

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
April 15, 2019**

PUBLIC HEARING FOR AN AREA VARIANCE

- 3848 East Avenue, Tax # 138.18-2-51, Applicant is requesting relief from Town Codes section § 185-113 (B) (6) & 185-17 (E) to place a generator at 8 feet from the left (North) side setback were Town Code requires 15 feet. This property is zoned RN-Residential Neighborhood.
- 40 Arlington Drive, Tax # 164.08-1-41, Applicant is requesting relief from Town Codes §185-121 A to construct an 8 foot tall fence in the side and rear yard that borders interstate 490. Town code limits the maximum height of a fence to six feet. This property is zoned RN-Residential Neighborhood.
- 7 Wayside Circle, Tax # 151.11-2-9, Applicant is requesting relief from Town Code §185 – 113 B (1) & (2) to construct a 20'W x 40'L x 13'H (800 sq. ft.) oversized and over height accessory structure (Pavilion) in the rear yard. The maximum size of an accessory structure is 180 sq. ft. and the maximum height is limited to 12 feet. This property is zoned RN – Residential Neighborhood.
- 44 Rosewood Drive, Tax # 178.20-2-26, Applicant is requesting relief from Town Code §185-113 B (3) to construct an in-ground pool in the side yard and forward of the rear wall of the home. Town Code requires all accessory structures to be placed behind the rear wall of the home. This property is located on the corner of two streets and is zoned RN – Residential Neighborhood.

OTHER

- Review and Approval of the March 18, 2019 Minutes

draft
**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
March 18, 2019**

PRESENT

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

ALSO PRESENT

Mark Lenzi, Building Inspector; Susan Donnelly, Secretary to the Board

ABSENT

Robert Koegel, Town Attorney

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 application before the Board this evening is a Type II Action under 6-NYCRR §617.5(c) (7) or (12) & (13) and, therefore, are 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.

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.

Chairman Dounce opened the public hearing.

Marie Kenton of Ketmar Development Corp. was present to represent the homeowner.

Ms. Kenton discussed how the placement of the generator was determined so the noise from the generator would not disturb the most affected neighbor at 509 Allens Creek Road or the homeowner.

Chairman Dounce shared with the Board a letter from the neighbor at 509 Allens Creek Road stating that there was no objection to the application.

The generator will be shielded from sight by a row of arbor vitae.

The timeframe for installation is the end of the year.

There were no further questions from the Board.

There was no public comment.

Barbara Servé moved to close the Public Hearing. David Rowe seconded.

All Ayes.

The Board held discussion and determined that this is a win-win situation for both the neighbor and the homeowner.

After no further comment, a resolution was read.

DECISION FOR 507 ALLENS CREEK ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 507 Allens Creek Road was moved by Jaime Waldman and seconded by Mike Rose

Chairman George Dounce called for a roll call vote.

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

The approved Resolution contains the following Specific Conditions:

1. The variance is granted only for the plans submitted and prepared by the Applicant dated March 7, 2019.
2. All construction to be completed by December 31, 2020.

APPROVAL OF THE MEETING MINUTES OF JANUARY 21, 2019

George Dounce moved to accept the minutes of January 21 as written.

VOICE VOTE: Ayes – All

OTHER – Point Persons for April meeting

7 Wayside Circle – David Rowe

3848 East Avenue – Mary Ellen Spennachio-Wagner

44 Rosewood Drive – Mike Rose

40 Arlington Drive – George Dounce

MEETING ADJOURNMENT

The meeting adjourned at 7:25 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:

3848 East Avenue ROCHESTER, NY 14618

Property Owner:

Haines, Gary D
3848 East Ave
Rochester, NY 14618

Applicant or Agent:

Haines, Gary D
3848 East Ave
Rochester, NY 14618

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:	15	Left Lot Line:	8	Left Lot Line:	7.0
Front Setback:	0	Front Setback:	0	Front Setback:	0.0
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): 185-113 (B) 3

Description: Applicant is requesting relief from Town Code to place a generator at 8 feet from the left (North) side setback were Town Code requires 15 feet.

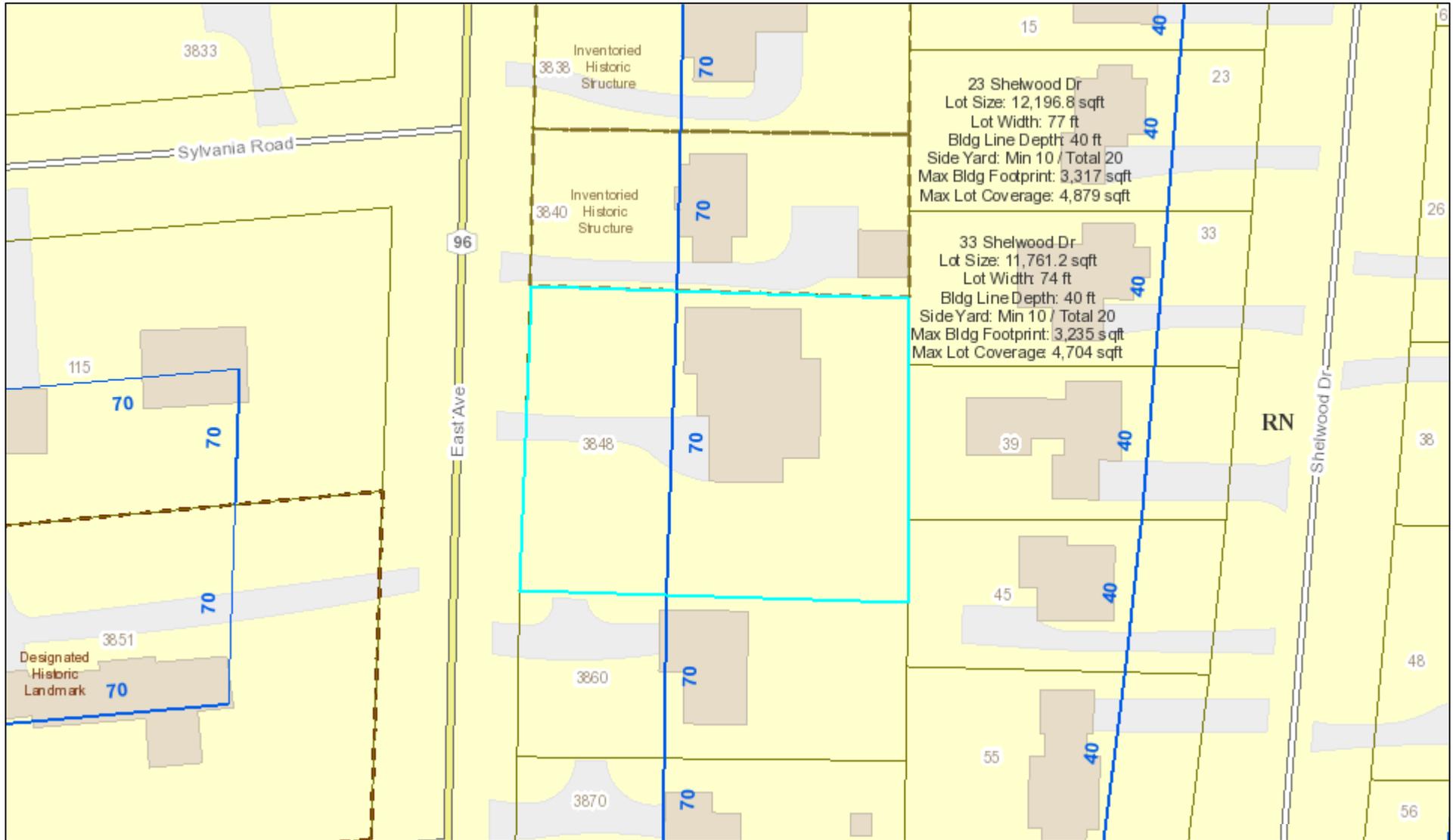
April 02, 2019



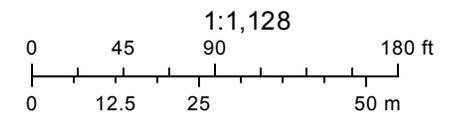
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning

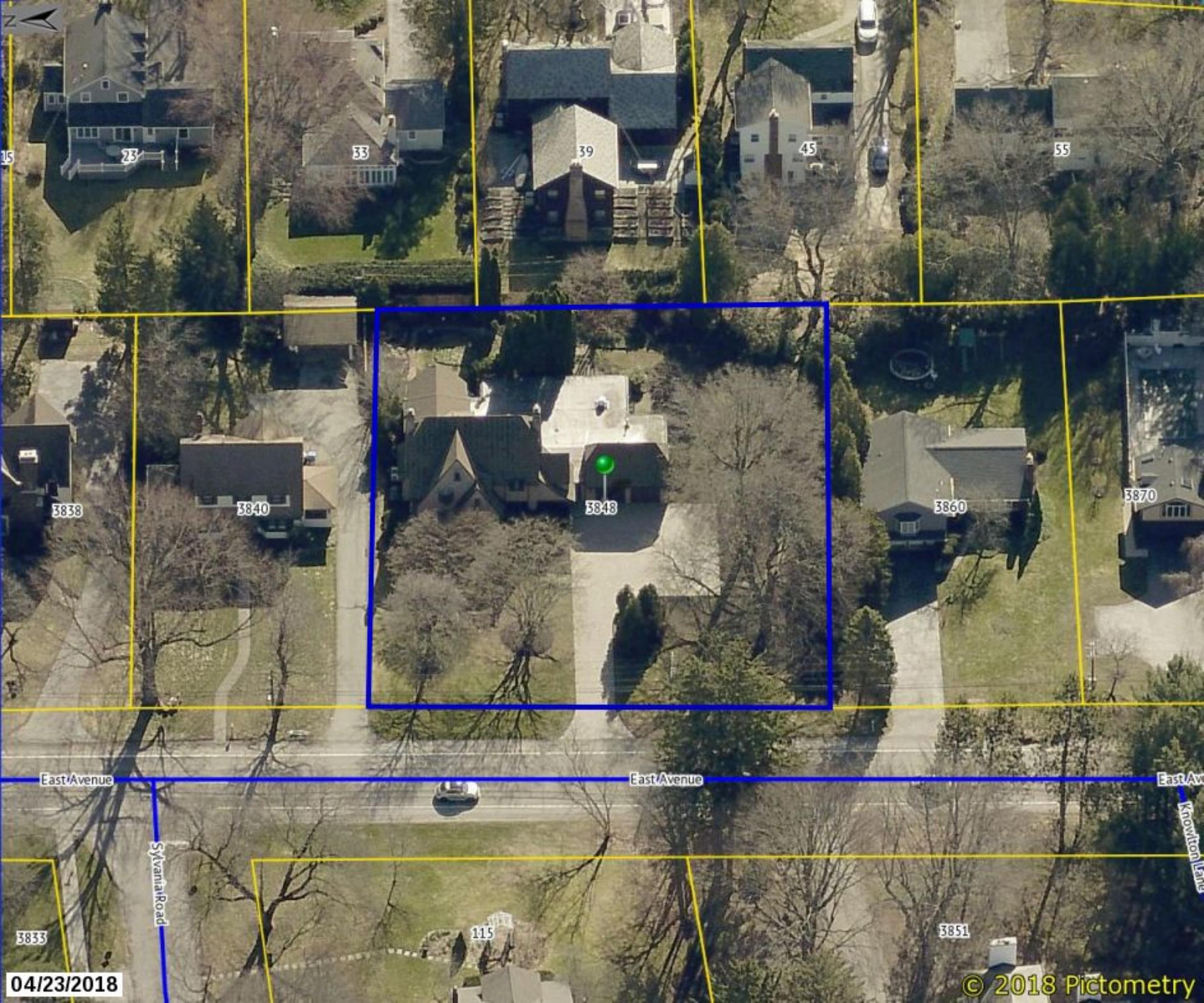


Printed March 26, 2019



Town of Pittsford GIS

The information depicted on this 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.



15

23

33

39

45

55

3838

3840

3848

3860

3870

East Avenue

East Avenue

East Avenue

Sylvania Road

Knowlton Lane

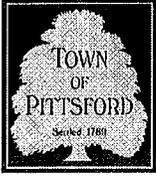
3833

115

3851

04/23/2018

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TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: _____ Hearing Date: _____

Applicant: Home Power Systems

Address: 1127 Corporate Drive East, Farmington, NY 14425

Phone: (585) 421-0203 E-Mail: mvanvleck@homepowersystems.net

Agent: Ken Stavalone
(if different than Applicant)

Address: 1127 Corporate Drive East, Farmington, NY 14425

Phone: 585-433-2535 E-Mail: kstavalone@homepowersystems.net

Property Owner: Gary Haines
(if different than Applicant)

Address: 3848 East Avenue, Rochester, NY 14618

Phone: 585-381-8294 E-Mail: ggdh100@aol.com

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

Property Location: _____ Current Zoning: _____

Tax Map Number: _____

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

Install a 38kw Generac protector series generator 2 feet from structure and 5 feet from windows, doors, & vents.

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.

[Signature]
(Owner or Applicant Signature)

3-12-2019
(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, Gary Haines, the owner of the property located at:
3849 East Avenue Recheater / Pittsford 14618
(Street) (Town) (Zip)

Tax Parcel # _____ do hereby authorize
Home Power Systems 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
installation of a 38kw Generac generator


(Signature of Owner)
3/12/19
(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:

- 1.) The proposed location of the generator will not be seen from the street, due to existing vegetation.
- 2.) The proposed location of the generator will be next to existing A/C units, grouping all "eye sore"
- 3.) The generator will only run for a few minutes every week, for a weekly test cycle, and during power outages.

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

- 1.) The back yard is built out with backscapes and would cause the homeowner to rip up existing patio work, in order to install the generator.
- 2.) The west side of the house would require a near impossible gas & electric run through a pool house and garage and would be close to a 300 foot run.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

We feel it is minimal due to the location being hidden from street view with existing vegetation and will be grouped with existing A/C units.

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:

Any other generator location will require disrupting existing landscape and existing patio.

- **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?

The proposed generator location is the most feasible, due to the potential risk of the electric wire and gas pipe run through the pool room and garage. The backyard is not feasible due to it being built out with backscapes and would require us to rip up the existing backscapes. The proposed location avoids these difficulties and concerns, while grouping the generator with existing A/C units.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

Gary Haines
(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

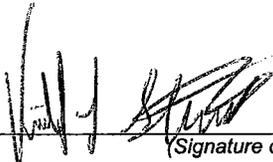
variance approval of a plat exemption from a plat or official map

...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)

3/14/19
(Dated)

1127 Corporate Drive East
(Street Address)

Farmington, NY 14425
(City/Town, State, Zip Code)

Mr. Nelson Blish
3840 East Avenue
Rochester, NY 14618
585-248-9739

To the Town of Pittsford Zoning Board of Appeals:

I reside at 3840 East Avenue. My property is adjacent to Mr. Gary Haines property at 3848 East Avenue. Mr. Haines has informed me of his intentions of installing an automatic standby generator on the side of his home, which meets with my property. He has also informed me that he will be applying for a variance to allow for this project.

Being the neighbor that would be most effected by this project, I have no objections and I support a variance being granted for this project.

Sincerely,



Mr. Nelson Blish

ALPINE DRIVE

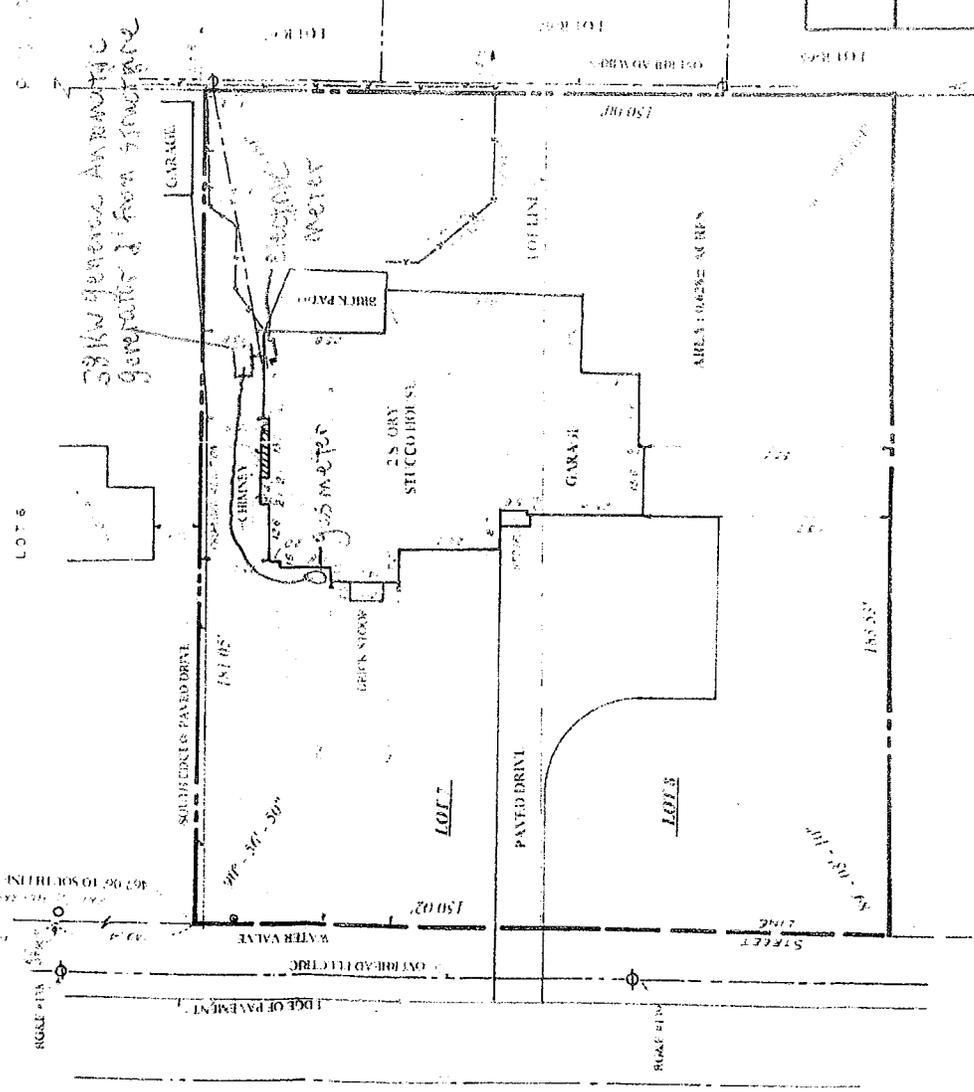
FAIRBURN ROAD - LIBER 49 OF MAPS AT PAGE 271



EAST AVENUE

FILE THIS MAP AT THE OFFICE OF THE COUNTY ENGINEER

FILE THIS MAP AT THE OFFICE OF THE COUNTY ENGINEER
 467.06 TO SOUTHLINE OF FAIRBURN ROAD (ADMIN. PLAN)



BOUNDARY SURVEY
 LOTS 5 AND 6
 East Avenue Tract

BOULDER SENT
 LAND SURVEYING
 P.O. BOX 341
 BOOMBERG, NY 14809
 716-857-5846

SCALE 1" = 20'
 DATE: 01/31/97
 DRAWN BY: RFB
 DWG. NO.: 451638341

46-30-20-26 AN. 11-11-97



RG&E Natural Gas Appliance Inventory Residential Generator Installation

CUSTOMER INFORMATION

Name Gary Haines
 Address 3848 East Ave
 City Rochester State NY ZIP 14618
 Telephone 585-381-8294
 Email address 66dhi00@aol.com

NATURAL GAS EQUIPMENT > Please list all natural gas appliances and itemize the input British thermal units (Btu) rating of each.

APPLIANCE	NUMBER OF EACH APPLIANCE	Btu/hr RATING OF EACH APPLIANCE	TOTAL Btu/hr
Furnace	<u>1</u>	<u>150,000</u>	<u>150,000</u>
Boiler			
Room/Space Heater	<u>1</u>	<u>120,000</u>	<u>120,000</u>
Water Heater			
Fireplace, Fireplace Insert or Free-Standing Heating Stove	<u>1</u>	<u>29,000</u>	<u>29,000</u>
Range/Cooktop	<u>1</u>	<u>40,200</u>	<u>40,200</u>
Clothes Dryer	<u>1</u>	<u>22,000</u>	<u>22,000</u>
Pool/Spa Heater	<u>1</u>	<u>155,000</u>	<u>155,000</u>
Gaslight(s)			
Garage/Patio Heater			
Generator at FULL LOAD	<u>1</u>	<u>437,000</u>	<u>437,000</u>
Outdoor Grill (<u>Not</u> propane)			

> TOTAL CONNECTED Btu/hr 953,000

If the total connected load is 350,000 Btu or greater, a meter upgrade is required.

Please complete this form whether or not a meter upgrade is needed. Your natural gas service must be reviewed by our engineer.

A formal quote will be provided once your request has been evaluated.

Please email an electronic copy of this to RGE_ESI@rge.com or fax to 844.515.1574 or mail this form to:

RG&E, Attn: Energy Service Installation, Customer Relations Center, 89 East Avenue, Rochester, NY 14649.





Zoning Board of Appeals Referral Form Information

Property Address:

40 Arlington Drive PITTSFORD, NY 14534

Property Owner:

Feeley, Paul W
40 Arlington Dr
Pittsford, NY 14534

Applicant or Agent:

Feeley, Paul W
40 Arlington Dr
Pittsford, NY 14534

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:	6	Height:	8	Height:	-2.0
Size:	0	Size:	0	Size:	0.0

Code Section(s): 185-121 (A)

Description: Applicant is requesting relief from Town Code to construct an 8 foot tall fence in the side and rear yard that borders interstate 490. Town code limits the maximum height of a fence to six feet.

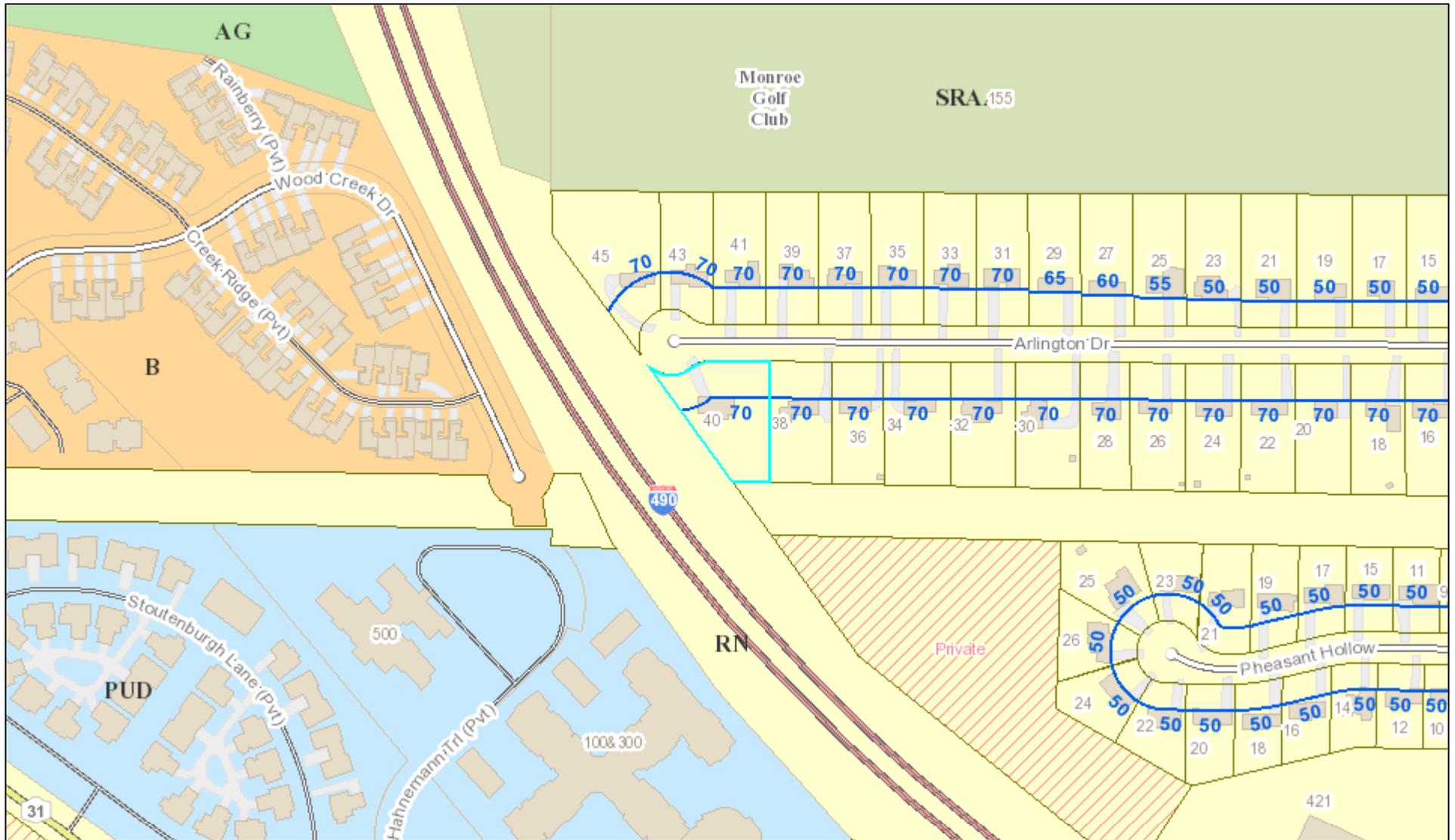
April 02, 2019



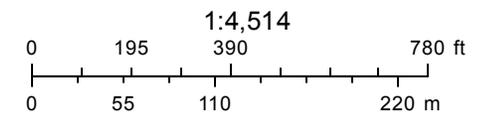
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning



Printed March 26, 2019

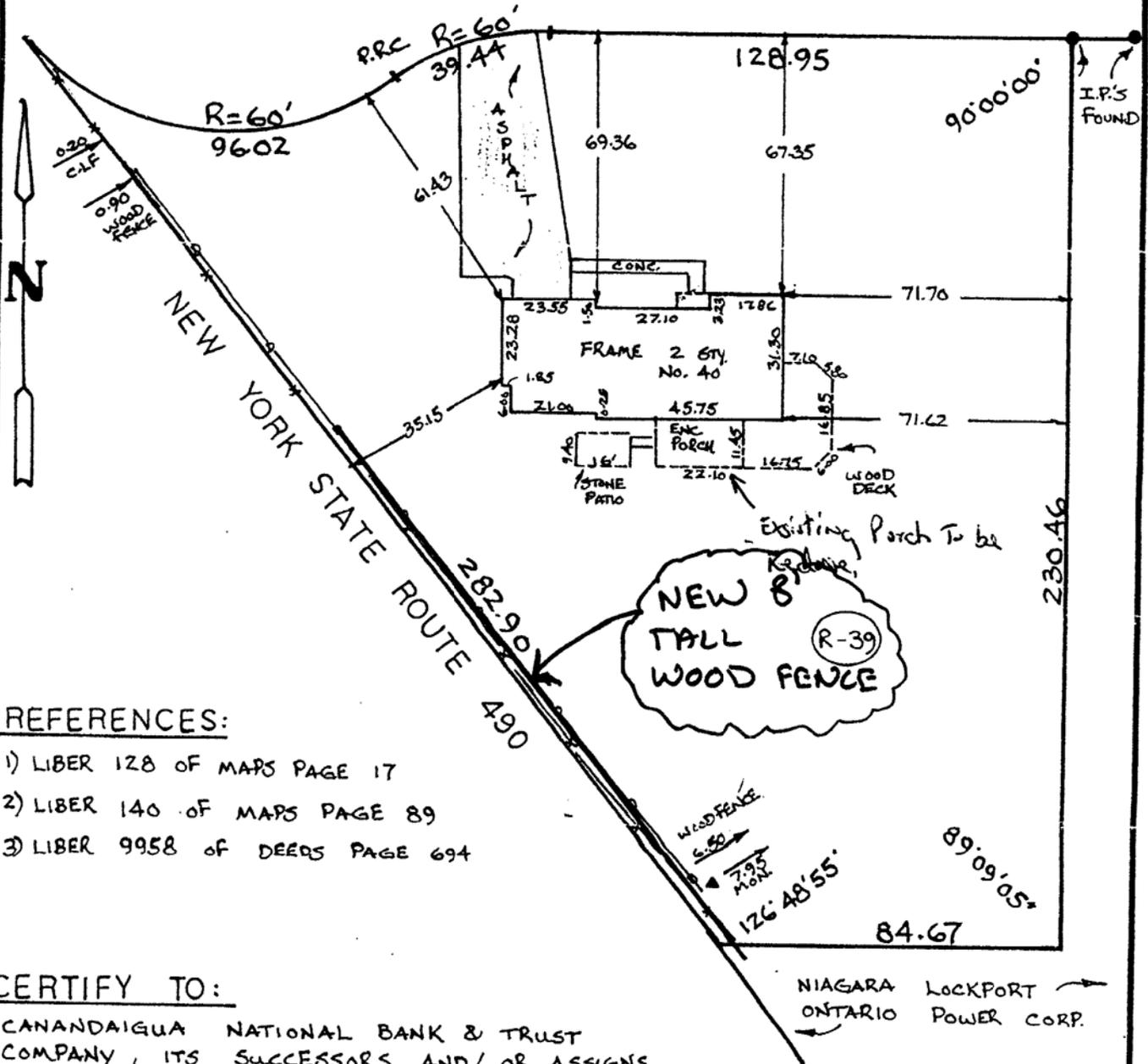


Town of Pittsford GIS

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(40) ARLINGTON DRIVE
(70' WIDE)



REFERENCES:

- 1) LIBER 128 OF MAPS PAGE 17
- 2) LIBER 140 OF MAPS PAGE 89
- 3) LIBER 9958 OF DEEDS PAGE 694

CERTIFY TO:

CANANDAIGUA NATIONAL BANK & TRUST COMPANY, ITS SUCCESSORS AND/OR ASSIGNS

THE TITLE INSURANCE COMPANY INSURING THE MORTGAGE

ALBERT S. KUSAK, ESQ.
PAUL W. & MARISA A. FEELEY
JOSEPH F. DINOLFO, ESQ.

NOTE:

D) 70' MIN. SETBACK PER REF 1

This survey is certified to those named above during the period that the currently issued title insurance policy is in effect only. Certifications are not transferable to additional institution or subsequent owners. Copies of this survey map not bearing the land surveyors listed seal or embossed seal are not considered to be a true and valid copy. Unauthorized alteration or addition to this survey map is in violation of section 7208 of the New York State Education Law.

This map is subject to any easements or encumbrances that an updated abstract of title may show. The word "certify" or "certification" as shown and used herein means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee expressed or implied. Updated abstract of title not provided.

CERTIFICATION:

I GREGORY T. PAULY HEREBY CERTIFY THAT THIS MAP WAS

GREGORY T. PAULY



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: March 18, 2109 Hearing Date: April 15, 2019

Applicant: PAUL & MARISA FEELEY

Address: 40 ARLINGTON DRIVE

Phone: (585) 472-5848 E-Mail: marisa.feeley@yahoo.com

Agent: _____
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

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: _____ Current Zoning: _____

Tax Map Number: _____

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

Replacing wood fence across property line that backs to 490 expressway. Requesting approval for an 8 foot high new fence, not to extend past rear wall of the house.

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)

3/18/19
(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:

This requested variance will not produce an undesirable change nor a detriment to nearby properties. It will be an improvement to the property and also increase the value of the property. The taller fence will be an improved barrier from the eyesore of the 490 traffic and will not be seen from the street.

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 6 foot tall fence does not provide adequate barrier. We can see the traffic go by from our living room window. Unfortunately NYDOT does not have plans to extend the concrete barrier behind our home.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Yes it is substantial, however the new fence will improve noise level, diminish eyesore of 490 traffic, and will not border another neighbor's yard, only the expressway. It will not be seen from Arlington Dr.

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:

It will not impact or have adverse effect.

- **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 I believe this extra height will be a desirable addition to the property and may increase property value.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

40 ARLINGTON DRIVE

(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)

N/A


(Signature of Applicant)

3/18/19
(Dated)

40 Arlington Dr
(Street Address)

Pittsford NY 14534
(City/Town, State, Zip Code)







Zoning Board of Appeals Referral Form Information

Property Address:

7 Wayside Circle PITTSFORD, NY 14534

Property Owner:

Romach, Michael D
7 Wayside Cir
Pittsford, NY 14534

Applicant or Agent:

Romach, Michael D
7 Wayside Cir
Pittsford, NY 14534

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:	13	Height:	-1.0
Size:	180	Size:	800	Size:	-620.0

Code Section(s): 185-113 (B) 1 185-113 (B) 2

Description: Applicant is requesting relief from Town Code §185 113 B (1) & (2) to construct a 20'W x 40'L x 13'H (800 sq. ft.) oversized and over height accessory structure (Pavilion) in the rear yard. The maximum size of an accessory structure is 180 sq. ft. and the maximum height is limited to 12 feet.

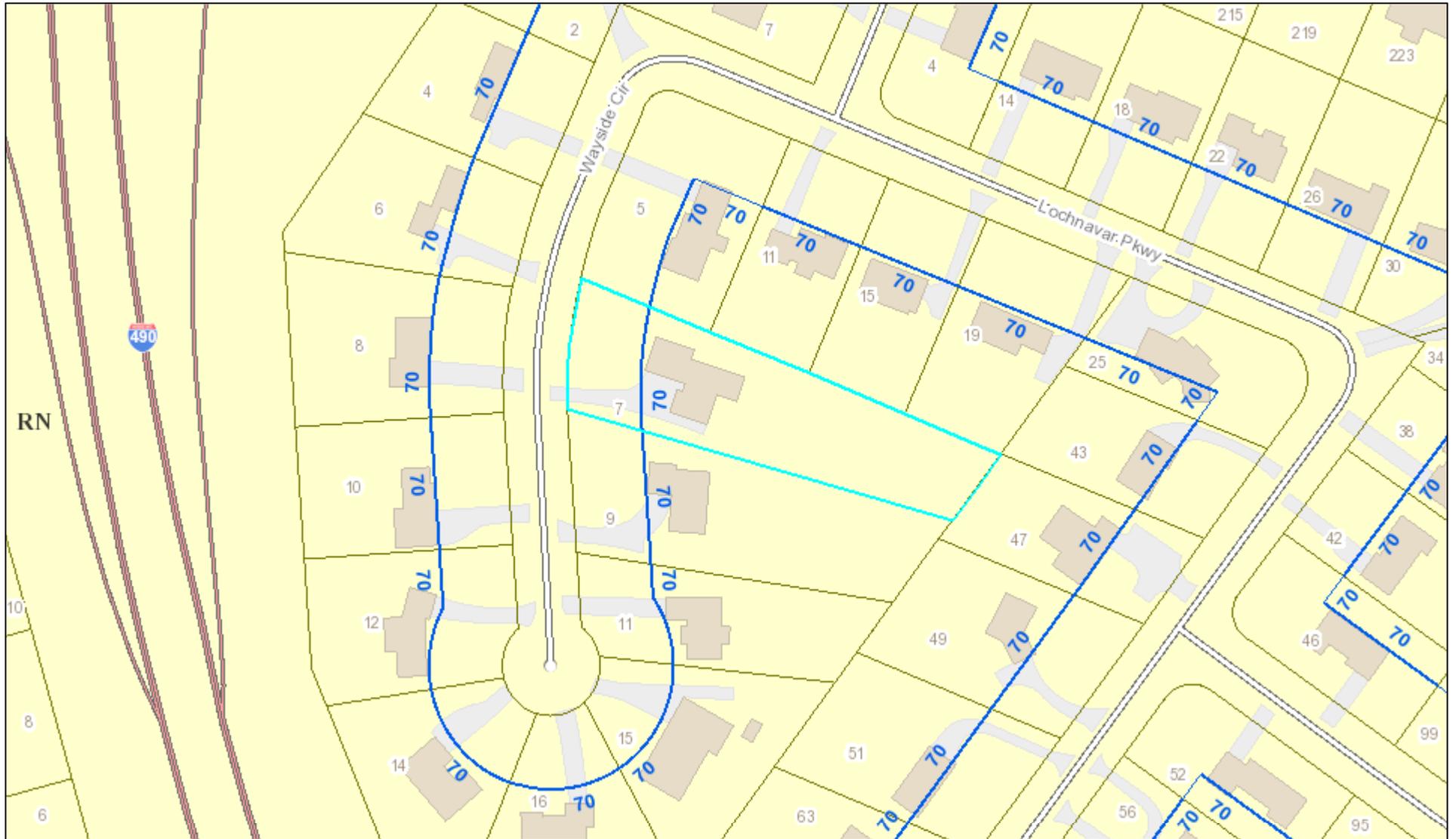
April 02, 2019



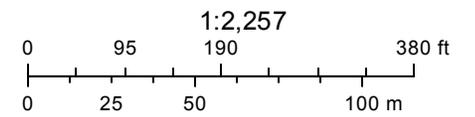
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning



Printed March 26, 2019



Town of Pittsford GIS

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Find Parcel ID



5 Wayside Cir
Lot Size: 27,442.8 sqft
Lot Width: 200 ft
Bldg Line Depth: 70 ft
Side Yard Corner Lot at 20
Max Bldg Footprint: 4,312 sqft
Max Lot Coverage: 10.977 sqft

11 Lochmar Pkwy
Lot Size: 20,037.6 sqft
Lot Width: 101 ft
Bldg Line Depth: 70 ft
Side Yard Min 10' Total 25
Max Bldg Footprint: 3,803 sqft
Max Lot Coverage: 8.015 sqft

15 Lochmar Pkwy
Lot Size: 20,037.6 sqft
Lot Width: 100 ft
Bldg Line Depth: 70 ft
Side Yard Min 10' Total 25
Max Bldg Footprint: 3,803 sqft
Max Lot Coverage: 8.015 sqft

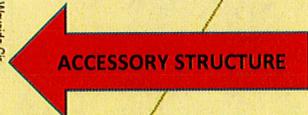
19 Lochmar Pkwy
Lot Size: 24,380.6 sqft
Lot Width: 130 ft
Bldg Line Depth: 70 ft
Side Yard Min 10' Total 30
Max Bldg Footprint: 4,195 sqft
Max Lot Coverage: 9.757 sqft

25 Lochmar Pkwy
Lot Size: 20,473.2 sqft
Lot Width: 169 ft
Bldg Line Depth: 70 ft
Side Yard Corner Lot at 20
Max Bldg Footprint: 3,843 sqft
Max Lot Coverage: 8.189 sqft

43 Lochmar Pkwy
Lot Size: 20,968.8 sqft
Lot Width: 104 ft
Bldg Line Depth: 70 ft
Side Yard Min 10' Total 25
Max Bldg Footprint: 3,882 sqft
Max Lot Coverage: 8.394 sqft

47 Lochmar Pkwy
Lot Size: 20,968.8 sqft
Lot Width: 100 ft
Bldg Line Depth: 70 ft
Side Yard Min 10' Total 25
Max Bldg Footprint: 3,882 sqft
Max Lot Coverage: 8.394 sqft

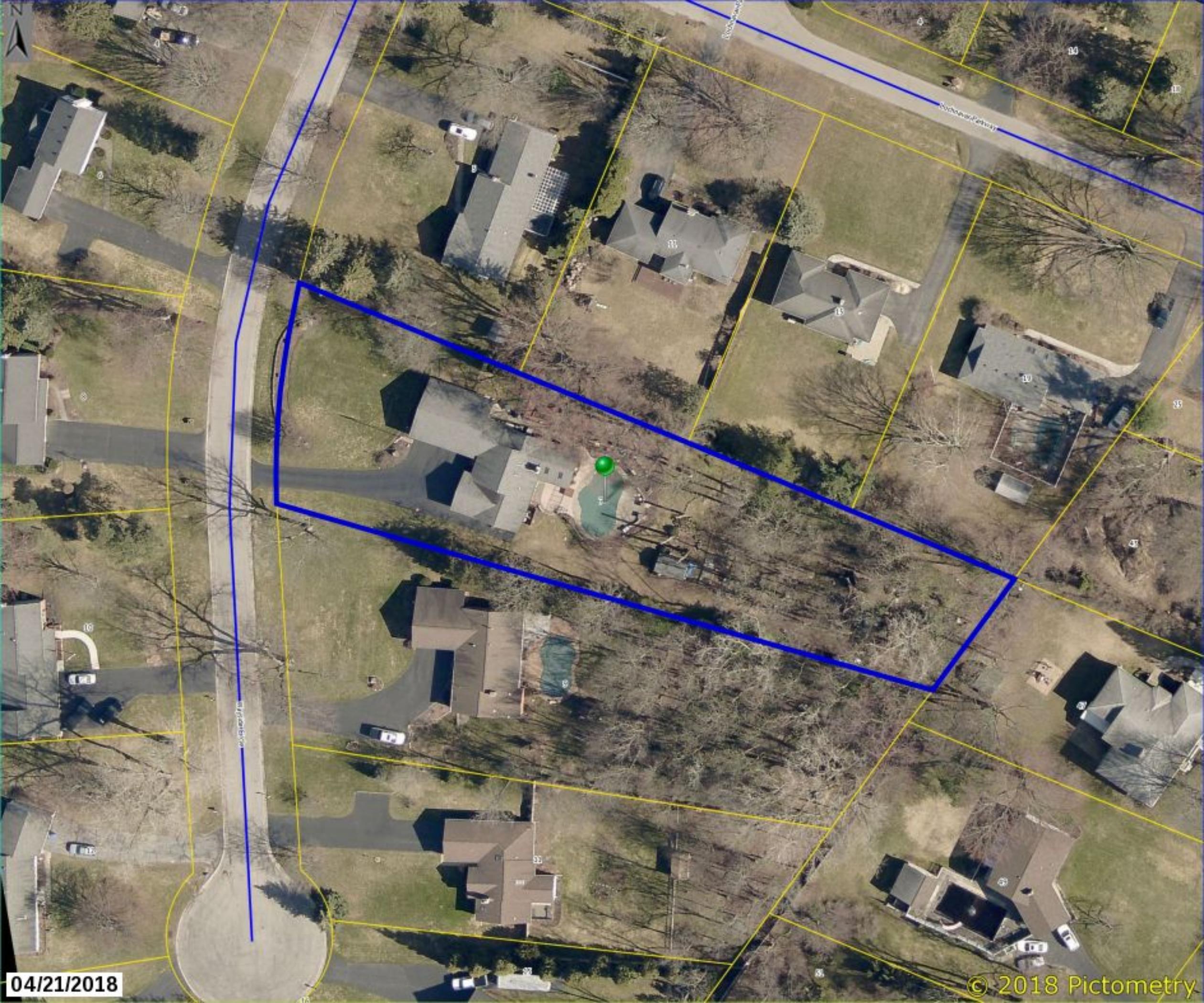
7 Wayside Cir
Lot Size: 39,839.5 sqft
Lot Width: 118 ft
Bldg Line Depth: 70 ft
Side Yard Min 10' Total 25
Max Bldg Footprint: 4,735 sqft
Max Lot Coverage: 15.885 sqft



ACCESSORY STRUCTURE

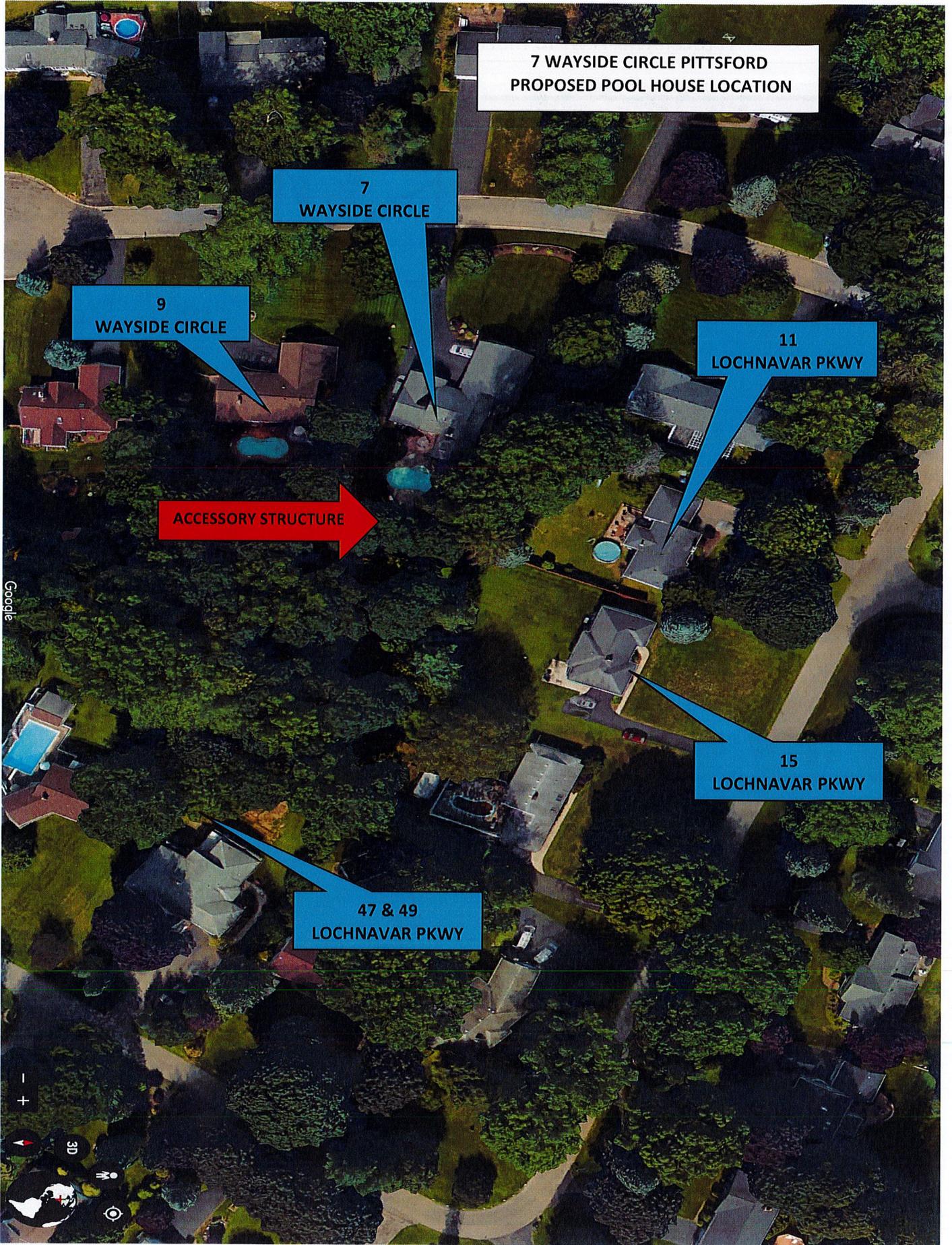
9 Wayside Cir
Lot Size: 33,976.8 sqft
Lot Width: 127 ft
Bldg Line Depth: 70 ft
Side Yard Min 10' Total 30
Max Bldg Footprint: 4,540 sqft
Max Lot Coverage: 13.591 sqft

04:43:108 Degrees
20 40ft



04/21/2018

© 2018 Pictometry



7 WAYSIDE CIRCLE PITTSFORD
PROPOSED POOL HOUSE LOCATION

7
WAYSIDE CIRCLE

9
WAYSIDE CIRCLE

ACCESSORY STRUCTURE

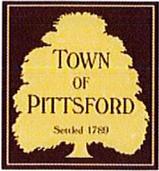
11
LOCHNAVAR PKWY

15
LOCHNAVAR PKWY

47 & 49
LOCHNAVAR PKWY

Print Form

Reset Form



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: March 15, 2019 Hearing Date: _____

Applicant: Michael & Kathryn Romach

Address: 7 Wayside Circle

Phone: 585-218-9896 E-Mail: mromach_erfd@yahoo.com

Agent: _____
(if different than Applicant)

Address: N/A

Phone: _____ E-Mail: _____

Property Owner: N/A
(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: 7 Wayside Circle Current Zoning: RN

Tax Map Number: _____

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

Construct and install a 20x40 oversized, over-height, accessory structure (pool house pavilion). The structure will be constructed of high quality hemlock timber, and installed by a certified timber framer. At the center of the structure will be a masonry block wood burning fireplace, with a stone veneer. The accessory structure will be installed on (10) concrete footers as required by code. The roof structure will be covered by Timberline HD roofing shingles consistent with the existing house roof.

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)

(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 elevation of 7 Wayside Circle is sloped approximately 8 feet lower than the property's to the north on Lochnavar Parkway. The properties along the rear eastern side of 7 Wayside Circle are concealed by natural vegetation and a wooded lot. 9 Wayside Circle to the south, is also concealed by natural vegetation and a 6ft high wood stockade fence. The fence is installed adjacent to the property line, and runs east & west. The line of site to the accessory structure from each neighbor will be minimal as described herein. The accessory structure is designed from high quality hemlock timber that will last for many years. The structure will create a park like setting, visible to any of the neighbors.

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

Over the past 14 years as homeowners of 7 Wayside Circle, we have constructed and/or installed several temporary patio shelters for outdoor living and enjoyment. Each temporary shelter we have utilized either became damaged or torn down, due to exposure from the outdoor elements. Specifically the wind and snow. Each time this has caused a financial loss. By building a permanent accessory structure this will allow for more room to entertain, enjoy the pool area and the backyard experience. Furthermore, this structure will sustain the elements over time and provide for a lasting outdoor environment that we so much enjoy.

Print Form

Reset Form

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

This area variance request to install an oversized accessory structure exceeds the town code of 180 sq ft, therefore could be considered a substantial request.

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 request will not impact the physical and/or environmental condition of the neighborhood. As noted in question #1, the elevation of 7 Wayside Circle is sloped approximately 8 feet lower than the property's along Lochnavar Parkway. The properties along the rear eastern side of 7 Wayside Circle are concealed by natural vegetation and a wooded area. 9 Wayside Circle to the south is also concealed by vegetation and a 6ft wooden stockade fence along the property line. The installation of this accessory structure will have no adverse effects on the environmental condition, the existing property and/or the neighborhood.

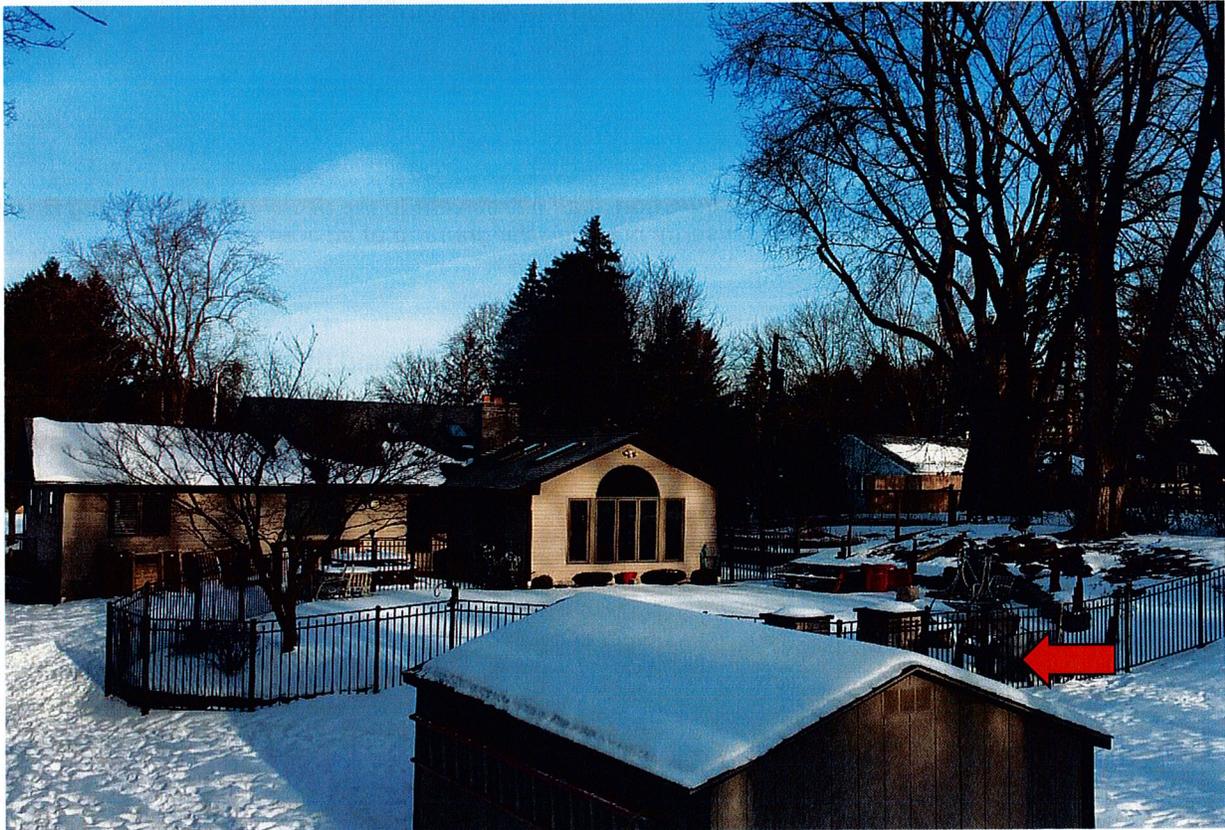
- **NOTE:** *Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;*

5. Is the alleged difficulty self-created?

The elements of mother nature as you know are far from controllable and not self created. Allowing for this accessory structure will create a place to be protected from these environments. Again, as referenced in question #2, the installation of this accessory structure will be cost effective and avoid future financial loss.



BACKYARD OF 7 WAYSIDE CIRCLE



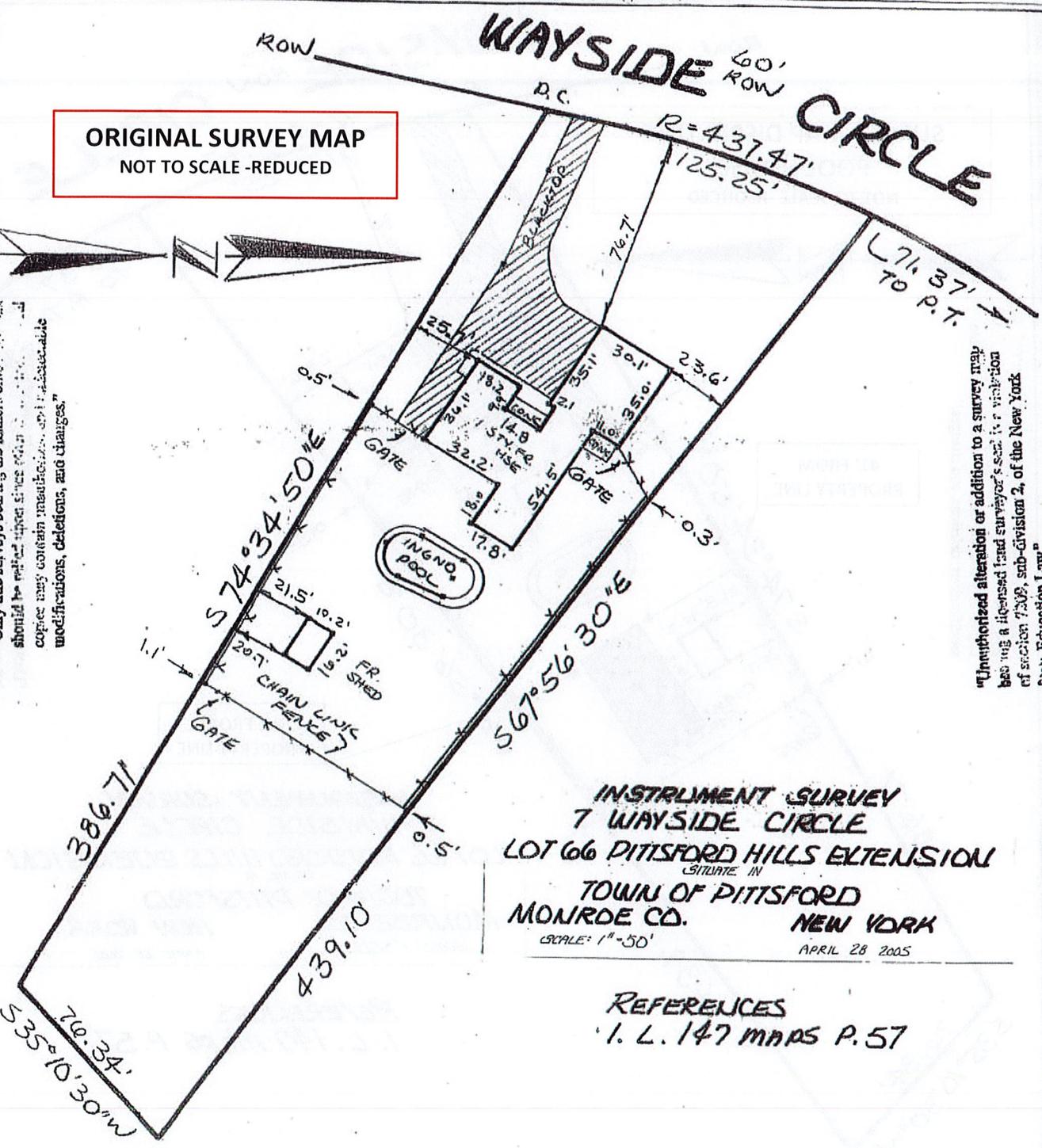
WAYSIDE CIRCLE

ORIGINAL SURVEY MAP
NOT TO SCALE - REDUCED



"Only title surveys bearing the makers' endorsement should be relied upon since other copies may contain unauthoritative modifications, deletions, and changes."

"Unauthorized alteration or addition to a survey may be a violation of section 7309, sub-division 2, of the New York State Education Law."



INSTRUMENT SURVEY
7 WAYSIDE CIRCLE
LOT 66 PITTSFORD HILLS EXTENSION
SITUATE IN
TOWN OF PITTSFORD
MONROE CO. NEW YORK
SCALE: 1"=50'
APRIL 28 2005

REFERENCES
1. L. 147 MAPS P. 57

I HEREBY CERTIFY TO THE PARTIES LISTED HEREON THAT THIS MAP WAS MADE ON APRIL 28, 2005 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON APRIL 2, 2005.

James M. Leoni

JAMES M. LEONI N.Y.S. P.L.S. 49225
SUITE 39D A-1 COUNTRY CLUB ROAD
EAST ROCHESTER, N.Y., 14445

CERTIFIED TO:
BANK OF AMERICA, ITS SUCCESSORS
AND/OR ASSIGNS
THE TITLE INSURANCE COMPANY
INSURING THE MORTGAGE
3 GALLO AND IACOVANGELO, LLP
4 MICHAEL D. AND KATHRYN B. ROMACH
5 THE ODORISI LAW FIRM

**SURVEY MAP DISPLAYING
POOL HOUSE
NOT TO SCALE - REDUCED**

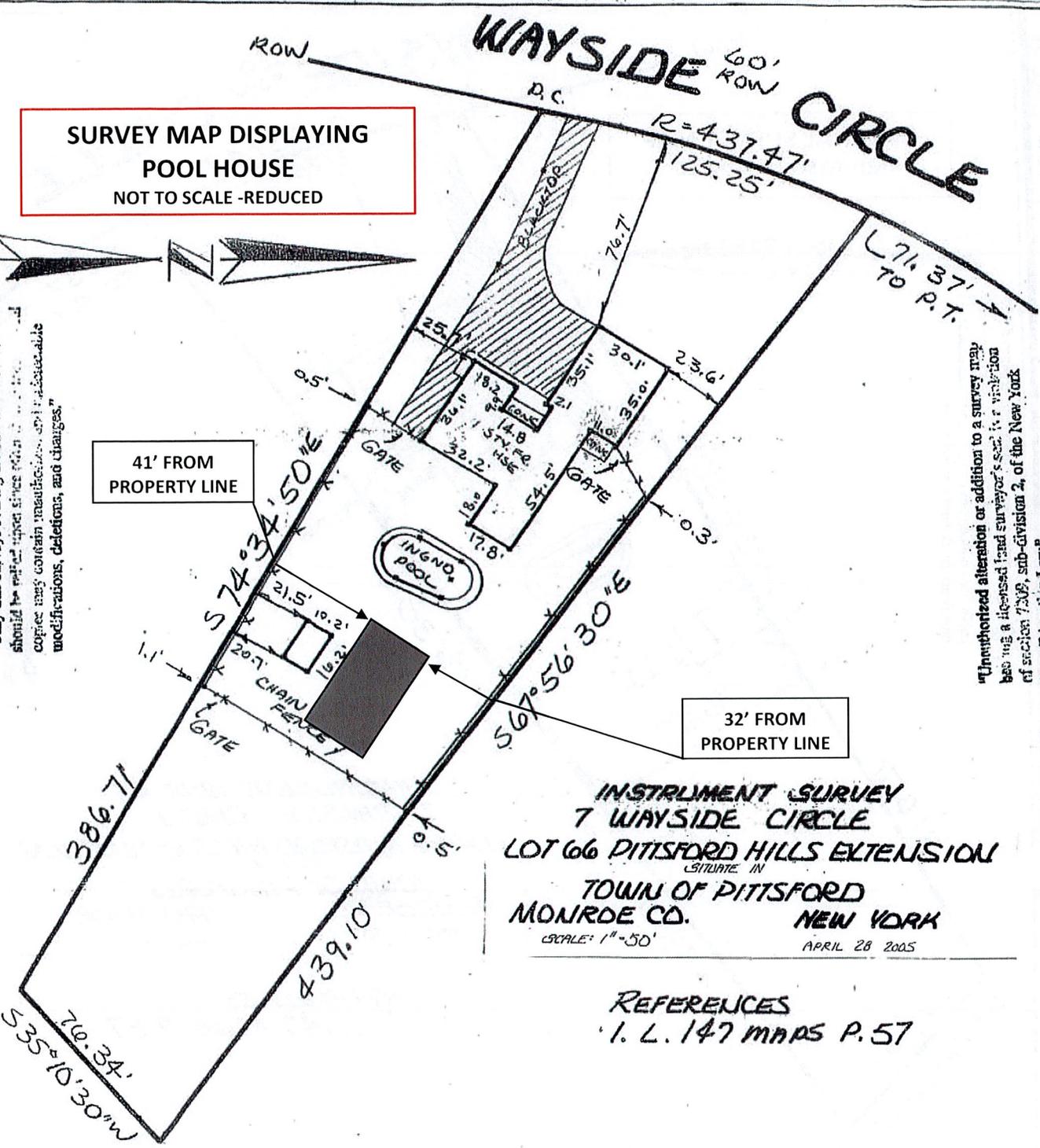


"Only title surveys bearing the makers' embossed seal should be relied upon since other copies may contain unauthorizable modifications, deletions, and changes."

"Unauthorized alteration or addition to a survey may be considered a violation of section 7309, sub-division 2, of the New York State Education Law."

41' FROM
PROPERTY LINE

32' FROM
PROPERTY LINE



**INSTRUMENT SURVEY
7 WAYSIDE CIRCLE
LOT 66 PITTSFORD HILLS EXTENSION
SITUATE IN
TOWN OF PITTSFORD
MONROE CO. NEW YORK
SCALE: 1"=50' APRIL 28 2005**

**REFERENCES
1. L. 147 MAPS P. 57**

I HEREBY CERTIFY TO THE PARTIES LISTED HEREON THAT THIS MAP WAS MADE ON APRIL 28 2005 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON APRIL 21 2005.

James M. Leoni

**JAMES M. LEONI NYS R.L.S. 49225
SUITE 392 A-1 COUNTRY CLUB ROAD
EAST ROCHESTER, N.Y. 14445**

CERTIFIED TO:
1. BANK OF AMERICA, ITS SUCCESSORS AND/OR ASSIGNS
2. THE TITLE INSURANCE COMPANY INSURING THE MORTGAGE
3. GALLO AND TACOVANGI, LLP
4. MICHAEL D. AND KATHRYN B. ROMACH
5. THE ODORISI LAW FIRM

**AREA VARIANCE REQUEST
FOR
7 WAYSIDE CIRCLE PITTSFORD N.Y.**



2019 Application for relief from TC 185-113 (B) 1&2

SOUTHERN VIEW LOOKING FROM THE REAR DECK & YARD OF
11 LOCHNAVAR PKWY TO THE PROPOSED POOL HOUSE LOCATION



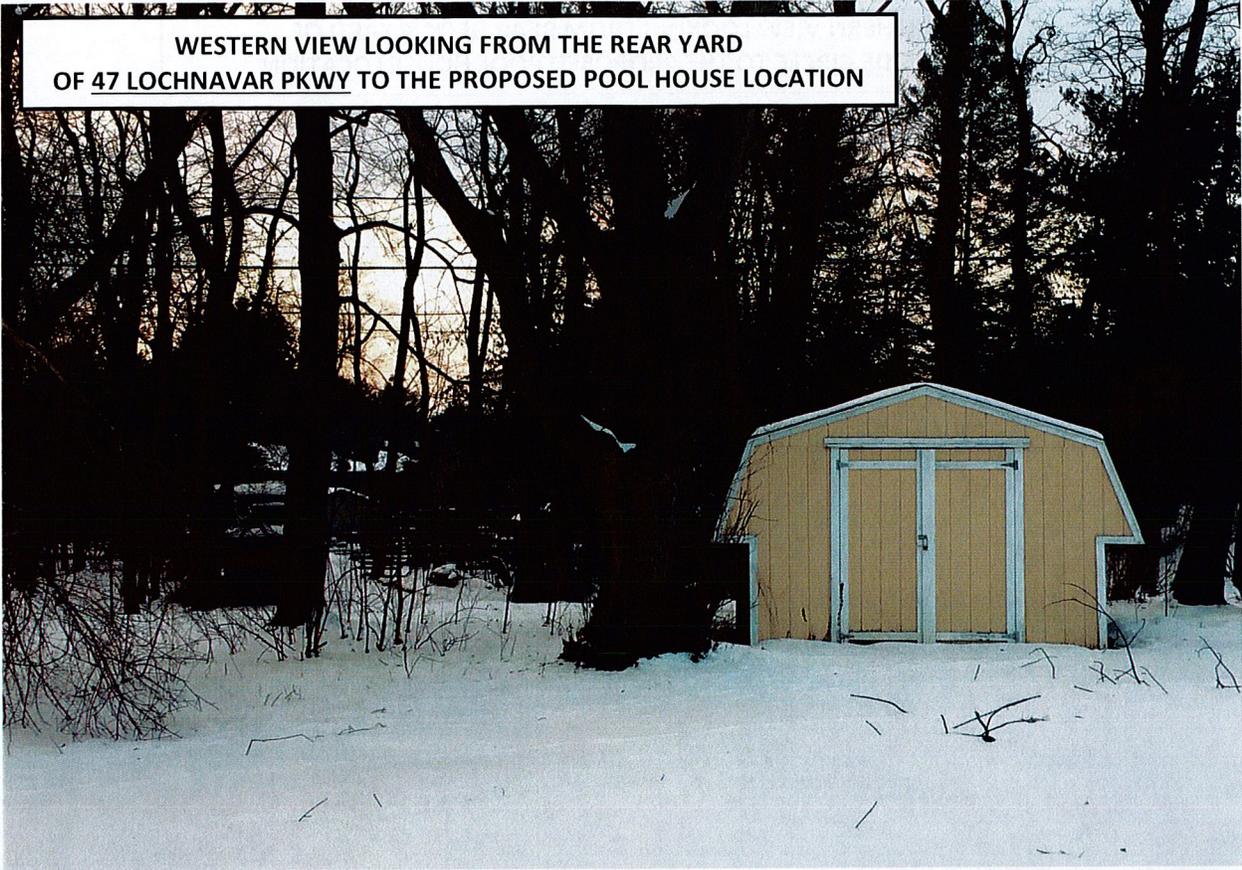
SOUTHERN VIEW LOOKING FROM REAR DECK & YARD OF
15 LOCHNAVAR PKWY TO THE PROPOSED POOL HOUSE LOCATION



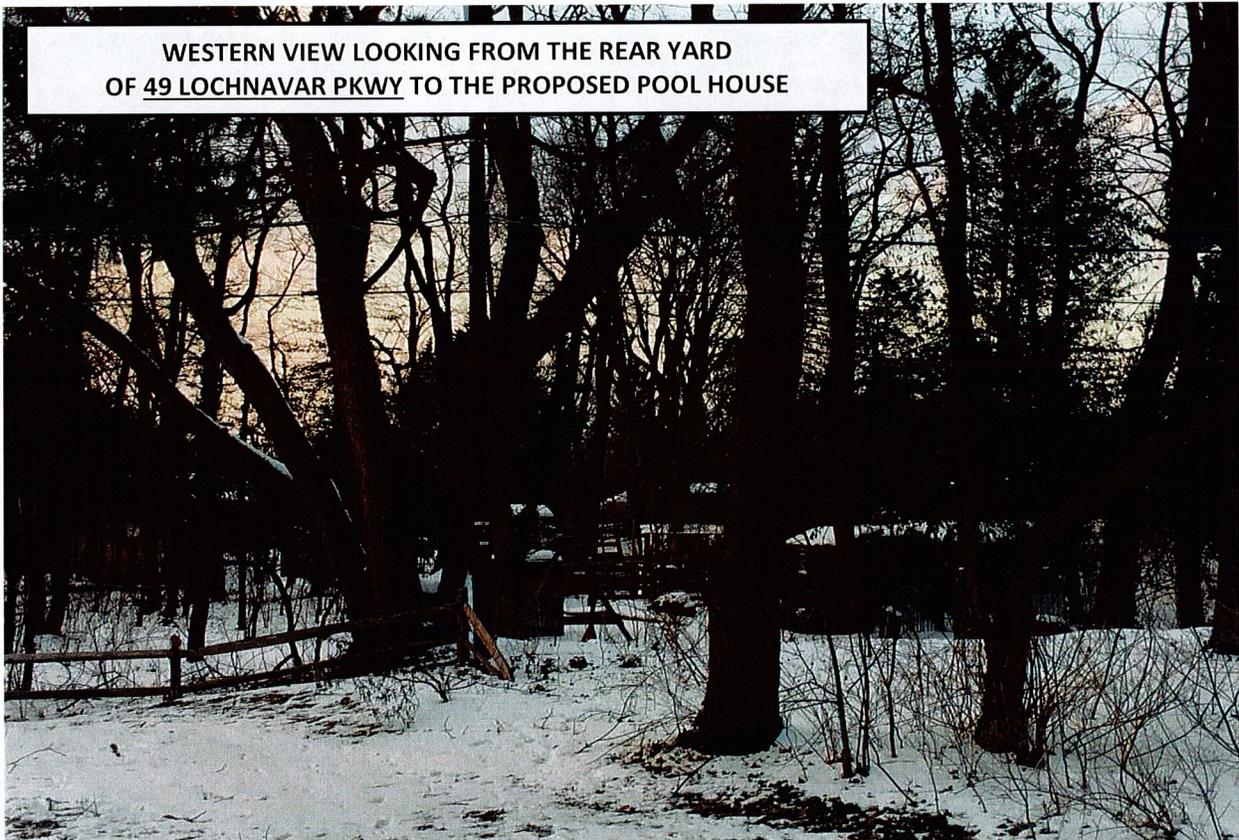
NORTHERN VIEW LOOKING FROM REAR DECK & YARD OF
9 WAYSIDE CIRCLE TO THE PROPOSED POOL HOUSE LOCATION



**WESTERN VIEW LOOKING FROM THE REAR YARD
OF 47 LOCHNAVAR PKWY TO THE PROPOSED POOL HOUSE LOCATION**

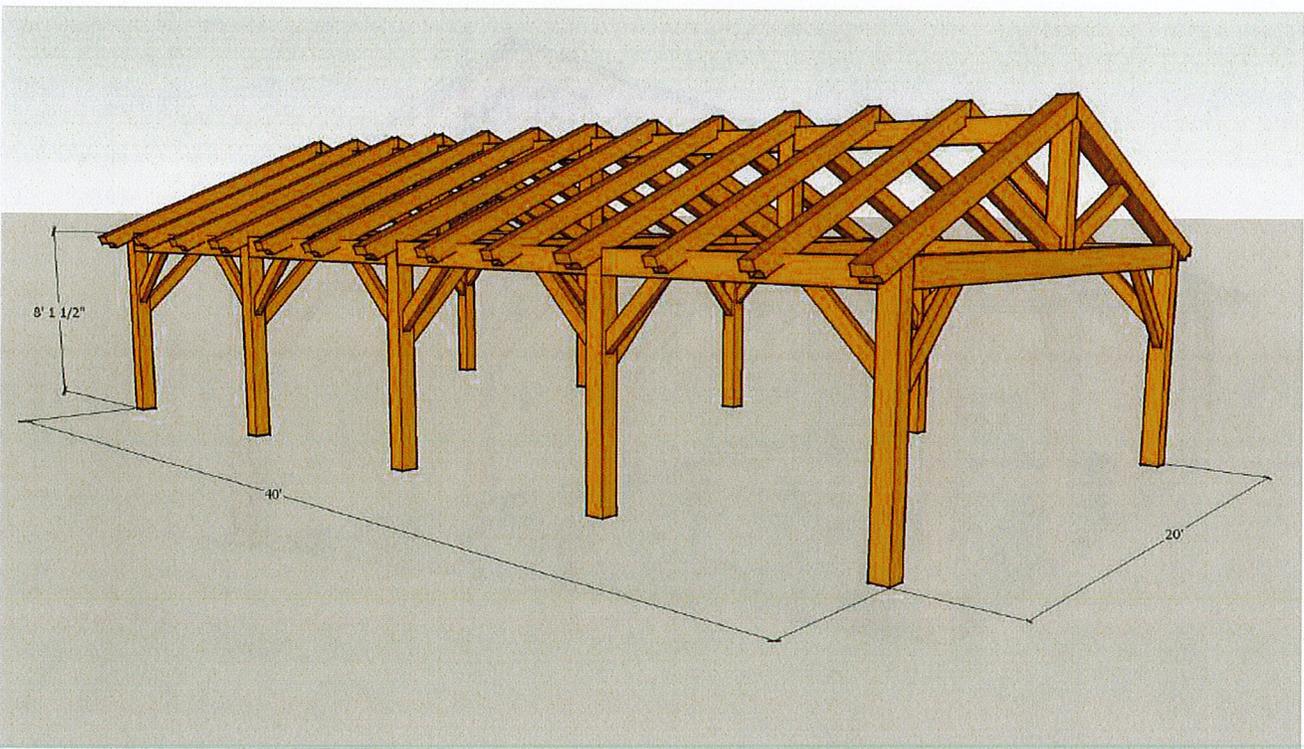
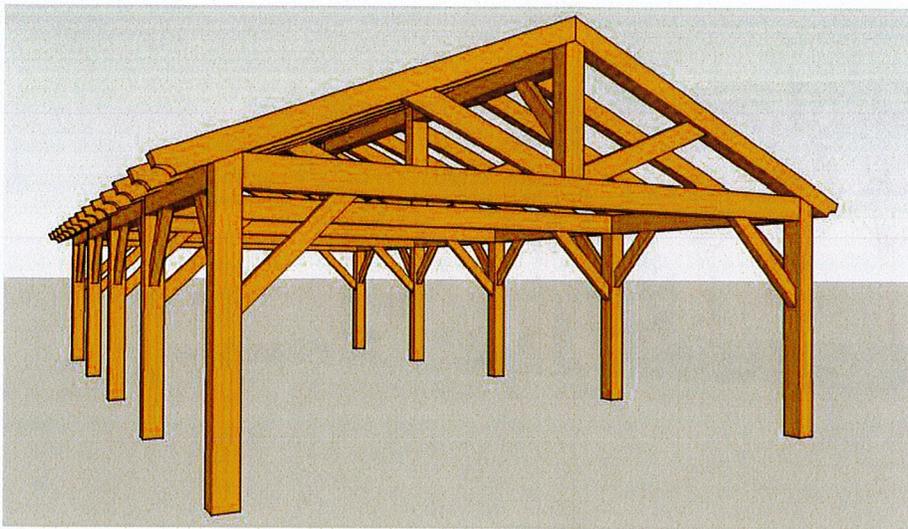


**WESTERN VIEW LOOKING FROM THE REAR YARD
OF 49 LOCHNAVAR PKWY TO THE PROPOSED POOL HOUSE**



TIMBER LIST

LOCATION	TIMBER SIZE	QUANTITY
POSTS	8x8x10'	10
	8x8x6'	5
GRTS	8x10x20'	5
RAFTERS	8x8x14'	10
	6x8x14'	16
PLATES	8x10x10'	8
RIDGE	8x10x10'	4
BRACES AND STRUTS	4x8x6'	10
	4x6x6'	10
	4x6x4'	18



MARC SCHAERTL
(585) 738-0692

FLTframing@gmail.com



FINGER LAKES TIMBER FRAMING

ROMACH PAVILION

FINGER LAKES TIMBERFRAMING LLC

MARC SCHAERTL (585) 738-0692

DRAFTING SERVICES AND CONSTRUCTION DOCUMENTS
HAVE BEEN PREPARED AND PROVIDED BY:
MIKE GULLACE (585) 261-2596

DATE 2/15/2018

DRAWN BY MGG

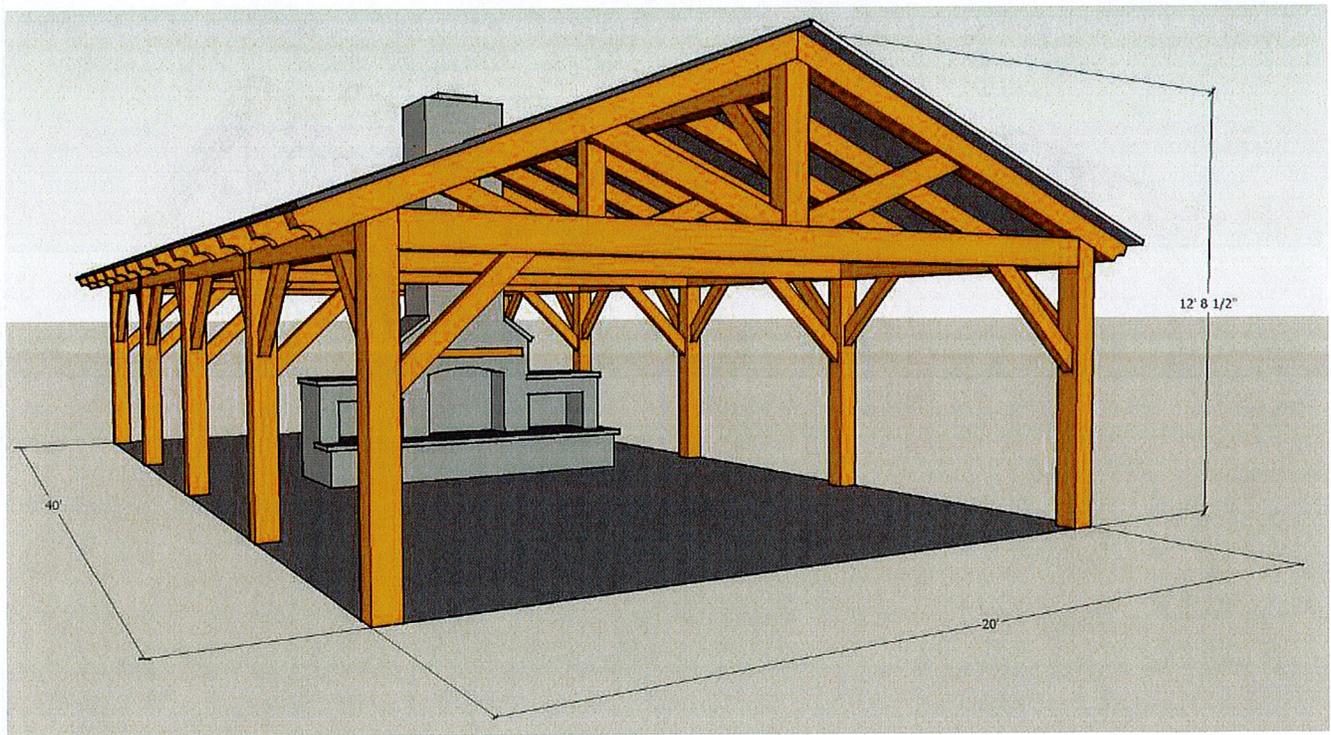
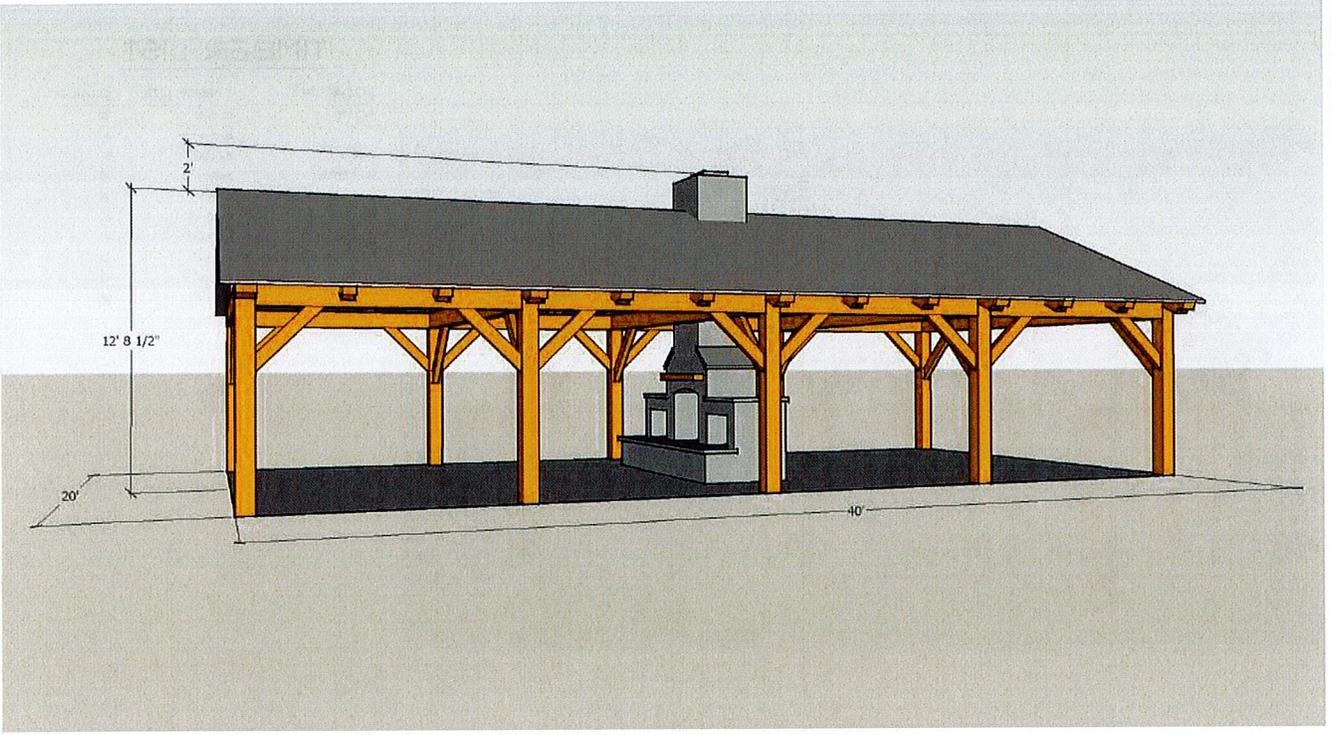
CHECKED BY

REV.

REV.

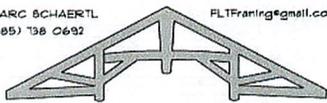
SHEET No.

T-1 OF 1



MARC SCHAERTL
(585) 138-0692

FLTFraming@gmail.com



FINGER LAKES TIMBER FRAMING

ROMACH PAVILION		DATE	3/03/2019
FINGER LAKES TIMBERFRAMING LLC		DRAWN BY	MGG
MARC SCHAERTL (585) 138-0692		CHECKED BY	
DRAFTING SERVICES AND CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED AND PROVIDED BY:		REV.	
MIKE GULLACE (585) 261-2596		REV.	
		SHEET No.	T-2 OF 2

Zoning Board of Appeals Referral Form Information

Property Address:

44 Rosewood Drive PITTSFORD, NY 14534

Property Owner:

Giachetti, Paul
44 Rosewood Dr
Pittsford, NY 14534

Applicant or Agent:

Giachetti, Paul
44 Rosewood Dr
Pittsford, NY 14534

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:	20	Left Lot Line:	16	Left Lot Line:	4
Front Setback:	0	Front Setback:	0	Front Setback:	0.0
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): 185-113 (B)

Description: Applicant is requesting relief from Town Code Â§185-113 B (3) & (6) to construct an in-ground pool in the side yard and forward of the rear wall of the home and encroaching into the side setback. Town Code requires all accessory structures to be placed behind the rear wall of the home.

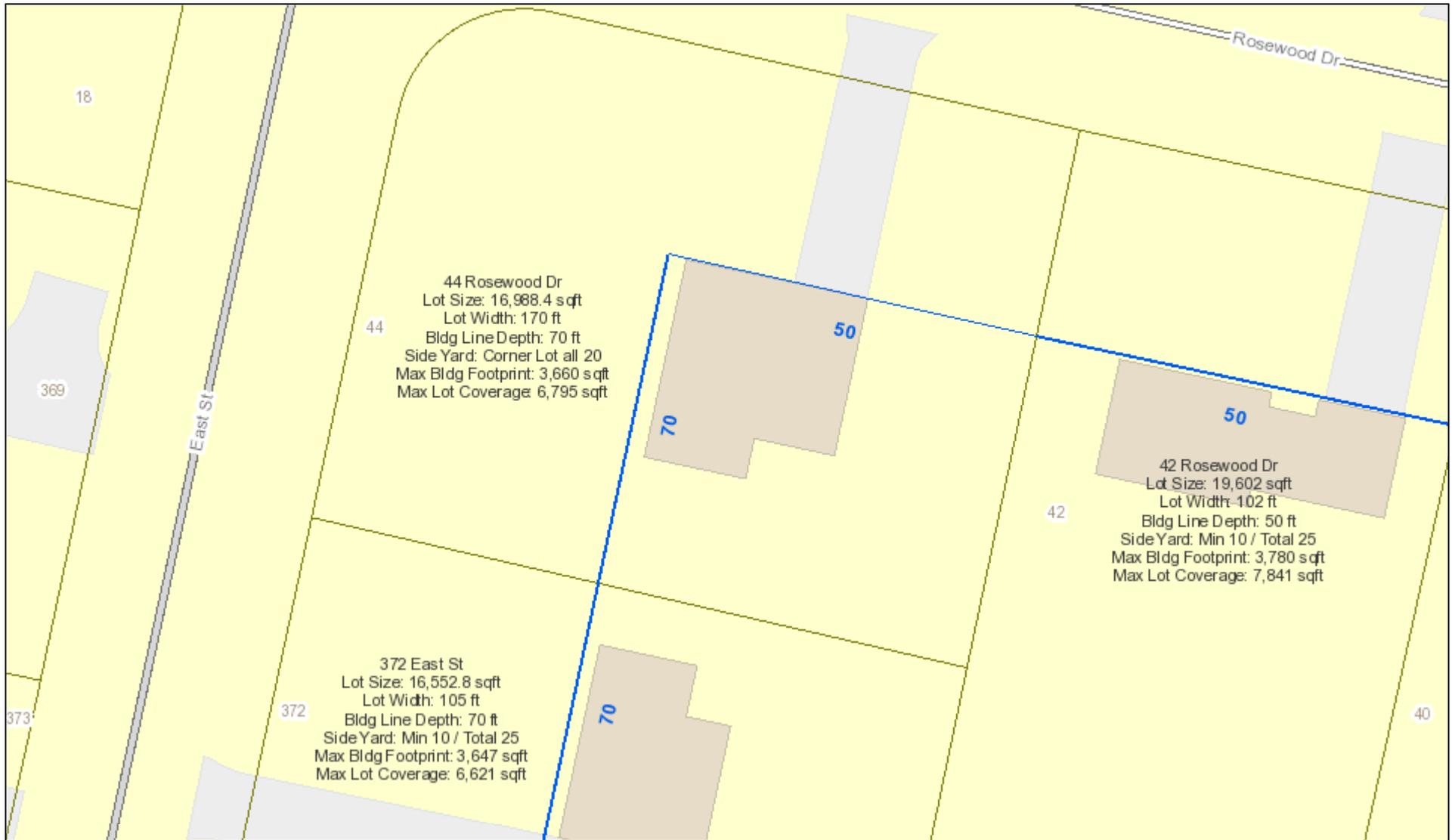
April 03, 2019



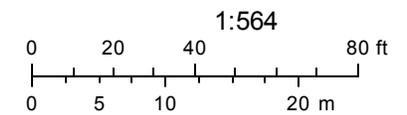
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning



Printed March 26, 2019



Town of Pittsford GIS

The information depicted on this 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.



18

East Street

Rosewood Drive

43

41

369

East Street

43

42

373

372

40

04/21/2018

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TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: _____ Hearing Date: _____

Applicant: Amy & Paul Giachetti

Address: 44 Rosewood Dr. Pittsford NY 14534

Phone: 716-801-0827 E-Mail: _____

Agent: Pettis Pools

(if different than Applicant)

Address: 1186 Manitow Rd Hilton NY 14468

Phone: 392-7711 E-Mail: Kmcbride@pettis-pools.com

Property Owner: Amy & Paul Giachetti

(if different than Applicant)

Address: 44 Rosewood Dr. Pittsford NY 14534

Phone: 716-801-0827 E-Mail: _____

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

Property Location: _____ Current Zoning: _____

Tax Map Number: 178.200-02-026

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

Installation of 16'x38' Rect In ground pool & equipment on the east side of house.

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)

3-15-19
(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, Amy Giacchetti, the owner of the property located at:
44 Rosewood Dr. Pittsford 14534
(Street) (Town) (Zip)

Tax Parcel # 178.200-02-026 do hereby authorize
Pittis Pools to make application to the
 Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of _____

(Signature of Owner)
3/15/19
(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 pool will be placed on the East Side of the yard, behind the foot print of the house. There will be a privacy fence so that it won't be seen from the road. Both of the neighbors have been made aware of the proposed pool and have not relaid any objections as one of the neighbors currently has an In Ground pool.

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 layout of the yard there isn't an area where a pool can be placed that wouldn't need a variance. Placing it on the East Side of the yard will require the least amount of variances.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

This area would be considered substantial due to needing a variance in two areas but there is no other place in the yard that would accommodate a pool.

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:

All possible drainage issue will be addressed at the time of the installation to ensure no physical adverse effects on the neighborhood. There was already a pool installed directly next door that has not caused any issue of note.

- **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?

This difficulty is self created due to a pool being a leisure product but we are very interested in moving forward with a pool being installed. The pool will bring great happiness to our family and will allow for so many additional memories being made right in our backyard.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

44 Rosewood Dr.

(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)

N/A



(Signature of Applicant)

3/15/19

(Dated)

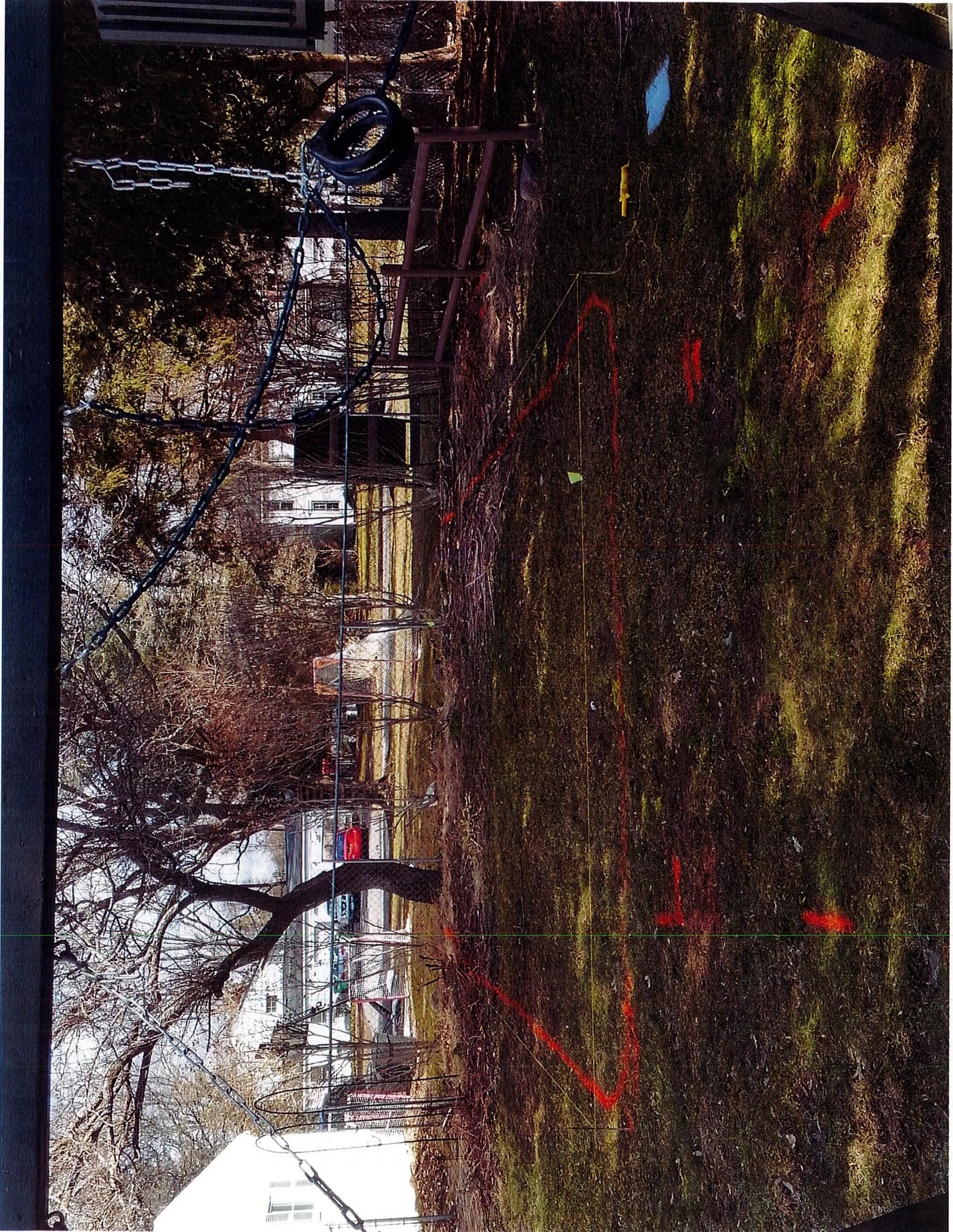
44 Rosewood Dr

(Street Address)

Pittsford NY. 14534

(City/Town, State, Zip Code)

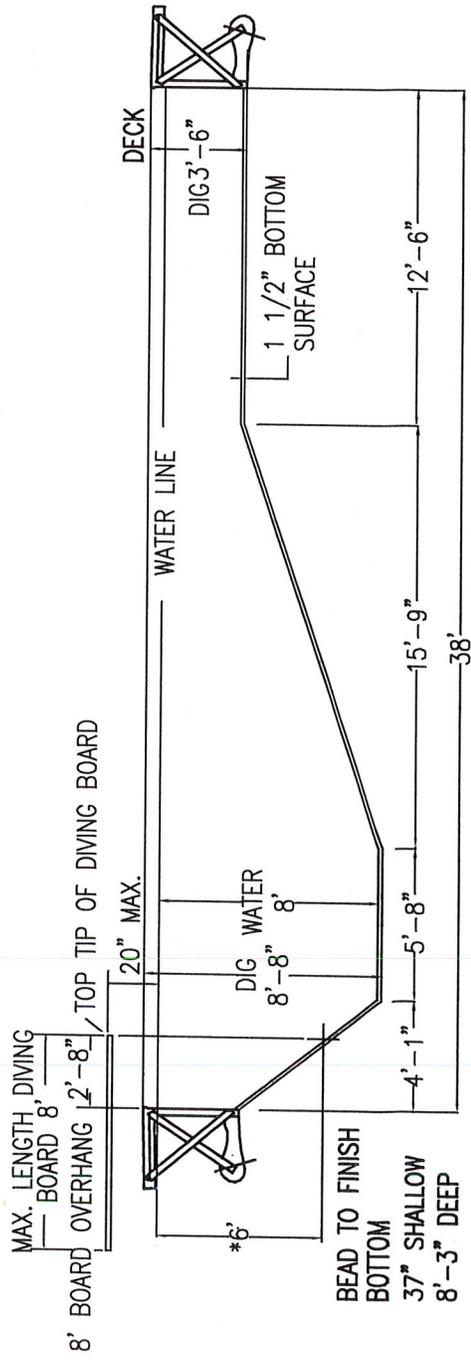
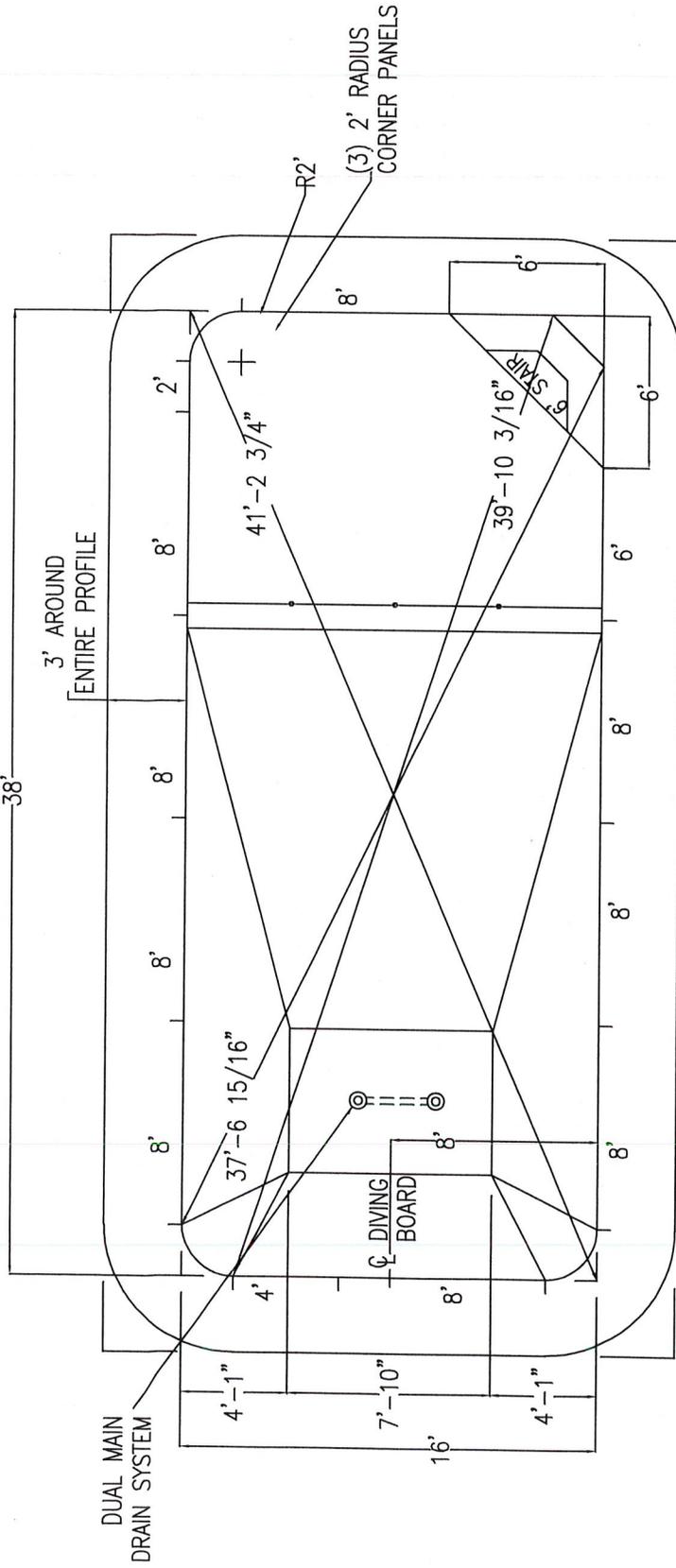








TRUE PERIMETER- 106'
 SWIM AREA SQ. FT.- 605
 GALLONS OF WATER- 20,300



- NOTES:
1. X-BRACES ON 4'-0" SPACING
 2. SAFETY LINE 12" FROM BREAK
 3. DUAL MAIN DRAIN SYSTEM SHOULD BE INSTALLED IN ACCORDANCE TO FOX POOLS RECOMMENDATION.
 4. *IMPORTANT MINIMUM DEPTH UNDER DIVING BOARD

DRAWING MUST BE APPROVED AND SIGNED BEFORE ORDER WILL BE PLACED FOR ALL SPECIAL ORDERS.

DEALER Pette
 LINER CHOICE _____
 DATE _____
 CUSTOMER Giachetta

INSTALLATION TO BE IN ACCORDANCE WITH FOX POOL RECOMMENDATIONS

TYPE	II	SCALE	1/8" = 1'
BY	J.LANDES		
TITLE	1638 2' R RECTANGLE		
DATE	2/12/2019	DWG. NO.	09-26819

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