

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
September 16, 2019**

PUBLIC HEARING FOR AN AREA VARIANCE – RETURNING

- Lot 8 Clover Street, Tax # 150.11-2-22, Applicant is requesting relief from Town Code §185-17 M for the construction of a two story residential home with a height of approximately 45'-3". Town Code limits the height of buildings to 30 feet. Property is zoned RN – Residential Neighborhood District.

PUBLIC HEARING FOR AN AREA VARIANCE - NEW

- 790 Linden Ave, Tax # 138.15-1-16, Applicant is requesting relief from Town Code §185 – 136 A (4) for the placement of a freestanding sign exceeding size requirements. The proposed sign is approximately 13 Sq. Ft. where Town Code allows 8 Sq. Ft. This property is zoned LI- Light Industrial
- 64 Landsdowne Lane, Tax # 151.11-1-37, Applicant is requesting relief from Town Code §185 – 17 B (1) & §185 – 17 E for the placement of a shed encroaching into the side and front setbacks. Property is zoned RN – Residential Neighborhood District.
- 6 Woods Hole Court, Tax # 163.12-2-13, Applicant is requesting relief from Town Code §185 – 17 I for the construction of a Deck encroaching into the rear setback. The deck is proposed to be placed at approximately 9 feet from the rear property line. Property is zoned RN – Residential Neighborhood District.
- 5611 Palmyra Road, Pittsford, Tax # 164.12-1-66, The applicant is requesting a modification to a use variance previously granted on February 17, 2014. The requested modification will allow a change from a Karate studio to a Dentist office. Property zoned RN – Residential Neighborhood District

OTHER

- Review and Approval of the August 19, 2019 Minutes

draft
**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
August 19, 2019**

PRESENT

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

ALSO PRESENT

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

ABSENT

David Rowe, Mike Rose

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. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

- 5 Kalleston Drive, Pittsford, Tax # 178.09-1-46, Applicant is requesting relief from Town Code §185-113 B (3) & (6) & 185 – 17 K (2) to allow the placement of a 10' x 16' shed approximately 15 feet from the side property line and located forward of the front wall of the home. This lot is a corner lot. Town Code requires a 20-foot side yard setback for corner lots and accessory structures to be located behind the rear wall of the primary structure. Property zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public Hearing.

The homeowners, Debra and Patrick Walker, were present. They presented the Board with a signed petition from their neighbors stating that no one was in opposition to this project at the addresses of 4, 6, 7, and 8 Kalleston Drive and 14 and 16 High Hill Drive. Number 6 and 7 Kalleston Drive are the most affected neighbors.

There was no further public comment.

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

All Ayes.

- 5 Krislynn Drive, Tax # 177.03-2-49, 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 addition is proposed to be located at approximately 56' from the west property line where code requires 60'. Property is zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public Hearing.

Andrew Bouquin was present to represent the homeowners, Michael and Megan Gurrell.

It was indicated that the trees to the south are not disrupted by this project. The homeowners wish to start to project by early September 2019.

There was no public comment.

Jaime Waldman moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- Lot 8 Clover Street, Tax # 150.11-2-22, Applicant is requesting relief from Town Code §185-17 M for the construction of a two story residential home with a height of approximately 45'-3". Town Code limits the height of buildings to 30 feet. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

Jim Fahy of Design Associates was present to represent the property owner.

Mr. Fahy outlined the scope of the two story home project. This home will include a walkout basement. Due to the natural topography of the one acre lot, the grade slopes up 30 feet. A building height of 45' 3" is requested to accommodate this walkout basement. He stated this is a two story home and that the walkout basement is a design feature.

A discussion was held regarding the scale and massing of nearby homes and height variances that were granted for # 4 and #5 Taylors Rise for approximately 37 and 40 feet. Board member Barbara Servé discussed that the homes on Taylors Rise blend in with the neighborhood but the proposed construction will not in comparison to the homes on Clover Street.

The Board commented that no landscaping/screening package has been presented for this project. Mr. Fahy indicated that providing landscaping would not be an issue for the applicant. He indicated the vegetation to the North, South and West would be preserved. He indicated that vegetation in the middle of the lot would be "carved out" for the new home.

Barbara Servé expressed concerns that the vegetation of deciduous trees would be gone in the winter months. Mr. Fahy stated that the homeowner would give their best efforts within reason to provide screening.

Neighboring homes at 530 Clover Hills Drive and 5 Taylors Rise were discussed.

Chairman George asked for public comment.

Dennis Mullen of 3 Taylors Rise indicated that his property backs up to the property at Lot 8. He indicated that his home is similar to others in the neighborhood. His backyard is all trees but they are deciduous and he stated he would be looking at this large home for a large portion of the year when the trees are bare. He stated he is not against the house but is concerned about the height.

John McKenna of 510 Clover Hills Drive expressed that he is very concerned about the view of this proposed home from his property. He stated that there are a mix of large and smaller homes surrounding this property and he has concerns that the height of the proposed structure would have a significant effect on his home value. He invited the Board members to come to his home and view the property from the vantage point of his property. He did not feel a landscape plan would help as it would prove to be slow growing. He encouraged the Board to view the site, expressed that landscaping takes a long time to grow and felt that some of the comments presented by the applicant were inconsistent.

Arthur Fitelson of 530 Clover Hills Drive also expressed concerns about the proposed home's height and what he would see from his home.

All the neighbors making public comment left their information with the Town staff in order for the Board to arrange to view the lot from their properties. It was decided that the Board members would visit in small groups as to not constitute a meeting of the Board, not discuss the application but rather to view the site line from the vantage of the concerned neighbors.

George Dounce moved to hold the application open.

All Ayes.

- 345 Kilbourn Road, Tax # 138.18-3-1, Applicant is requesting relief from Town Code §185-113 B (1) & (2) for an oversized and over height accessory structure (Detached Garage) located in the rear yard. The oversized accessory structure will be constructed to a height of approximately 25' and approximately 750 sq. ft. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The homeowner Kim Bailey was present.

She indicated the change in design of the home so that the garage is now detached. She indicated the neighbor in the rear of the property is not concerned about the change. The lot coverage will not increase or decrease with this design change.

There were no further questions from the Board and no public comment.

Barbara Servé moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

DECISION FOR 5 KALLESTON DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for 5 Kalleston Drive was moved by George Dounce and seconded by Barbara Servé.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
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 August 8, 2019.
2. All construction is to be completed by December 31, 2020.

DECISION FOR 5 KRISLYNN DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for 5 Krislynn Drive was moved by Jaime Waldman and seconded by Phil Castleberry.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
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 June 13, 2019.
2. All construction is to be completed by December 31, 2022.
3. This application is subject to the approval of the Design Review and Historic Preservation Board.

DECISION FOR 345 KILBOURN ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 345 Kilbourn Road was moved by Mary Ellen Spennacchio-Wagner and seconded by George Dounce.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
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 August 8, 2019.
2. All construction is to be completed by December 31, 2020.

APPROVAL OF THE MEETING MINUTES OF JULY 15, 2019

George Dounce moved to accept the minutes of July 15, 2019 with corrections.

VOICE VOTE: Ayes – All

OTHER – Point Persons for September meeting

5611 Palmyra Road – George Dounce

64 Landsdowne Lane – Phil Castleberry

790 Linden Avenue – Mike Rose

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 8:20 pm.

VOICE VOTE: Ayes – All

Respectfully submitted,

Susan Donnelly
Secretary to the Zoning Board of Appeals

DRAFT

Zoning Board of Appeals Referral Form Information

Property Address:

790 Linden Avenue ROCHESTER, NY 14625

Property Owner:

Physician Business Sol LLC
790 Linden Ave
Rochester, NY 14625

Applicant or Agent:

Andrew Devonch
790 Linden Ave
Rochester, NY 14625

Present Zoning of Property: LI Light Industrial
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:	0	Height:	0	Height:	0.0
Size:	8	Size:	13	Size:	-5.0

Code Section(s): 185-136A

Description: Applicant is requesting relief from Town Code §185 – 136 A (4) for the placement of a freestanding sign exceeding size requirements. The proposed sign is approximately 13 Sq. Ft. where Town Code allows 8 Sq. Ft.

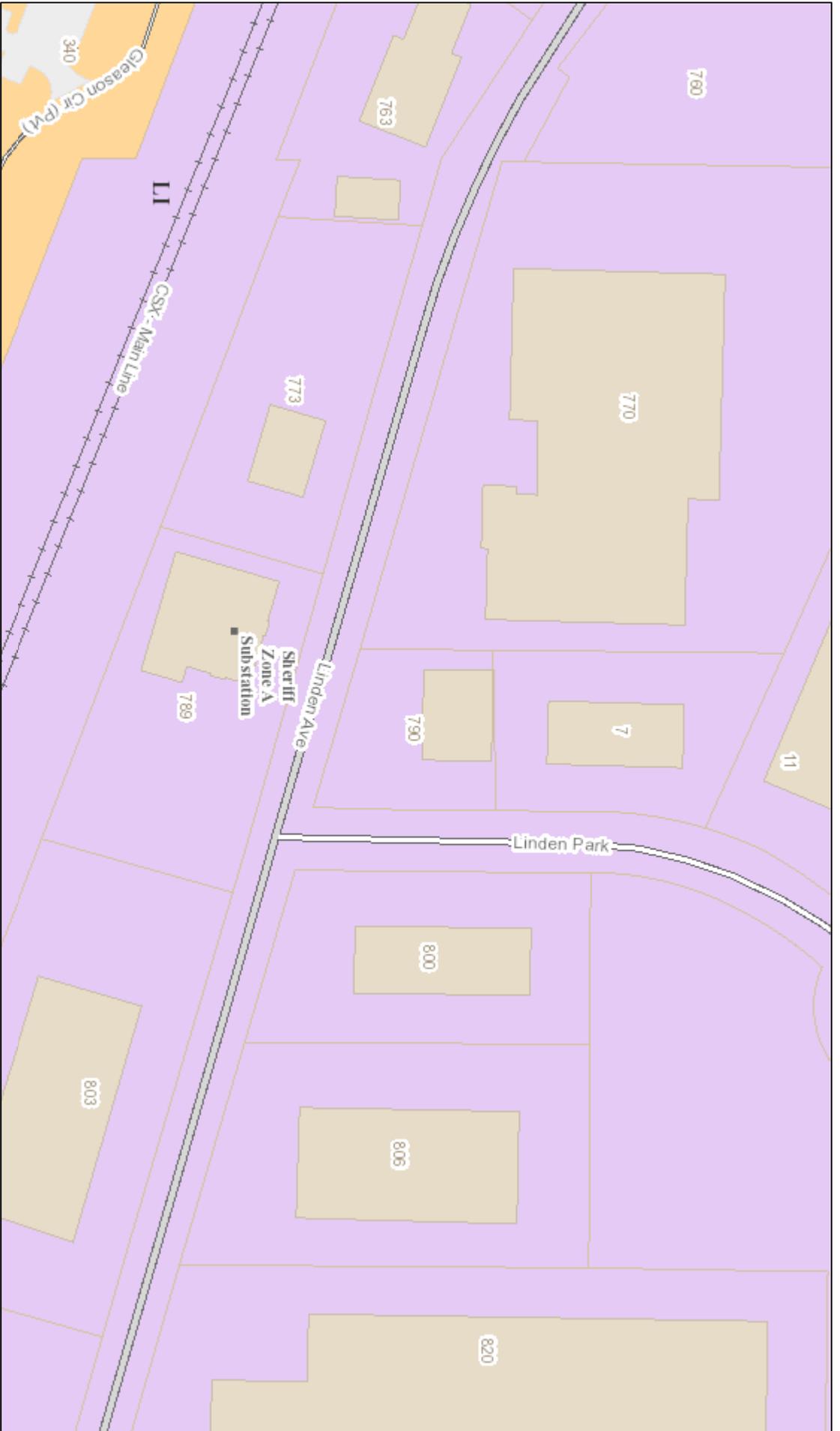
September 03, 2019



Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning



Printed September 4, 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.



Linden Avenue

Linden Park

Linden Avenue

773

770

789

790

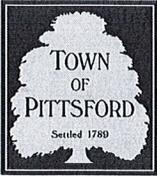
800

806

803

04/21/2018

© 2018 Pictometry



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: 8/16/19 Hearing Date: _____

Applicant: LINDEN OAKS DENTAL

Address: 790 Linden Avenue Rochester 14625

Phone: 585 385-2020 E-Mail: ajdvorch@aol.com

Agent: _____
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

Property Owner: Andrew Dvorch
(if different than Applicant)

Address: 16 Mount eagle Drive Penfield NY 14625

Phone: 585 753 0257 E-Mail: ajdvorch@aol.com

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

Property Location: 790 Linden Avenue Rochester Current Zoning: Light industrial

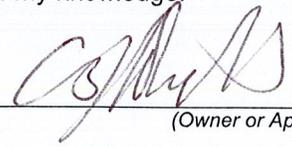
Tax Map Number: _____

Application For: Residential Commercial Other
light industrial

Please describe, in detail, the proposed project:

Proposed approval of sign for front of the building larger than 859 ft.

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)

8/16/19
(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 size of the sign will not produce an undesirable change because it is smaller than the signs that exist on nearby properties. It is different than other signs by having a rounded top that adds nice shape and a pretty tree logo that isn't basic with simply words. I think the sign is tastefully done and improves the look on 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:

I feel that the trees that I preserved in front of the building block the view of the building so a bigger sign that is higher near the road helps identify my office for patients. A sign on the building wouldn't be seen.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Minimal - the base sign, the square part is within code but the circular top of the sign makes it too large. The circular part is a nice design that allows me to display my logo. Also I doesn't block cars views as they exit Linden Park.

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:

My sign is smaller, doesn't block visibility and is prettier than other signs on the street.

- **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?

No I don't feel it is self-created. I preserved 4 large maple trees as they make the street feel less industrial and am simply looking at signs already present at my neighbors and feel I created a very appropriate sign.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

Linden Oaks Dental

(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]

(Signature of Applicant)

8/16/19

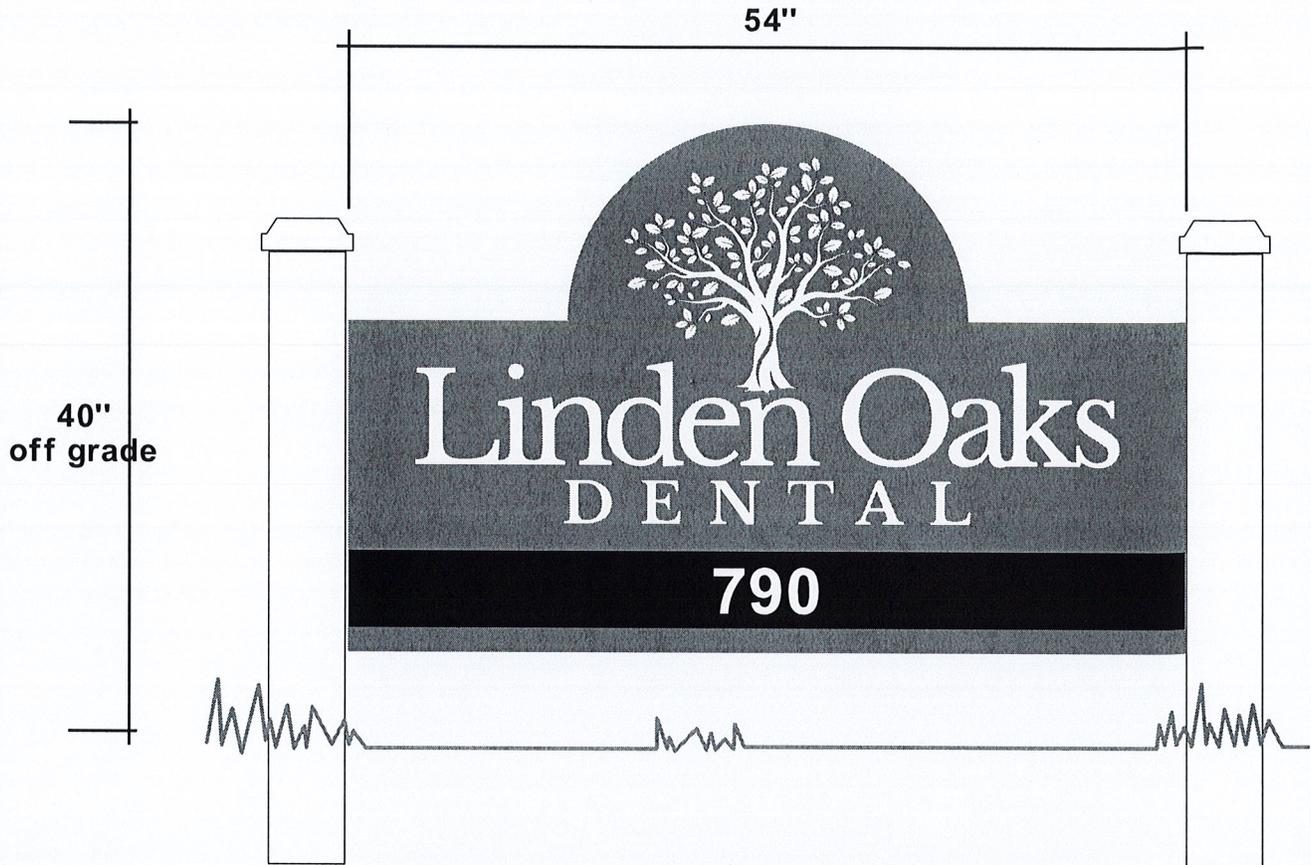
(Dated)

790 Linden Ave

(Street Address)

Rochester NY 14625

(City/Town, State, Zip Code)



Sign size: 2" thick HDU, 54" wide x 34.5" tall
copy 2 sides
Background of sign to be SW7624 Slate Tile
and black band for address

"Linden Oaks Dental" and 790 to be v-carved and painted white
Tree graphic to be applied vinyl copy (not carved)

Posts to be pressured treated with white pvc sleeves and caps
The bottom of the sign will be 6" above grade.
The posts will be direct burial, 3 feet below grade.

Price for sign and installation: \$3495.00, plus tax
A deposit of 50% is required to begin production an the
balance is due upon completion of installation.
Above price does not include any permitting if necessary.



ART PARTS SIGNS

100 Lincoln Parkway
East Rochester, NY 14445
585-381-2134

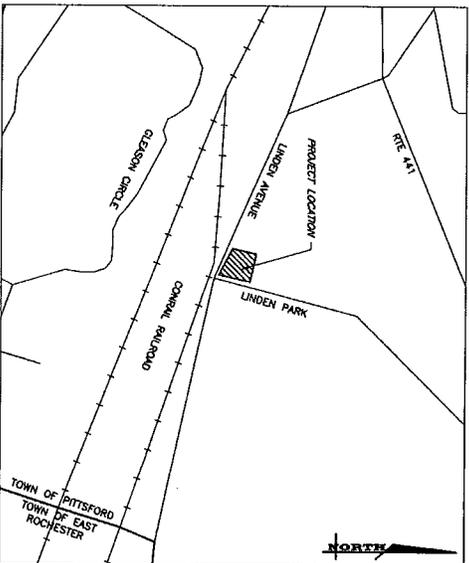
CLIENT **Mike Sukhenko**

DATE **05/30/19**

I190538

PRELIMINARY/FINAL SITE PLANS for DENTAL OFFICE ANDREW DVONCH, D.D.S. 790 LINDEN AVE

SITUATE IN:
TOWN OF PITTSFORD - MONROE COUNTY - STATE OF NEW YORK



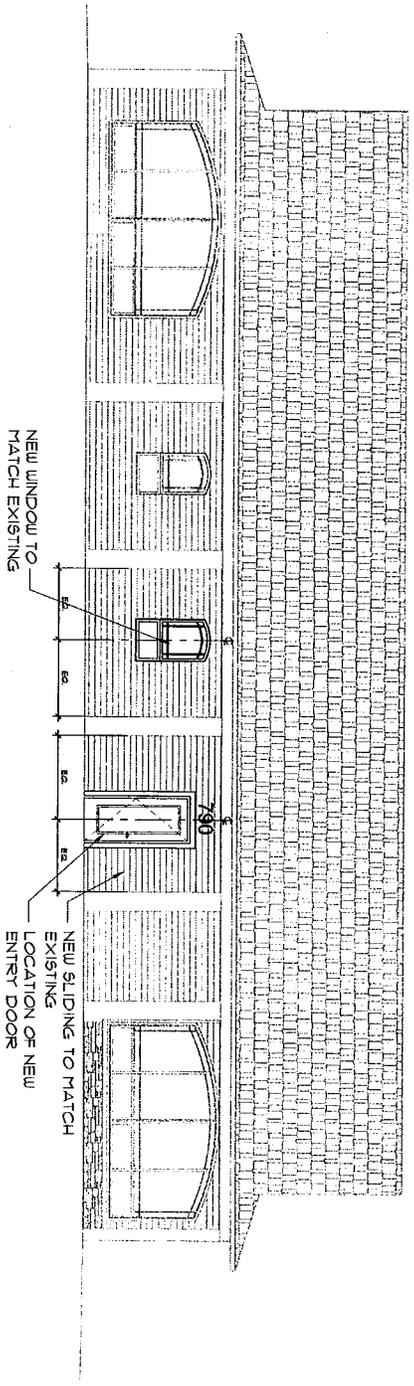
LOCATION MAP
NOT TO SCALE

MARATHON
ENGINEERING
ARCHITECTURE
19 CASCADE DRIVE
ROCHESTER, NY 14614
585.458.7770
601 HANSHAW RD, SITE 12
TITHACKA LOCATION
ROCHESTER, NY 14612
607.241.2917
www.marathoneng.com

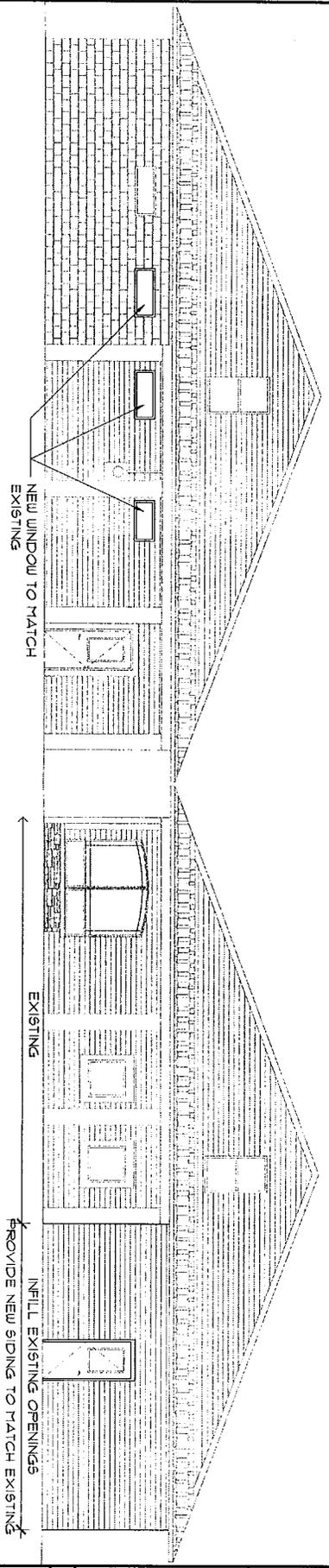
COPYRIGHT © 2018
MARATHON ENGINEERING
OF ROCHESTER, P.C.

LIST OF DRAWINGS	
No.	Descrption
1	V.I.O
2	C.I.O
3	C2.0

EXISTING CONDITIONS AND DEMOLITION
SITE LAYOUT, GRADING, LIGHTING, AND
LANDSCAPING
CONSTRUCTION NOTES AND DETAILS



3
PROPOSED SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



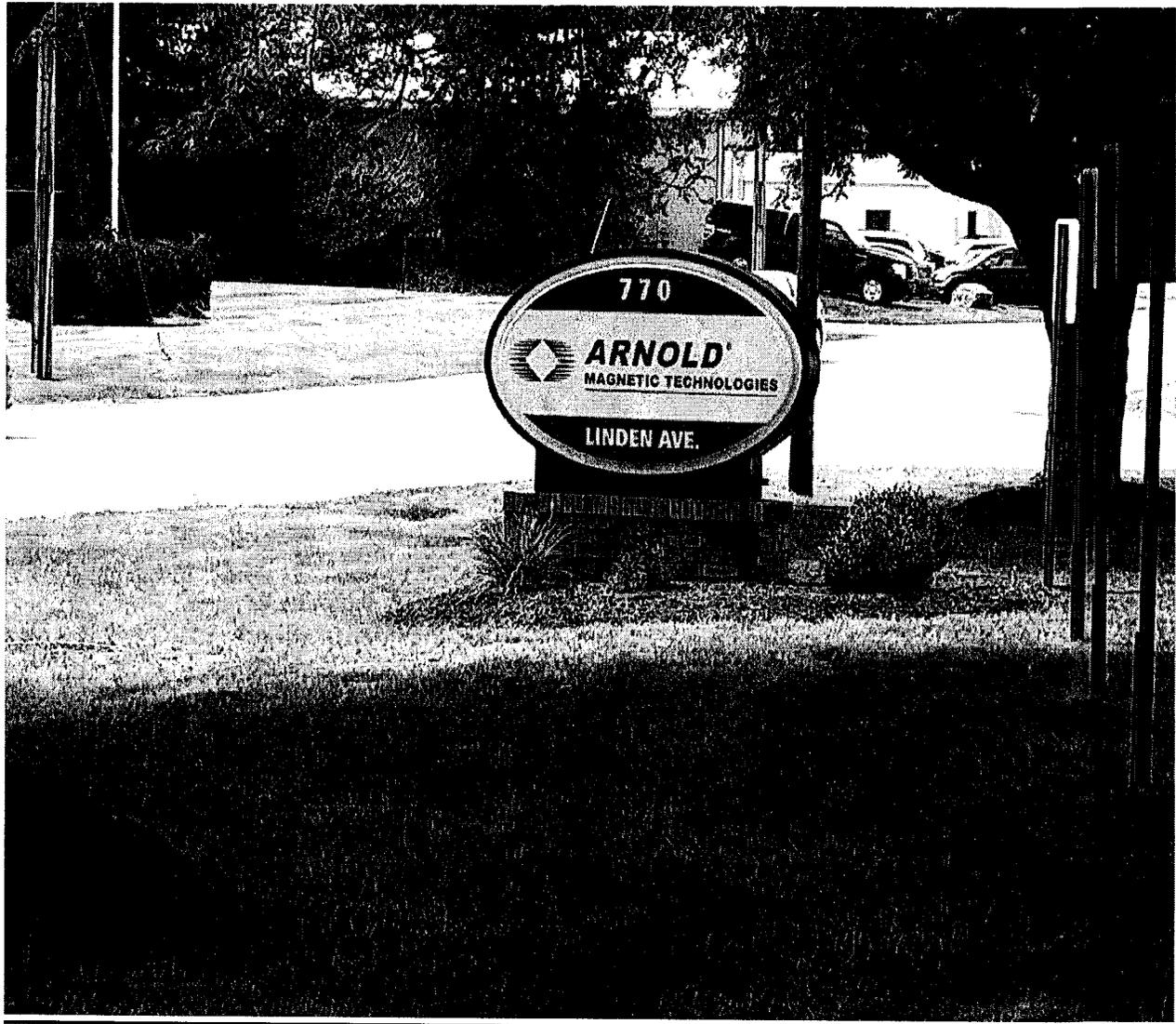
2
PROPOSED WEST ELEVATION
 SCALE: 1/4" = 1'-0"

1
PROPOSED WEST ELEVATION
 SCALE: 1/4" = 1'-0"

	<p>HAN HANLON ARCHITECTS</p> <p>130 UNIVERSITY AVENUE ROCHESTER, NY 14627 WWW.HANLONARCHITECTS.COM</p> <p>T: 585.275.8540 F: 585.863.6371</p>	<p>DR DVONCH DENTIST OFFICE PERMIT SET</p> <p>190 LINEN AVE ROCHESTER, NEW YORK 14625</p>	<p>DATE: 08/2013 DRAWING TITLE: EXTERIOR ELEVATIONS</p> <p>PROJECT NO.: 30-003</p> <p>SHEET NO.: A300</p>
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Neighboring Signs

Arnold Magnetic Technologies:16sq. ft



KAFL Insurance: 16sq ft



Universal imports: 843 Linden Ave

24sq ft

Zoning Board of Appeals Referral Form Information

Property Address:

64 Landsdowne Lane ROCHESTER, NY 14618

Property Owner:

Davis, Melvin A
64 Landsdowne Ln
Rochester, NY 14618

Applicant or Agent:

Davis, Melvin A
64 Landsdowne Ln
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:	10	Left Lot Line:	6	Left Lot Line:	0.0
Front Setback:	70	Front Setback:	20	Front Setback:	50
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 B (1) 185-17 E

Description: Area variance for 8 x 12 shed

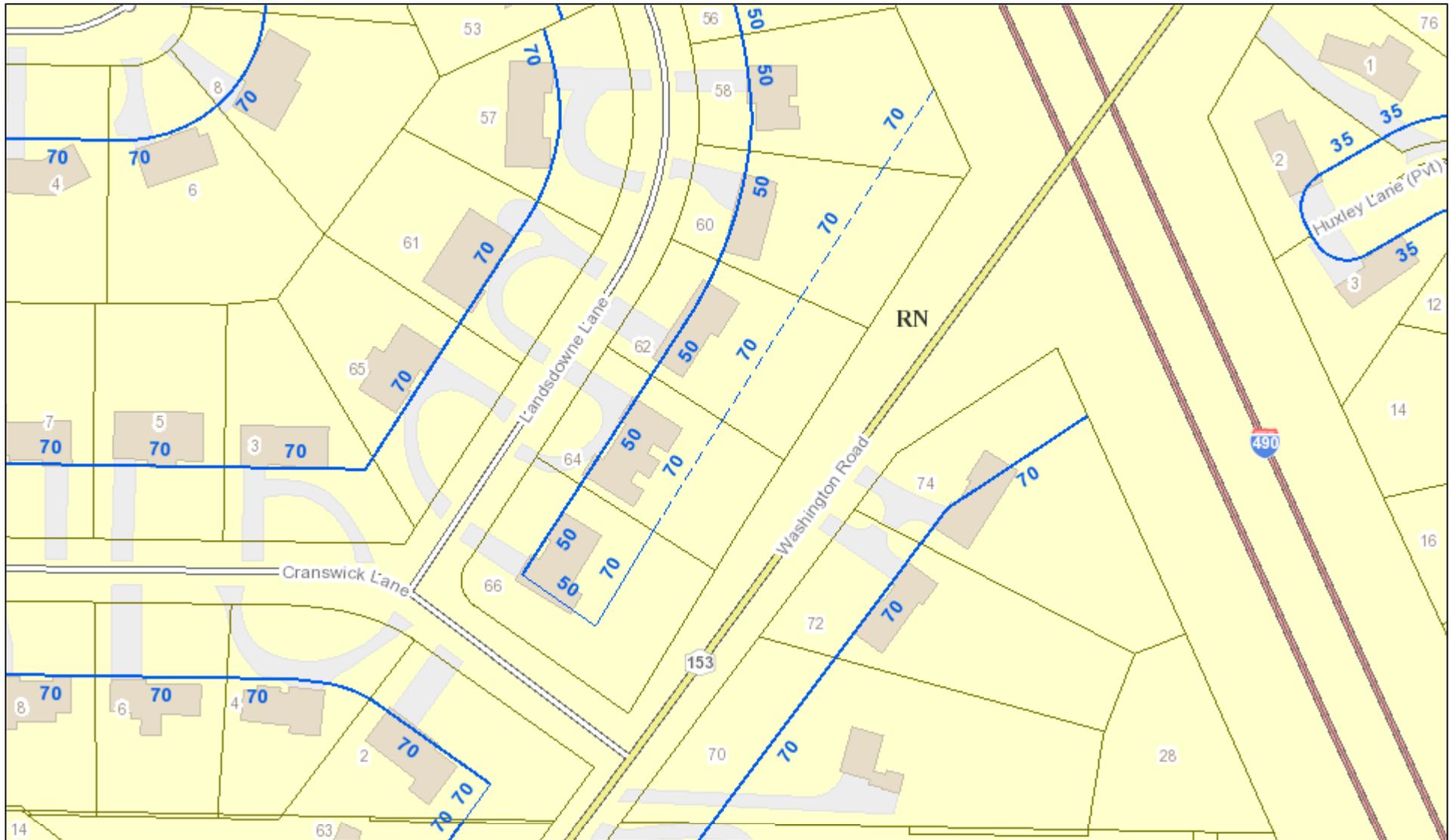
September 04, 2019



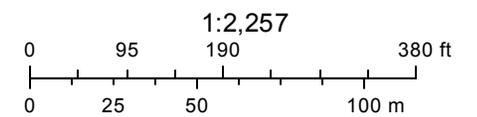
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning



Printed September 4, 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.





TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: 8-16-19 Hearing Date: _____

Applicant: MELVIN A. DAVIS

Address: 64 LANDSDOWNE LANE

Phone: 585-310-7355 E-Mail: MIDAVIS6@ROCHESTER.RR.COM

Agent: SAME
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

Property Owner: SAME
(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: 64 LANDSDOWNE LANE Current Zoning: _____

Tax Map Number: _____

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

PLACEMENT OF SHED IN BACK YARD. 8'x12'
6' FROM SIDE PROPERTY LINE + 20' FROM THE REAR FENCE.

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)

8-16-19
(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:

LOCATION OF SHED WOULD BE IN FAR BACK OF YARD.
SOMEWHAT SHIELDED BY PLANTS & TREES. I TALKED WITH
NEIGHBORS RE: LOCATION AND THEY SAID THEY HAD NO ISSUE.

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

CURRENT CODE WOULD REQUIRE UNIT TO BUTT UP TO
FAMILY ROOM DESTROYING VIEW & LANDSCAPING. POTENTIALLY
REDUCING THE VALUE OF THE PROPERTY.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

YES, SUBSTANTIAL, HOWEVER MITIGATED BY LIMITED VIEW AND FOLIAGE, LIMITING VIEW FROM WASHINGTON STREET.

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:

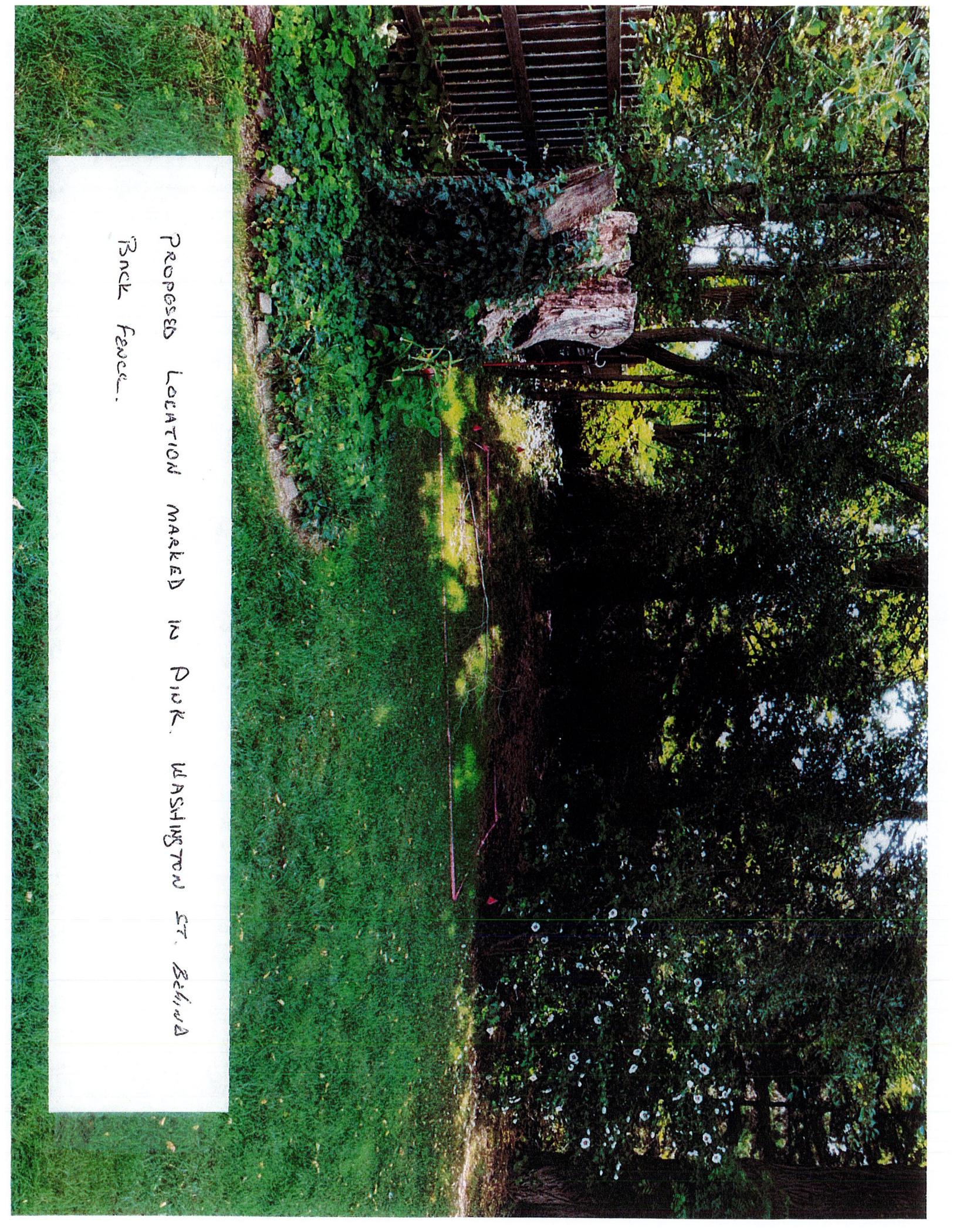
NO IMPACT ON DRAINAGE

- **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?

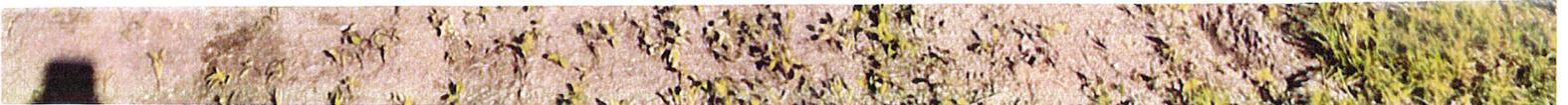
YES. I CLEANED UP THE AREA WHERE THE ORIGINAL SHED WAS TO COMPLIMENT MY NEIGHBORS NEW ADDITION AND DECIDED TO UPGRADE THE SHED AS WELL. I REMOVED THE OLD SHED AND CLEARED ALL VEGETATION.

PROPOSED LOCATION MARKED IN PINK.
BACK FENCE.





VIEW FROM LANDSDOWNE LANE.





VIEW OF BACK YARD TO WARD'S WASHINGTON ST.



Zoning Board of Appeals Referral Form Information

Property Address:

6 Woods Hole Court PITTSFORD, NY 14534

Property Owner:

Stephen Warner
6 Woods Hole Ct
Pittsford, NY 14534

Applicant or Agent:

Stephen Warner
6 Woods Hole Ct
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:	20	Rear Setback:	9	Rear Setback:	20.0
Height:	0	Height:	0	Height:	0.0
Size:	0	Size:	0	Size:	0.0

Code Section(s): 185-17 I

Description: Applicant is requesting relief from Town Code §185 – 17 I for the construction of a Deck encroaching into the rear setback. The deck is proposed to be placed at approximately 9 feet from the rear property line.

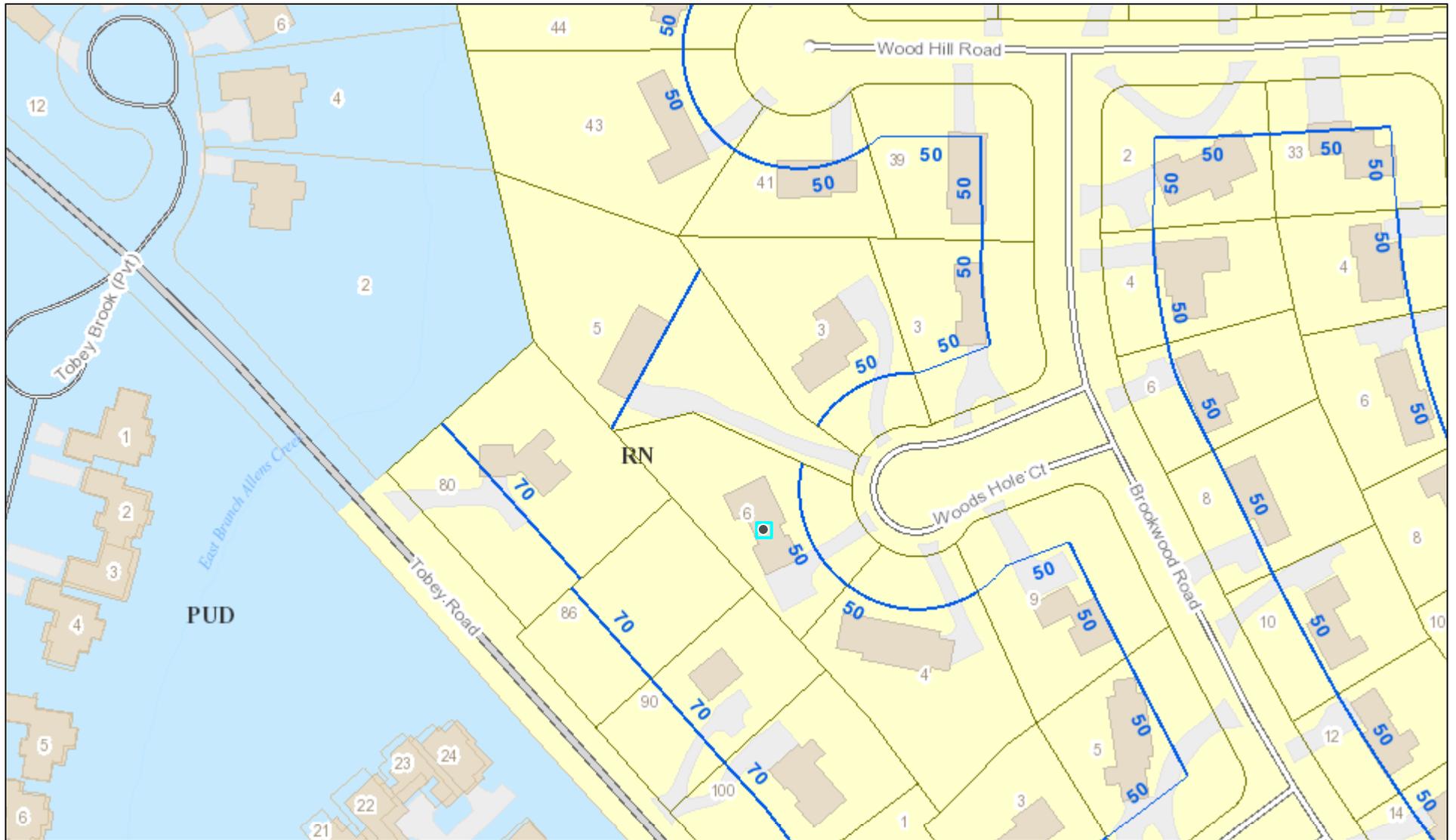
September 04, 2019



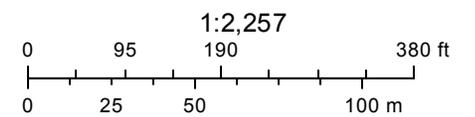
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning

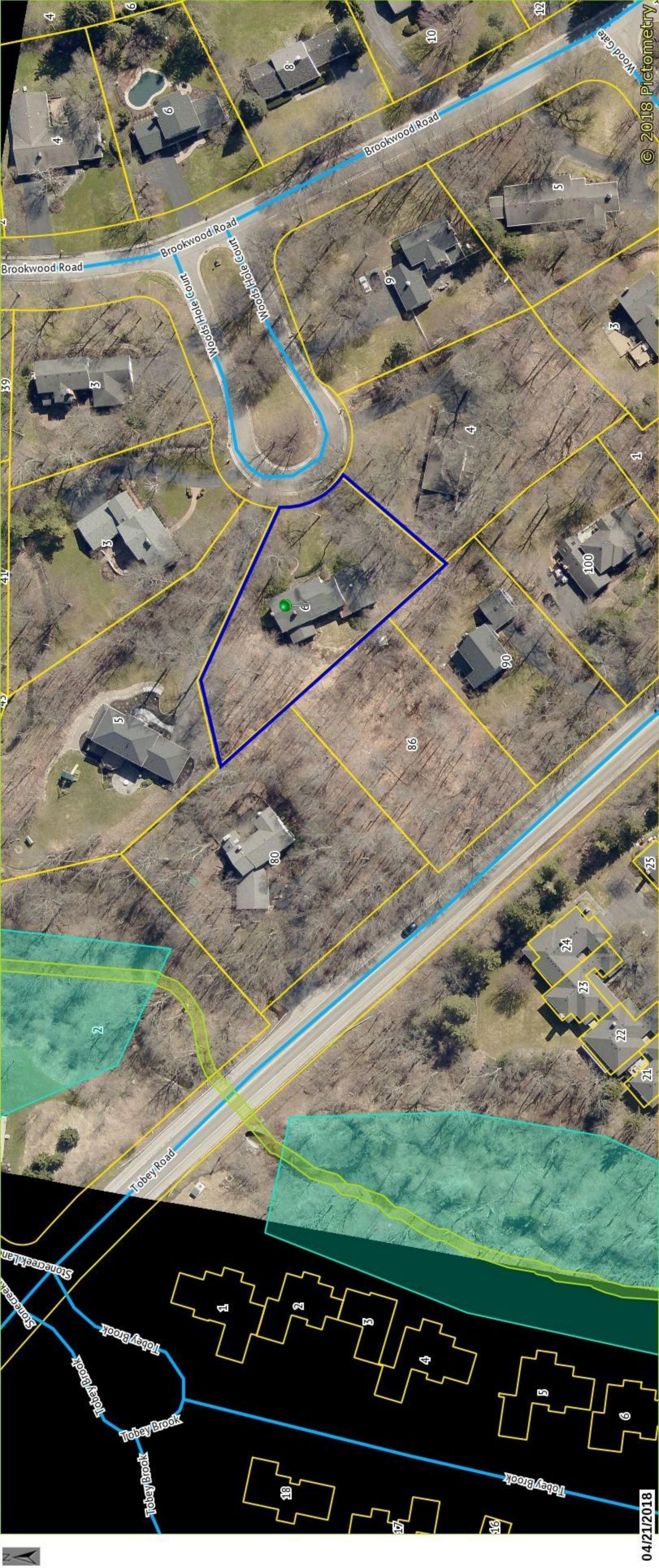


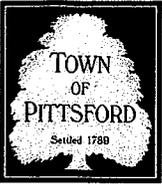
Printed September 4, 2019



Town of Pittsford GIS

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TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: 8/23/19 Hearing Date: _____

Applicant: Stephen Warner

Address: 6 Woods Hole CT Pittsford 14534

Phone: 545 8101 E-Mail: swarnerlaw@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

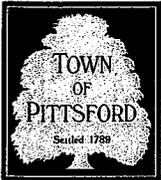
Please describe, in detail, the proposed project:

Add deck to rear of house 36 feet wide x 21 feet deep

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)

8/25/19
(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, _____, the owner of the property located at:

(Street)

(Town)

(Zip)

Tax Parcel # _____ do hereby authorize

_____ 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)

(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 undesirable change to the character of the neighborhood or nearby properties because it is in the rear of the house and not visible from neighboring residences. Also, I own the lot directly behind the residence that could be encroached on the most.

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 house, built in 1967, was built too close to the current line + ~~with~~ parts of the residence are already within the setback

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The area is minimal in that it is in the rear and is not overly large in size

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 deck will not be seen from the neighborhood and only minimally by one neighbor

I have also spoken w/ my neighbor Judy Bulin who might be able to see the deck and she has no objection

• **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?

No

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

6 Woods Hole Ct Deck
(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...

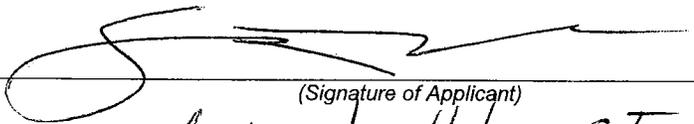
change of zoning special permit building permit permit amendment
 variance approval of a plat exemption from a plat or official map

...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)

8/25/19

(Dated)

6 Woods Hole Ct
(Street Address)
Pittsford NY 14534
(City/Town, State, Zip Code)

TARE LOCATION MAP

NAME TOBEY ESTATES Sec 1 JOB NO. 60-10

STREET WOODS HOLE COURT VILLAGE PITTSFORD, N.Y.

LOT NO. 122 LIBER 163 OF MAPS: PAGE 77

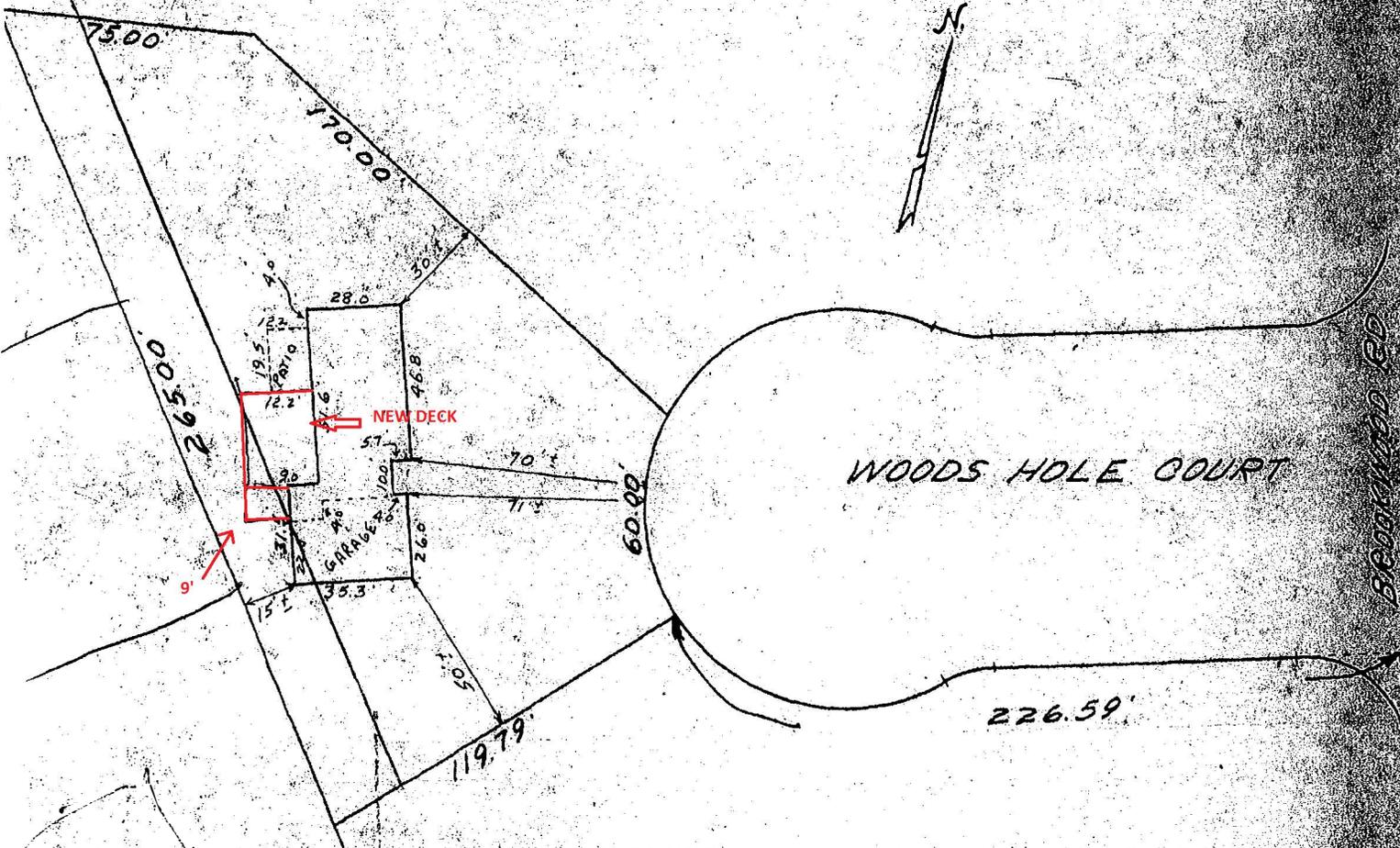
SHOWING TWO STORY Frame DWELLING: GARAGE, YES NO ATTACHED YES

DISTANCE AS SHOWN FROM SOUTHERLY PROPERTY LINE ACTUALLY MEASURED

MONUMENTS USED: YES NO

ALL BUILDINGS ON PREMISES AND ANY APPARENT ENCROACHMENT BY OR ON PREMISES ARE SHOWN.

MAIN FRONT WALL IS (IS NOT) ON APPARENT UNIFORM SET-BACK LINE.



REMARKS: THIS INFORMATION IS FOR RYAN HOMES, INC.

THIS IS NOT AN INSTRUMENT SURVEY AND INFORMATION SHOWN SHOULD NOT BE USED FOR BUILDING PURPOSES OR EXACT LOCATION OF PROPERTY LINES.

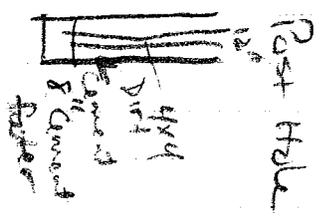
WOZIER ENGINEERS, INC.
10 GIBBS STREET
ROCHESTER, NEW YORK 14604
Redata June 23, 1967

DATED JUNE 20, 1967
SIGNED: N.Y. STATE LICENSE NO. 28726 L.S.

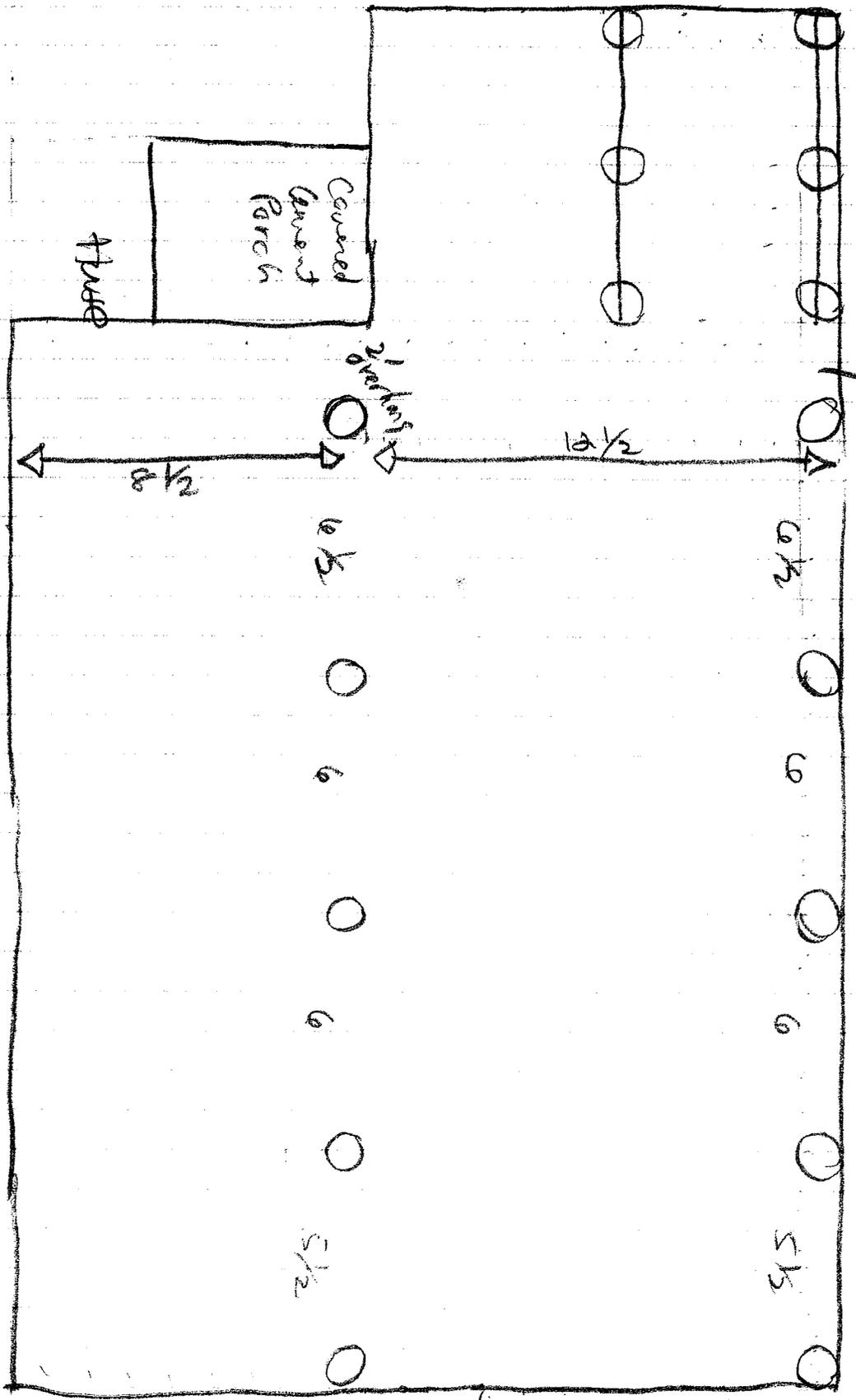
Roderic P. Leland

Beams 2 x 10

2' overhang



2 - 2 x 10 Beams



Zoning Board of Appeals Referral Form Information

Property Address:

5611 Palmyra Road PITTSFORD, NY 14534

Property Owner:

Town of Pittsford

Applicant or Agent:

Rosen Pitcher Dental

Present Zoning of Property: RN Residential Neighborhood
Non-Residential

Code Section(s):185-17

Description: Special Use permit modification to change Karate Studio to Dentist office.

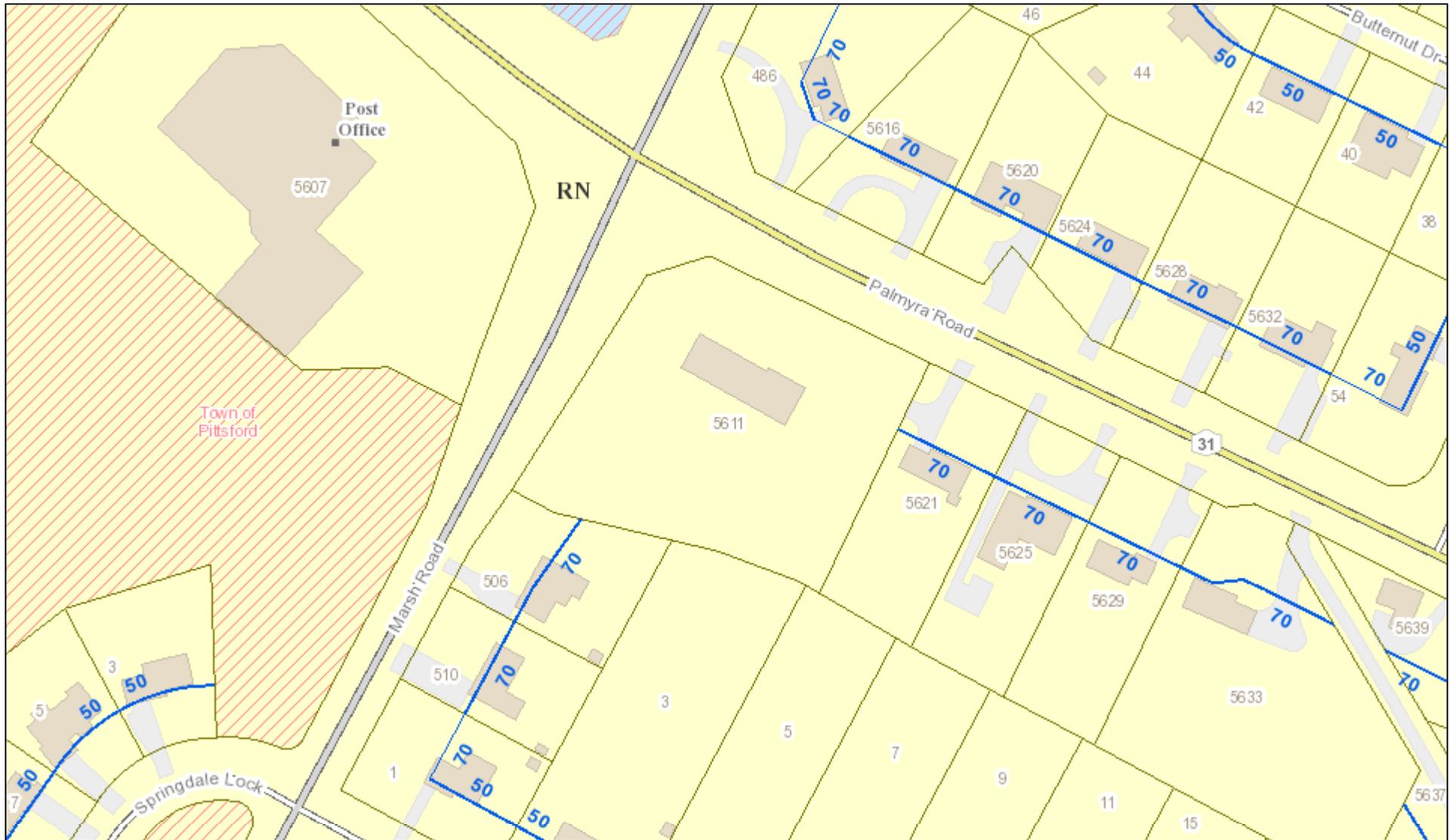
September 03, 2019



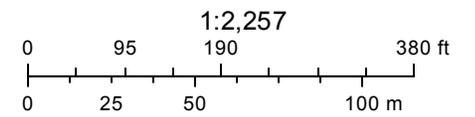
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning

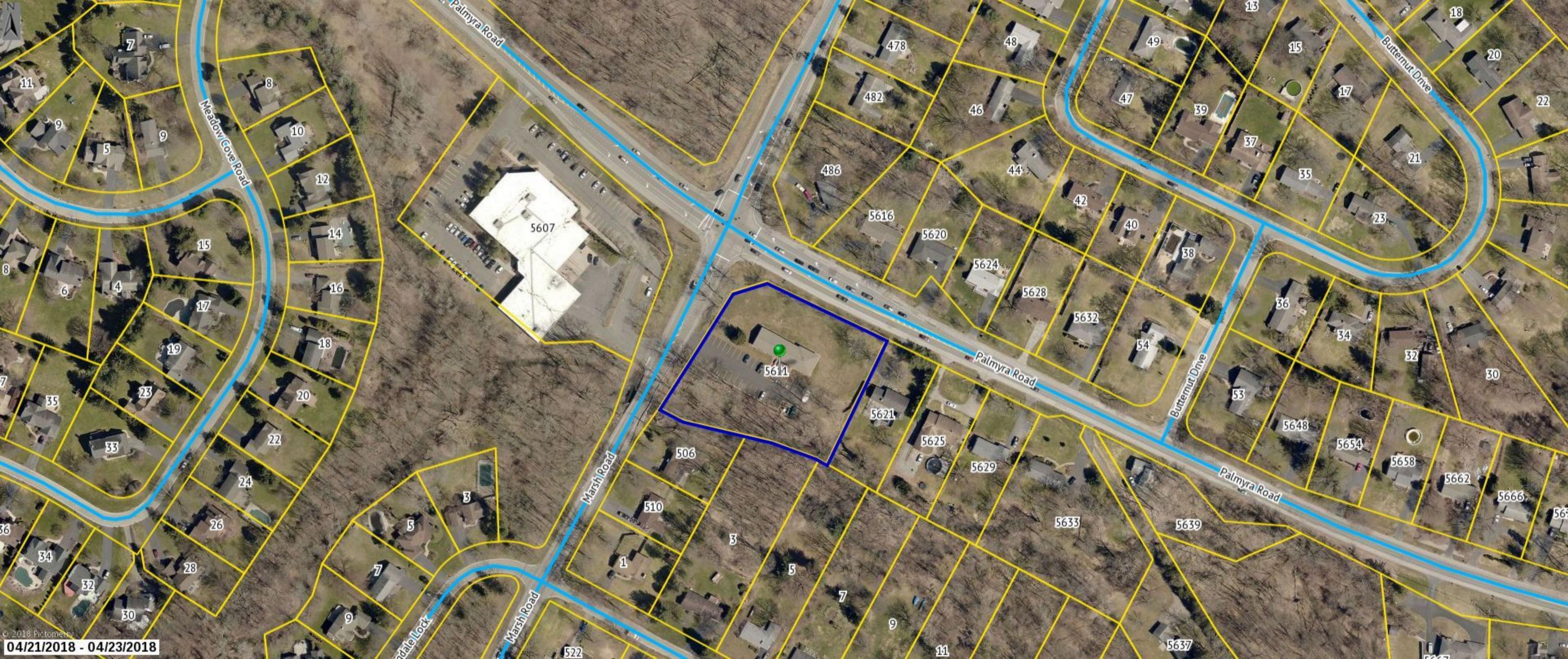


Printed September 4, 2019



Town of Pittsford GIS

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1900 Bausch & Lomb Place
Rochester, New York 14604

P 585.987.2800 F 585.454.3968



1900 Main Place Tower
Buffalo, New York 14202

P 716.248.3200 F 716.854.5100

Writer's Direct Dial Number: 585.987.2905

Writer's Direct Fax Number: 585.362.4623

Email: bbrugg@woodsoviatt.com

ATTORNEYS

woodsoviatt.com

PLEASE NOTE THAT MY DIRECT DIAL TELEPHONE NUMBER AND FAX, AS WELL AS OUR MAILING, HAVE CHANGED – PLEASE UPDATE YOUR RECORDS

August 16, 2019

Zoning Board of Appeals
Town of Pittsford
11 South Main Street
Pittsford, NY 14534



**Re: Application for Modification of Use Variance to allow Rosen Pitcher Dental Group to operate at 5611 Palmyra Road in the Town of Pittsford
LETTER OF INTENT**

Dear Board Members:

This office represents Dr. Marci Mendola-Pitcher and Daniel Pitcher, LLC ("the Applicant") regarding plans to purchase and relocate the Rosen Pitcher Dental Group to the property at 5611 Palmyra Road. This letter is submitted to request that the Zoning Board of Appeals grant approval of proposed modifications to certain conditions of an existing use variance granted in 2014 to allow a business in a residential district and allowing a martial arts studio to operate on the property, for the purpose of allowing the proposed dental practice to operate pursuant to the existing use variance with the proposed modifications, as described below. The proposed modifications will permit use of the property for a pediatric dental office, a use that is consistent with but less intense than the martial arts studio or other previous uses of the property.

PROPERTY

The property at 5611 Palmyra Road is located on the southeast corner of Palmyra Road and Marsh Road, across from the Pittsford Post Office, in the RN Zoning District. The property is at a signalized intersection which includes the US Post Office across Marsh Road and residential neighbors adjacent to the property. The parcel is 1.7 +/- acres in size and includes a 3,830 +/- sq. ft. single-story building and 38 space parking lot. A barn on the property was demolished in the recent past. The existing building has been used as a church, a martial arts studio, and is now owned by the Town of Pittsford, which has used the property for Pittsford Recreation Department offices and programs, and for storage. The property is now under contract for purchase for the proposed dental office.

HISTORY OF PROPERTY

In 2014, the Zoning Board granted a use variance with conditions to allow commercial use in a residential district for a martial arts studio. The martial arts studio use was approved to include group classes in martial arts and yoga, be open Monday-Friday between 4 and 8:30 pm, Saturday 9 am-12:00 noon, and Sunday 9 am-11 am, with building use 6 am-11 pm, and outdoor classes. The martial arts studio accommodated up to 35 participants, with classes and vehicles arriving for drop offs, pick-ups, and parking throughout the evening and weekend hours. Prior to the martial arts studio, the property was home to a church, a use that also involves group gatherings and extended weekday and weekend use.

The Town of Pittsford now owns the property, and used the property for the Town Recreation Department during the renovation of the Spiegel Center, housing an office of 7 or 8 staff and Recreation Department classes and programs. The Recreation Department used the property primarily weekdays between 9 am- 5 pm. When in use, the parking lot would often have 8-10 employee vehicles and between 6-20 additional attendee vehicles. The Town now uses the property for maintenance and storage, with trucks often parked in the parking lot.

PROPOSAL BY ROSEN PITCHER DENTAL

The Rosen Pitcher Dental Group has been providing pediatric dental care to local families since 1971 in its current leased location in the Village of Pittsford. Dr. Marci Mendola-Pitcher, a life-long Pittsford resident, joined the practice in 1999 and has owned the practice since 2003. Dr. Mendola-Pitcher has built her professional and family life in her home town of Pittsford. She would like to purchase and relocate her office to 5611 Palmyra Road, which will be a convenient location for the families she serves.

The Rosen Pitcher Dental Group has historically had 2 dentists, 3-4 hygienists (who also work as dental assistants), and 3 office staff. The second dentist in the practice retired in 2018. While there is no immediate plan to replace him, Dr. Mendola-Pitcher may wish to add to the practice in the future. The proposed office hours are the same as the current office hours. The office is open Monday through Friday between 8 am and 5:30 pm, with staff arriving earlier and departing later in order to prepare or do office work. The office is not open evenings and weekends, although there are occasional after hour emergencies. The focus of the practice is pediatric dentistry, such that typical appointments involve a parent or caregiver bringing one or more children to scheduled appointments, with a patient visits typically lasting an hour or longer. The busiest times are after school and school vacation days.

The dental office use will generate significantly fewer vehicles coming to the office throughout the day than the previous martial arts studio (or the Recreation Department) use of the property, as patients are by scheduled appointment, with one vehicle often bringing more than one patient. There are no group events or evening or weekend business hours. The site has 38 parking spaces, which will accommodate parking for employees and the few patient vehicles that may need to

August 16, 2019

Page 3

Letter to Zoning Board of Appeals, 5611 Palmyra Road, Pittsford

park at any given time. No new lighting is proposed. The site is well screened by trees and a fence. The dental office will be discreet use that will not adversely impact neighbors and be less intense than the approved martial arts studio (or Town use).

PROPOSED IMPROVEMENTS

The current proposal is to use the existing building and parking lot. Neither the building nor parking lot is proposed to be expanded. The proposal involves making interior renovations to the building required to use the property as a dental office, and to make cosmetic improvements to the appearance of the existing building, such as using residential style siding appropriate for an office in a residential area. Architect Dan Mossien has been retained to work on this project.

Relatively minor changes are proposed to existing conditions. The proposed improvements building includes construction of a canopy (14'8" x 15'8" or 229.76 sq. ft. +/-) over the main building entrance to provide cover from the weather and for aesthetic purposes, construction of a new garage (20'x 28' or 560 sq. ft.+/- and 15 ft. in height) next to the east side of the building for storage of property maintenance equipment, and a canopy covered walk (15' x 8' or 120 sq. ft. +/-) connecting the garage and building, with access to the existing parking lot. The proposed garage and canopies are illustrated on a drawing prepared by Dan Mossien Associates architects enclosed with this letter. No new lighting is contemplated. The garage is appropriate in scale for a residential area and its location should not impact neighbors or require variances. In respect to design and materials, the garage will complement the main building. We understand that the garage and building improvements will require approval of the Pittsford Architectural Review Board.

In respect to signage, the Town currently has a sign on the property. The existing sign will be replaced with a new wood sign in the same location as the existing sign. The new sign is proposed to be a 2'6" x 4' wood panel held between two wooden posts, with LED lighting which will illuminate the sign. Lighting will not be visible to neighbors or spillover to the street. It will be lit not more than 30 minutes before dusk until 10 pm, as permitted by an existing approval.

EXISTING USE VARIANCE & PROPOSED MODIFICATIONS

An existing use variance was granted by the Zoning Board of Appeals in 2014 in connection with a martial arts studio which operated at the property. The Board granted the use variance with certain conditions described below. Dr. Mendola-Pitcher proposes to use the property for a dental office in accordance with the existing use variance to allow a business in a residential district with conditions, except that we request approval of certain necessary and appropriate modifications to Conditions #1, #4, and #7, to accommodate the current proposal, as explained further below:

Conditions of 2014 Use Variance:

- 1. This variance is granted only for use as a martial arts studio, including yoga classes, for the limited hours as submitted by the applicant and as referred to in the above Findings of Fact.**

The proposal is to use the property only for a dental office, for limited hours, all as described above. The proposed use is a low-intensity office use that provides primarily pediatric dental care to local families and is open 8-5:30 Monday through Friday. The proposed use is less intense and more consistent with the residential area than the martial arts studio use (or even the Town or church use of the property).

Where the martial arts studio use included group classes turning over during weekday evenings and on weekends and included outside classes, the proposed office use serves individuals by appointment, sometimes with a parent bringing multiple children in a single vehicle, is open traditional weekday daytime office hours only, and provides all services inside the building. The dental office will generate fewer vehicles than the approved martial arts studio use (or the Town or church). The property has sufficient parking for the needs of the office. The proposed dental office use is compatible with residential neighbors, while also being a good use for a property located at the intersection of Palmyra Road and Marsh Road and opposite the post office.

- 2. The parking area is to be screened to prevent light spillage onto adjoining residential properties utilizing fencing and/or plantings as depicted in the rendition photograph submitted with the application. The barn will be rehabbed if possible otherwise it will be demolished.**

NO CHANGE PROPOSED. The applicant will comply with this condition. The existing screening prevents light spillage onto adjoining residential property. The applicant will maintain the screening in accordance with this condition. The barn was already demolished.

- 3. The barn structure currently located on the property is to be rehabilitated or demolished, with all work or demolition to be completed by December 31, 2014.**

NO CHANGE PROPOSED. The applicant complies with this condition. The barn was demolished.

- 4. Signage is to be limited to a single 3' x 2' free-standing sign, no higher than 4' to be located and landscaped as depicted in the rendition photograph submitted by the applicant. Such lighting to be electronically controlled to turn on no more than 30 minutes before dusk and to turn off by 10:00 pm.**

We request approval for a modification to the size of the sign permitted to be 4' x 2'6" or 10 sq. ft. and 4'6" in height. The sign proposed by the martial art studio is no longer on the property. The

current Town's sign is not appropriate for a dental office. The new sign is proposed to be placed in the same location as the current sign. The sign will be a painted wood sign panel with wooden posts, similar to the sign proposed by the martial arts studio. However, we request a larger but still modest size sign than the martial arts studio to allow proper identification and visibility of the dental office to those traveling on the road, and to remain visible when snow accumulates in winter. The proposed sign remains appropriate in size and design for the size of the property, location at a busy intersection, and character of the area, while having no adverse impact to anyone.

The applicant will comply with this condition in respect to lighting of the sign and hours.

5. Any exterior modifications and/or signage are to be approved by the Design Review and Historic Preservation Board.

NO CHANGE PROPOSED. The applicant will comply with this requirement.

6. The applicant is to apply for and receive a change of occupancy from the Town's Building Department and is subject to full compliance with New York State Fire Code requirements.

NO CHANGE PROPOSED. The applicant will comply with this requirement. They have already retained architect Dan Mossien for the project.

7. Any expansion or relocation of the existing parking lot or structure would require an approved modification of the Use Variance by the ZBA.

No expansion is proposed to the parking lot or structure. However, this application is requesting approval of modifications of the use variance for the addition of canopies and construction of a new garage. The applicant proposed to construct: (1) a 229.76 sq. ft. +/- canopy over the main building entrance to provide cover from the weather at the door and to enhance the appearance of the building, (2) a 560 square ft. +/- garage, 15 ft. in height, for storage of property maintenance equipment, and (3) a 120 sq. ft. +/- canopy over a sidewalk which will connect the building and garage, which will both have access to and from the parking lot. The garage is proposed to be built east of the building and a distance from any neighbors, in a less impactful location than the previous barn. The materials and appearance of the garage will complement the building. The applicant plans being to improve the appearance of the building with siding more appropriate to a residential area. These improvements include the necessary sidewalk and connections to the parking lot. No other changes are proposed to size of the building or parking lot.

Based on the information in the application, we respectfully request that the Zoning Board of Appeals grant approval to allow the Rosen Pitcher Dental Group to operate its dental practice at 5611 Palmyra Road in the RN District in accordance with the existing variance with the modifications proposed.

August 16, 2019

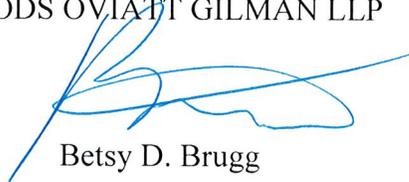
Page 6

Letter to Zoning Board of Appeals, 5611 Palmyra Road, Pittsford

We look forward to presenting this application to you at your meeting on September 16, 2019. In the interim, should you have any questions or require any additional information, please do not hesitate to let us know. Thank you for your consideration.

Very Truly Yours,

WOODS OVIATT GILMAN LLP



Betsy D. Brugg

Please direct responses to Rochester Office

BDB/baw

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
February 17, 2014**

PRESENT

George Dounce, Chairperson, Barbara Servé, Vice Chairperson, Robert Shaddock, Jaime Waldman

ALSO PRESENT

Richard T. Williams II, Town Attorney and Jason Kaluza, Staff Liaison, Linda Stoddard, Acting ZBA Secretary

ABSENT

Michael Rose, Mary Ellen Spennacchio-Wagner; Susan Donnelly, Secretary to the Board

George Dounce, Chairman, called the regularly scheduled meeting of the Zoning Board of Appeals to order at 7:00 PM and opened the following Public Hearing(s) published in the February 6, 2014 edition of the Brighton Pittsford Post.

Chairman Dounce indicated the Board would first consider the proposal for a Use Variance for 5611 Palmyra Road. The hearing was closed at the January 10th meeting to allow the board additional time to consider the application.

5611 Palmyra Road, Tax #164.12-1-66, Reorganized Church of Jesus Christ of Latter Day Saints, Owner and William Harp, Applicants are requesting relief from Town Code §185-13, Permitted uses. Use variance requested to allow a business in a residential district. Property is zoned RN.

Chairman Dounce indicated a written SEQRA resolution was prepared to grant a Negative Declaration that was moved by Board Robert Shaddock and seconded by Chairman Dounce.

Roll call: Ayes: Waldman, Servé, Shaddock and Dounce; Nays: None; Absent: Rose and Spennacchio-Wagner.

Following the approved SEQRA resolution, Mr. Shaddock read the resolution for Use Variance which he moved and Chairman Dounce seconded.

Roll call: Ayes: Waldman, Servé, Shaddock and Dounce; Nays: None; Absent: Rose and Spennacchio-Wagner.

The resolution for Use Variance at 5611 Palmyra Road was approved with the following specific conditions:

1. This variance is granted only for use as a martial arts studio, including yoga classes, for the limited hours as submitted by the applicant and as referred to in the above Findings of Fact.
2. The parking area is to be screened to prevent light spillage onto adjoining residential properties, utilizing fencing and/or plantings as depicted in the rendition photograph submitted with the application. The barn on the property will be rehabbed if possible otherwise it will be demolished.
3. The barn structure currently located on the property is to be rehabilitated or demolished, with all work or demolition to be completed by December 31, 2014.
4. Signage is to be limited to a single 3' x 2' free-standing sign, no higher than 4', to be located and landscaped as depicted in the rendition photograph submitted by the applicant. Such lighting to be electronically controlled to turn on no more than 30 minutes before dusk and to turn off by 10:00 pm. Such lighting shall also comply with the lighting standards set forth in Town Code §185-141 E.
5. Any exterior modifications and/or signage are to be approved by the Design Review and Historic Preservation Board.
6. The applicant is to apply for and receive a change of occupancy from the Town's Building Department and is subject to full compliance with New York State Building and Fire Code requirements.
7. Any expansion or relocation of the existing parking lot or structure would require an approved modification of the Use Variance by the ZBA.

ZBA Minutes 2/17/14

66 East Park Road, Tax #151.17-3-24, Mr. & Mrs. Weerasinghe are requesting relief from Town Code §185-17 B (1). An Area Variance is requested to allow construction of a garage forward of the building line. Property zoned RN.

The Board reviewed the application with Mr. Weerasinghe, who proposes to construct a two (2) car garage.

There was no public comment regarding this application. Board Member Shaddock moved to close the Public Hearing seconded by Board Member, Barbara Servé. The Public Hearing was closed.

This matter is exempt from Monroe County Planning Department review, is a Type II Action and is not subject to SEQRA review.

A written resolution to approve the Area Variance was moved by Robert Shaddock and seconded by Jaime Waldman.

Roll call: Ayes: Waldman, Servé, Shaddock and Dounce; Nays: None; Absent: Rose and Spennacchio-Wagner.

This resolution for area variance at 66 East Park Road was approved with the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated January 29, 2014.
2. All construction is to be completed by December 31, 2015.
3. The proposed addition is subject to review and approval by the Design Review and Historic Preservation Board.

196 Golf Avenue, Tax #151.16-4-3, PRD Properties LLC is requesting relief from Town Code §185-113 B (1) & (2). An Area Variance is requested to construct an accessory structure exceeding size and height restrictions. Property is zoned RN.

The Board reviewed the above variance with Mr. Caselli who was present to represent the applicant. He explained the applicant chose not to attach the garage to the home.

There was no public comment regarding this application. Chairman George Dounce moved to close the Public Hearing seconded by Board Member, Barbara Servé. The Public Hearing was closed.

This matter is exempt from Monroe County Planning Department review, is a Type II Action and is not subject to SEQRA review.

A written resolution to approve the Area Variance was moved by Robert Shaddock and seconded by Jaime Waldman.

Roll call: Ayes: Waldman, Servé, Shaddock and Dounce; Nays: None; Absent: Rose and Spennacchio-Wagner.

This resolution for Area Variance at 196 Golf Avenue was approved with the following specific conditions:

1. This variance is granted only for the plans submitted by the Applicant dated November 23, 2013.
2. All construction is to be completed by December 31, 2015.

63 Mahogany Run, Tax #177.04-2-16, Mr. & Mrs. Connors are requesting relief from Town Code §185-113 B (3). An Area Variance is requested to place a backup generator forward of the front wall of the main structure. Property is zoned RN.

The Board reviewed the application with Mr. Connors, who proposes to have a generator installed in front of an alcove forward of the structure's front wall. Mr. Connors explained why this location was chosen and noted he was working with a landscaping service to conceal the generator from view and to help mitigate the mechanical noise created during weekly test runs.

ZBA Minutes 2/17/14

Board members discussed the possibility of relocating the generator to the rear or side of the home and inquired what the decibel level was when the machine is in test mode, suggested alternate landscaping material and expressed concern that too much landscaping could restrict airflow around the generator. It was also suggested Mr. Connors contact his contractor to provide a better layout for the Board to review.

Board Member, Barbara Servé asked staff whether any neighbors commented and Mr. Kaluza explained three (3) neighbors called with concerns but left no names.

Chairman Dounce indicated the hearing would be held over to the March 17th meeting.

Other:

The minutes of January 20, 2014 were approved by voice vote.

Point person assignments for March 17th were discussed.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Linda Stoddard
Acting ZBA Secretary
Town of Pittsford

**TOWN OF PITTSFORD
Zoning Board of Appeals
SEQRA RESOLUTION**

**Re: 5611 Pittsford Palmyra Rd.
Tax Parcel # 164-12-1-66**

WHEREAS, Bill Harp Properties, Inc., has submitted an application for a Use Variance to allow the establishment of a martial arts studio at the above location; and

WHEREAS, this application is an unlisted actin and has been subject to single agency review pursuant to SEQRA; and

WHEREAS, a Part I EAF was submitted by the applicant as part of the application materials; and

WHEREAS, a Part II EAF has been prepared, which does not identify any significant adverse environmental impacts associated with this this action; and

WHEREAS, any potential minor impacts associated with this actin can be adequately mitigated through conditions imposed on the approval and the usual regulation of site development; and

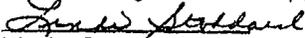
NOW, THEREFORE, upon consideration by the Zoning Board of Appeals of all written and oral submissions and testimony by the Applicant and following a public hearing on this matter and the Zoning Board having given this matter due deliberation and consideration; it is

RESOLVED, that the Zoning Board finds that the proposed action will not have any significant adverse impact on the environment, and accordingly, hereby grants a negative declaration pursuant to the State Environmental Quality Review Act.

The within Resolution was moved by Zoning Board of Appeals, member Robert Shaddock, seconded by Board member George Dounce, and voted upon by the Board members, as follows:

Jaime Waldman	aye
Barbara Servé	aye
Robert Shaddock	aye
Mary Ellen Spennacchio-Wagner	absent
Michael Rose	absent
George Dounce	aye

The Zoning Board of Appeals adopted the above resolution on February 17, 2014.


Linda Stoddard
Acting ZBA Secretary



**ZONING BOARD OF APPEALS APPLICATION
TOWN OF PITTSFORD
11 SOUTH MAIN STREET
PITTSFORD, NY 14534**

OWNER: Town of Pittsford

ADDRESS: 11 South Main Street
Pittsford, NY 14534

PHONE: 585-248-6200

FAX: _____

APPLICANT: Daniel Pitcher, LLC

ADDRESS: c/o Rosen Pitcher Dental Group
25 S. Main Street, Pittsford, NY 14534

PHONE: 585-586-2222

FAX: mpitcher002@rochester.rr.com

AGENT: Betsy D. Brugg, Esq.

ADDRESS: Woods Oviatt Gilman, LLP
1900 Bausch and Lomb Place, Rochester, NY 14604

PHONE: 585-987-2905

FAX: bbrugg@woodsoviatt.com

TYPE OF PROJECT: Change of use of property to dental office

DESCRIPTION OF PROPERTY FOR WHICH APPROVAL IS SOUGHT:

Address: 5611 Palmyra Road (Southeast corner of Marsh Road)

Age of structure for which variance is sought: 1976 ±
If built prior to 1929, which would make the structure pre-existing, non-conforming, some legal proof is necessary.)

Present zoning of property: Residential Neighborhood (RN)

Tax parcel number: 164.12-1-66

Size of parcel in acres / square feet (specify): ± 1.7 acres (74,052 sq. ft.)

Requirements under the Zoning Ordinance from which you seek relief (cite specific language of Code):
Request approval of modification to existing use variance granted 2014 from §185-113 to allow
commercial use in RN District

Distance and direction to nearest major intersection: At intersection of Palmyra Road and Marsh Road

Is property located within 500 feet of a municipal boundary? No

TYPE OF APPLICATION:

Special Permit (proposed use is specified in the zoning ordinance as allowed only with a special permit)

Area Variance (setback, density, size of structure or lack of conformance to some other dimensional standard of the zoning ordinance)

Use Variance (proposed use is not a principle permitted use according to the zoning ordinance)
Modification of existing use variance granted 2/17/2014.

Form E

STATE OF NEW YORK
COUNTY OF MONROE
PITTSFORD

TOWN OF

In the Matter
of

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 (variance, change of zoning, amendment, approval of a plat, exemption from a plat or official map, for a special permit, for a building permit, or permit**) 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:

<u>Name</u>	<u>Address</u>
N/A	
_____	_____
_____	_____
_____	_____
_____	_____

Daniel Pitcher, LLC
By: Daniel C. Pitcher
Signature of Applicant

As: Daniel C. Pitcher

25 South main St.
Street Address

Pittsford NY 14534
City/Town, State, Zip Code

Dated: 8-14-19
**Strike out inapplicable words

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Rosen Pitcher Dental Group			
Project Location (describe, and attach a location map): 5611 Palmyra Road, Pittsford, New York			
Brief Description of Proposed Action: The applicant proposes to convert an existing building in RN Zoning District to a dental office pursuant to existing variance dated 2/17/2014 with modifications. Request approval for modification of use variance.			
Name of Applicant or Sponsor: Daniel Pitcher, LLC		Telephone: (585) 586-2222 E-Mail: mpitcher002@rochester.rr.com	
Address: 25 S. Main Street			
City/PO: Pittsford		State: NY	Zip Code: 14534
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Pittsford Design Review and Preservation Board			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.7 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.7 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): U.S. Post Office <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional

Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

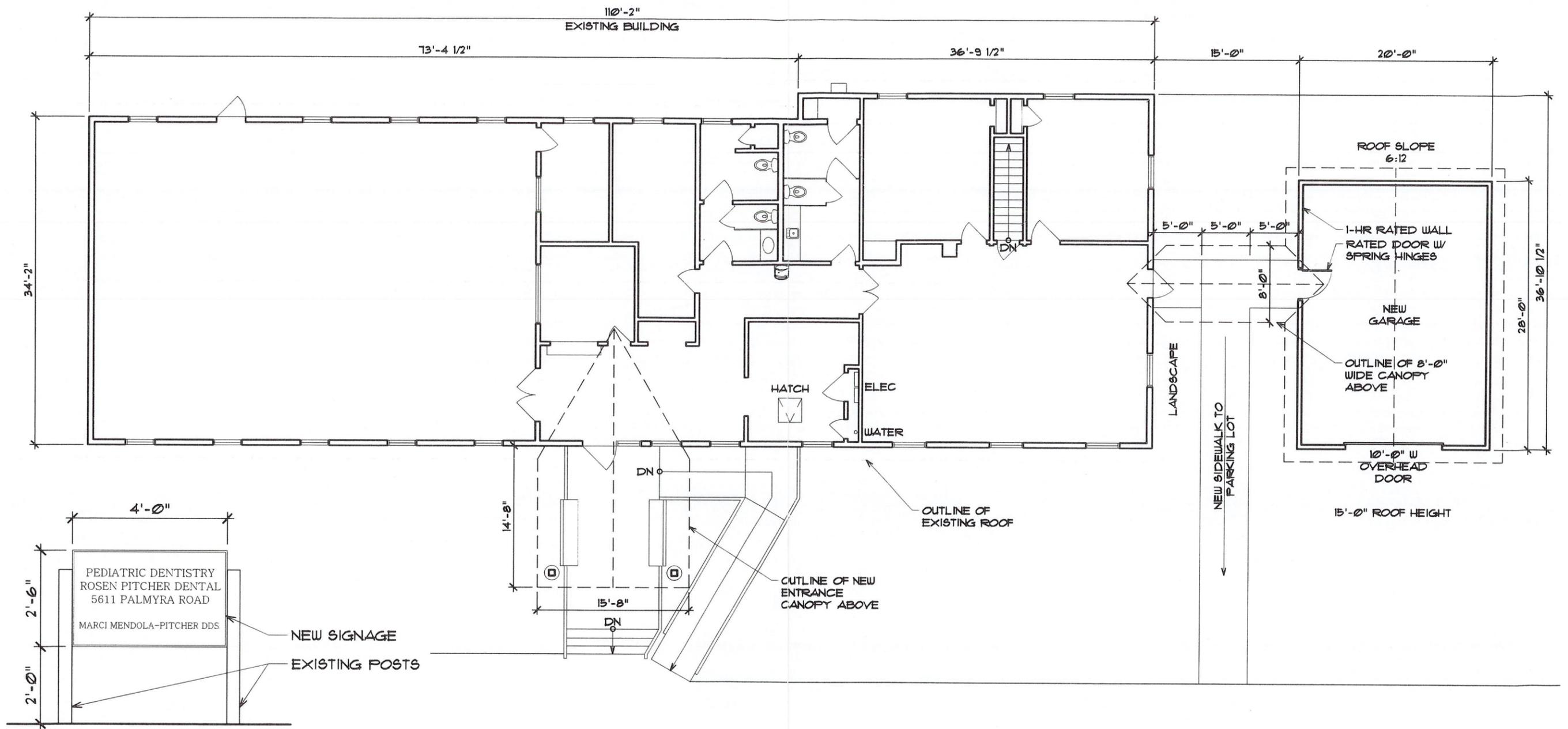
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Daniel Pitcher, LLC Date: 8-14-19

Signature: *Daniel C Pitcher* Title: owner



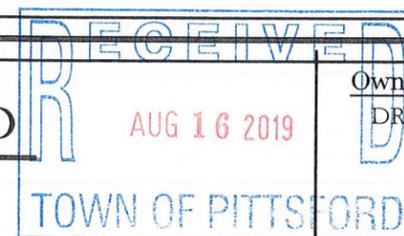
YARD SIGN SCHEMATIC
SCALE: 3/8" = 1'-0"

EXISTING FLOOR PLAN W/ PROPOSED GARAGE AND CANOPY ADDITIONS
SCALE: 3/32" = 1'-0"



Project
PROPOSED GARAGE AND CANOPY ADDITIONS - 5611 PALMYRA ROAD

PITTSFORD, NEW YORK
AUGUST 14, 2019 / 2019-025



Owner
DR. MARCI PITCHER, DDS

Architect

MOSSIEN
ASSOCIATES
ARCHITECTS, P.C.

TOWN OF PITTSFORD
MAINTENANCE DEPARTMENT.

5611 PALMYRA RD



