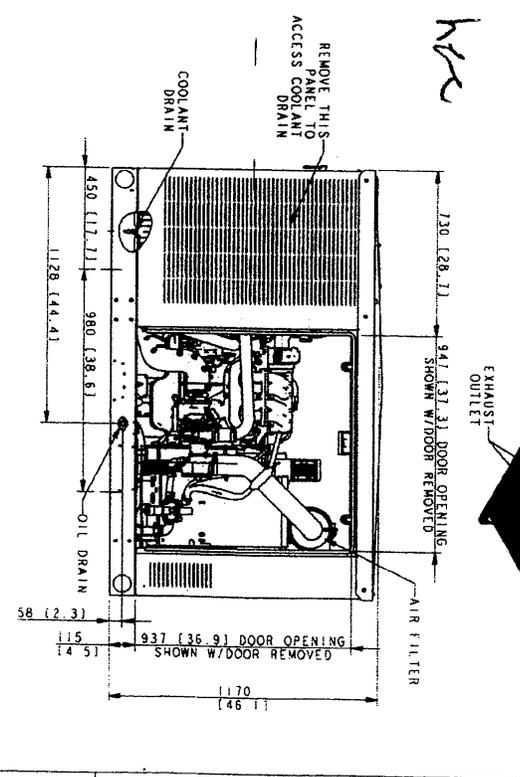
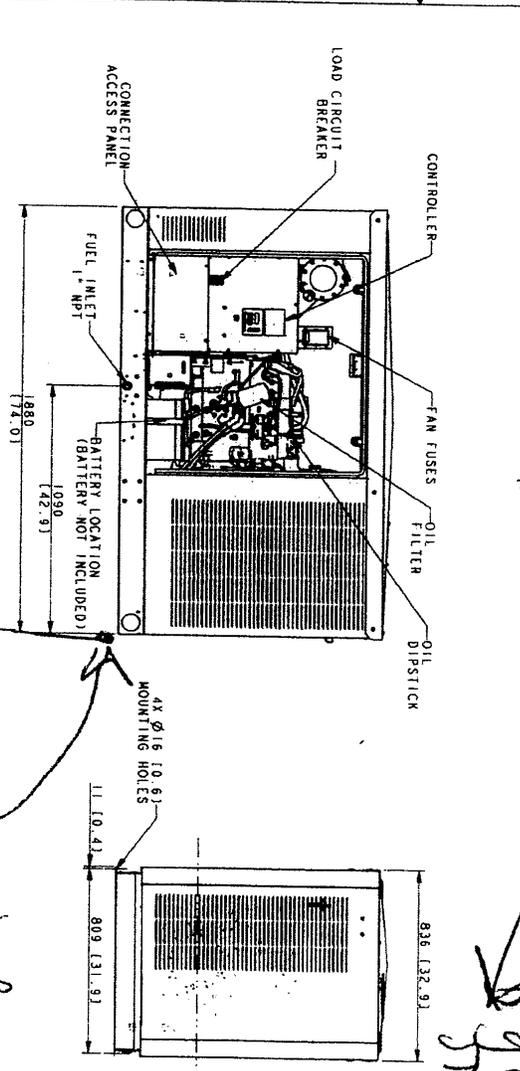
From Home Power Systems

2/18/15



48" x 96"

96" stub up



3-Conduits to generator
 1-2" Power
 2-3/4" (Control)
 96" stub up
 1 1/2" gas
 1 1/2" pipe to hold meter

REV	DATE	BY	CHKD	DESCRIPTION
6-3-15	MEK	DRWING	(11/15/2015)	ON COMPETITIVE BIDS: SEE PART NO. FOR REVISION TEXT
07				REVISED TO INCLUDE TURBO
08				REVISED TO INCLUDE TURBO
09				REVISED TO INCLUDE TURBO
10				REVISED TO INCLUDE TURBO
11				REVISED TO INCLUDE TURBO
12				REVISED TO INCLUDE TURBO
13				REVISED TO INCLUDE TURBO
14				REVISED TO INCLUDE TURBO
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30				REVISED TO INCLUDE TURBO

NOTE: DIMENSIONS IN LARGE ENGLISH STANDARD EQUIVALENTS

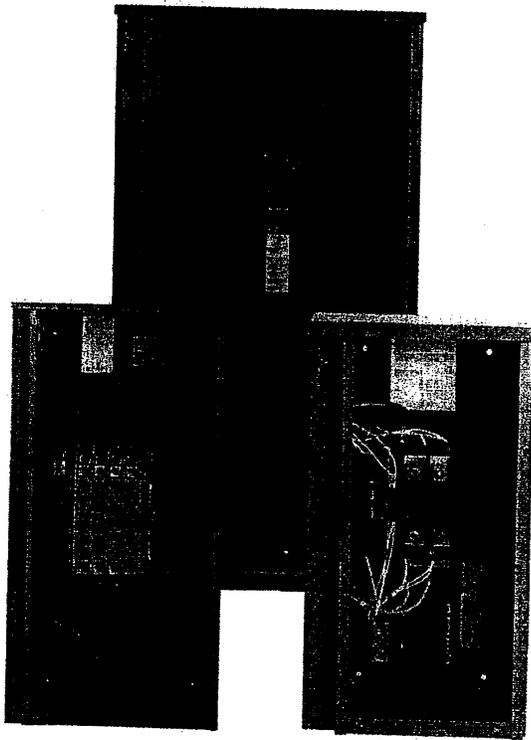
KOHLER CO. DIESEL ENGINE
 DIMENSION PRINT, 221
 TURBO
 ADV-9863

Model: **RXT**

KOHLER.POWER SYSTEMS

Automatic Transfer Switch
100-400 Amps

ISO 9001
KOHLER
POWER SYSTEMS
NATIONALLY REGISTERED



Model RXT Automatic Transfer Switch

The Model RXT automatic transfer switch is designed for use only with Kohler® generator sets equipped with RDC2 or DC2 generator set/transfer switch controls. The transfer switch operation is controlled by the RDC2/DC2 integrated generator set/transfer switch controller, which is mounted on the following Kohler® generator set models:

- 14RESA/RESAL
- 20RESA/RESAL
- 48RCL

Standard Features

- Allows utility voltage display on the RDC2/DC2 integrated generator set/transfer switch controller, available exclusively on Kohler® residential and light commercial generator sets
- Interface board for connection to the Model RDC2 or DC2 generator set/transfer switch controller (mounted on generator set models listed above)
- UL listed
 - Models with load centers, UL 67 listed, file #E251086
 - Models without load centers, UL 1008 listed, file #E58962
- CSA certified, file #LR58301 (not applicable to service entrance models)
- Corrosion-resistant NEMA 3R aluminum enclosure:
 - Padlockable
 - Approved for indoor or outdoor installation
 - ANSI 49 gray
- Contactor electrically and mechanically interlocked
- Double throw inherently interlocked design
- Contactor manually operable for maintenance purposes
- Silver alloy main contacts
- Transfer switches are 100% equipment rated and can be applied at the rated current without derating (non-service entrance models)
- 100, 200, and 400 amp standard and service entrance models are available; see page 6 for available models
- 100 amp standard single-phase models are available with or without 16-space load center. Up to 8 tandem breakers can be used for a total of 24 circuits.
- Service entrance models include disconnect circuit breaker on the utility (normal) source side (80% rated)
- Five-year limited warranty
- Optional status indicator available:
 - LED indicators for source availability and contactor position
 - View transfer switch status without removing enclosure cover