

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
July 19, 2021**

PUBLIC HEARINGS FOR AN AREA VARIANCE

- 1 Skytop Lane, Tax # 164.09-2-21, Applicant is requesting relief from Town Code §185 – 17 (E) for a proposed shed encroaching into the side setback. Property is zoned RN – Residential Neighborhood District.
- 8 Sugarbush Lane, Tax # 178.16-1-20, Applicant is requesting relief from Town Code §185 – 17 (E) for a proposed sun room addition encroaching into the side setback. Property is zoned RN – Residential Neighborhood District.
- 810 Allens Creek Road, Tax # 138.13-1-40. Applicant is requesting relief from Town Code(s) §185-113 B. (1); (2); for an oversized, over height accessory structure (3 car garage, proposed to be 1260 +/- square feet and greater height than the 12 feet allowed by code). Property zoned RN – Residential Neighborhood District.

CONTINUED HEARING

No advisory comments from the Design Review and Historic Preservation Board have been submitted.

- 18 Golf Avenue, Tax # 151.15-2-45.2 Applicant is requesting relief from Town Code(s) §185-113 B. (1); (2); for an oversized, over height accessory structure (garage/barn, proposed to be 1440 square feet and 29 feet in height). Property zoned RN – Residential Neighborhood District.

draft
**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
June 21, 2021**

PRESENT

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, James Pergolizzi, Phil Castleberry
Barbara Servé, David Rowe

ALSO PRESENT

Cathy Koshykar, Town Board Liaison; Robert Koegel, Town Attorney; Doug DeRue, Director of Planning
and Zoning; Susan Donnelly, Secretary to the Board

ABSENT

Thomas Kidera

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

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. The applications are
exempt from review by the Monroe County Planning Department based on an agreement with Monroe
County dated October 7, 2008.

PUBLIC HEARING FOR AN AREA VARIANCE

- 111 Overbrook Road, Tax # 138.18-1-36, Applicant is requesting relief from Town Code §185 – 17
(E) for the construction of an addition encroaching into the side setback. Property is zoned RN –
Residential Neighborhood District.

George Dounce moved to open the Public Hearing.

Roger Langer of Greater Living Architecture and the homeowner, Claudia Rubino were present.

Ms. Rubino desires to provide more space for her family and requires the variance to create an
addition. She indicates that she approached her closest neighbor and they did not have a problem
with the plan.

There was no public comment.

There was no further comment from the Board.

Phil Castleberry moved to close the Public Hearing.

David Rowe seconded.

All Ayes.

DECISION FOR 111 OVERBROOK ROAD – AREA VARIANCE

A written resolution was moved for 111 Overbrook Road was moved by Zoning Board of Appeals
member Phil Castleberry, seconded by Board member Mary Ellen Spennacchio-Wagner, and voted
upon by the Board members, as follows:

Thomas Kidera	Absent
James Pergolizzi voted	Aye
David Rowe voted	Aye

Mary Ellen Spennacchio-Wagner Aye
George Dounce voted Aye
Phil Castleberry voted Aye
Barbara Servé voted Aye

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

1. This variance is granted only for the site map submitted to the Zoning Board of Appeals dated May 12, 2021
 2. All construction is to be completed by December 31, 2023.
 3. This application is subject to the approval of the Design Review and Historic Preservation Board.
- 522 Marsh Road, Tax # 164.16-1-29 Applicant is requesting relief from Town Code §185-17 B (1) for a garage addition on a corner lot encroaching into the front setbacks of Cullens Run and Marsh Road. Property zoned RN – Residential Neighborhood District.

George Dounce moved to open the Public Hearing.

The owner, Nancy Booth, was present.

The setback request is needed to increase living space and replace a carport with a two-car garage. The construction cannot be placed in a different area due to the location of the septic tank and leech lines on the property.

It is determined that the garage will not impact the sight line. The tree at Cullens Run will not be removed.

Andy Roberts who resides at the home talked to the neighbors and there is no apparent concern.

There was no further public comment.

Mary Ellen Spennacchio-Wagner moved to close the Public Hearing.

Jim Pergolizzi seconded.

All Ayes.

DECISION FOR 522 MARSH ROAD – AREA VARIANCE

A written resolution was moved by Zoning Board of Appeals member Mary Ellen Spennacchio-Wagner, seconded by Board member George Dounce, and voted upon by the Board members, as follows:

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

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

1. This variance is granted only for the plan submitted and prepared by the Applicant dated May 14, 2021.
2. All construction is to be completed by December 31, 2024.
3. The application is subject to the approval of the Design Review and Historic Preservation Board.

- 18 Golf Avenue, Tax # 151.15-2-45.2 Applicant is requesting relief from Town Code(s) §185-113 B. (1); (2); for an oversized, over height accessory structure (garage/barn, proposed to be 1440 square feet and 29 feet in height). Property zoned RN – Residential Neighborhood District.

George Dounce moved to open the Public Hearing.

The homeowner, John Flannery, was present.

Mr. Flannery described the project as a Colonial style barn that his family would utilize as storage space for cars and tools with a second floor which would be used as a recreation area. The location would be at the end of the driveway and would not encroach into the conservation easement. The location would be in an area that has a slope and the structure would sit 4 ft. lower than the driveway. Mr. Flannery indicated he does not want to take down any trees that are not necessary to remove.

It was discussed that this is a designated historic property that requires a Certificate of Appropriateness be granted. At present, the Design Review and Historic Preservation Board has determined that not enough information has been presented on size and location to make a recommendation to the Zoning Board of Appeals.

Mr. Flannery indicated that Bob Corby has been retained to draw up a plan for the barn.

The Board inquired whether the height could be adjusted on the barn and Mr. Flannery indicated that it could be an option. He indicated that Roger and Maria Powers have expressed their support for the project.

Phil Castleberry expressed that he felt the barn should not exceed the height of the house as viewed from Golf Avenue.

A straw poll of the Board unanimously supported Mr. Castleberry's opinion on the height.

Doug DeRue confirmed that this would not be a dwelling unit.

An email from Fran Kramer of 17 Golf Avenue was distributed to the Board. She is not in favor of the project as it currently stands.

There was no further public comment.

The Zoning Board of Appeals expressed that they do not wish to be lead agency on this application.

The Zoning Board requests new drawings and elevations of the proposed structure. They expressed they do not want to see the new structure tower over the existing house.

This hearing remains open.

REVIEW OF MEETING MINUTES OF JUNE 21, 2021

George Dounce moved to approve the minutes of June 21, 2021 as written.

All Ayes.

POINT PERSONS FOR JULY 19, 2021 MEETING

8 Sugarbush Lane – Tom Kidera

810 Allens Creek Road – David Rowe

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 8:10 pm.

All Ayes.

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals

DRAFT

Zoning Board of Appeals Referral Form Information

Property Address:

1 Skytop Lane PITTSFORD, NY 14534

Property Owner:

Smillie, Robert P
1 Skytop Ln
Pittsford, NY 14534

Applicant or Agent:

Smillie, Robert P
1 Skytop Ln
Pittsford, NY 14534

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

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	20	Right Lot Line:	4	Right Lot Line:	16
Left Lot Line:	20	Left Lot Line:	16.5 existing	Left Lot Line:	0.0
Front Setback:	50	Front Setback:	57.4	Front Setback:	0.0
Rear Setback:	20	Rear Setback:	0	Rear Setback:	0.0
Height:	12	Height:	12	Height:	0.0
Size:	180	Size:	120	Size:	0.0

Code Section(s): Town Code §185 – 17 (E) for a proposed shed encroaching into the side setback. Property is zoned RN – Residential Neighborhood District.

Description: Shed is proposed encroaching 16 feet into the 20 foot side setback resulting in a setback of 4 feet.

July 08, 2021



Date

Doug DeRue - Director Planning Zoning Development



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: 6-7-21 Hearing Date: _____

Applicant: Robert Smillie

Address: 1 Skytop Lane Pittsford

Phone: 585 259-1044 E-Mail: smillie@rochester.rr.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: 1 Skytop Lane Current Zoning: residential - corner lot

Tax Map Number: 9/c# 264689 16409-2-21

Application For: Residential Commercial Other

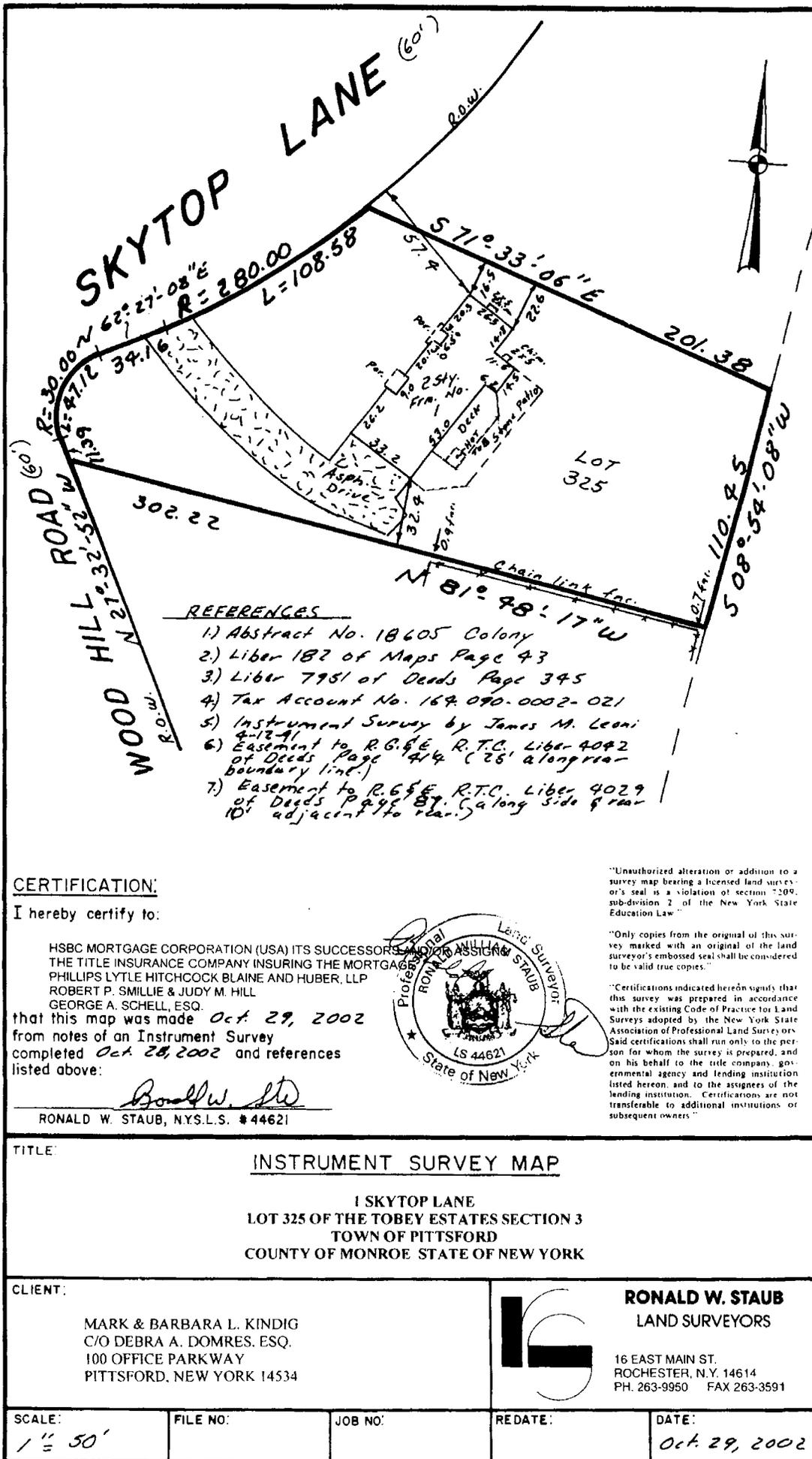
Please describe, in detail, the proposed project:

We want to put a shed in our side yard. We understand it needs to be 20 ft from the side lot line. We would like to put it 4 ft from the side lot line. Neighbors have arborvites on their side in the area in question

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)

6-6-21
(Date)



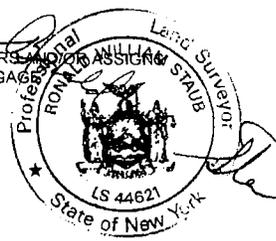
CERTIFICATION:

I hereby certify to:

HSBC MORTGAGE CORPORATION (USA) ITS SUCCESSORS AND ASSIGNS
 THE TITLE INSURANCE COMPANY INSURING THE MORTGAGE
 PHILLIPS LYTL HITCHCOCK BLAINE AND HUBER, LLP
 ROBERT P. SMILLIE & JUDY M. HILL
 GEORGE A. SCHELL, ESQ.

that this map was made **Oct 29, 2002**
 from notes of an Instrument Survey
 completed **Oct 28, 2002** and references
 listed above:

Ronald W. Staub
 RONALD W. STAUB, N.Y.S.L.S. #44621



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

"Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies."

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional instructions or subsequent owners."

TITLE:

INSTRUMENT SURVEY MAP

1 SKYTOP LANE
LOT 325 OF THE TOBEY ESTATES SECTION 3
TOWN OF PITTSFORD
COUNTY OF MONROE STATE OF NEW YORK

CLIENT:

MARK & BARBARA L. KINDIG
 C/O DEBRA A. DOMRES, ESQ.
 100 OFFICE PARKWAY
 PITTSFORD, NEW YORK 14534

RONALD W. STAUB
LAND SURVEYORS

16 EAST MAIN ST.
 ROCHESTER, N.Y. 14614
 PH. 263-9950 FAX 263-3591

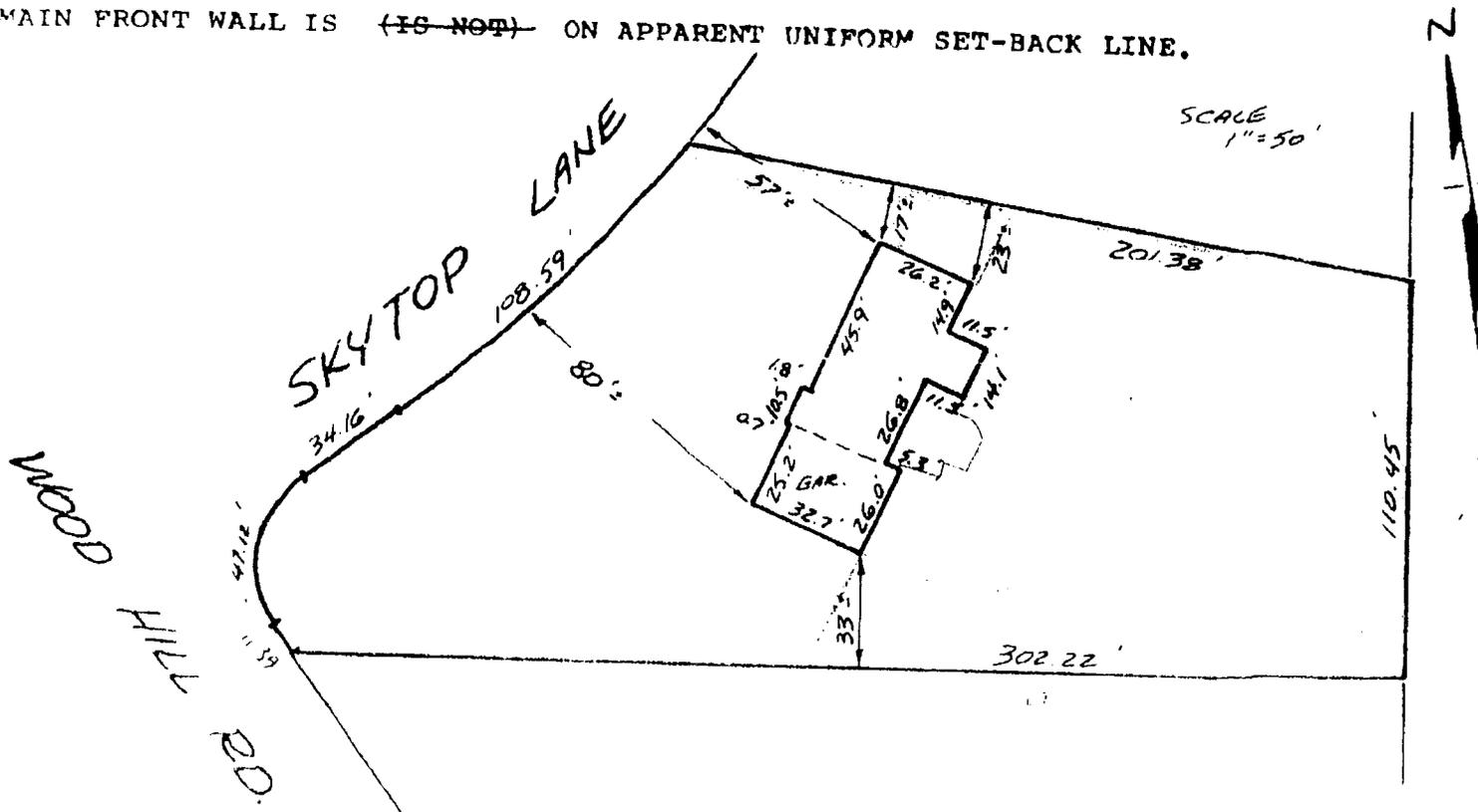
SCALE: 1" = 50'	FILE NO.:	JOB NO.:	REDATE:	DATE: Oct. 29, 2002
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TAPE LOCATION MAP

NAME TOBEY ESTATES SECT. 3 JOB NO. 60-10
(VILLAGE)
STREET SKY TOP LANE (TOWN)
(CITY) PITTSFORD, N.Y.
LOT NO. 325 LIBER 182 OF MAPS: PAGE 43
SHOWING 2 STORY FRAME DWELLING: GARAGE: YES NO ATTACHED YES
DISTANCE AS SHOWN FROM NORTHERLY 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.

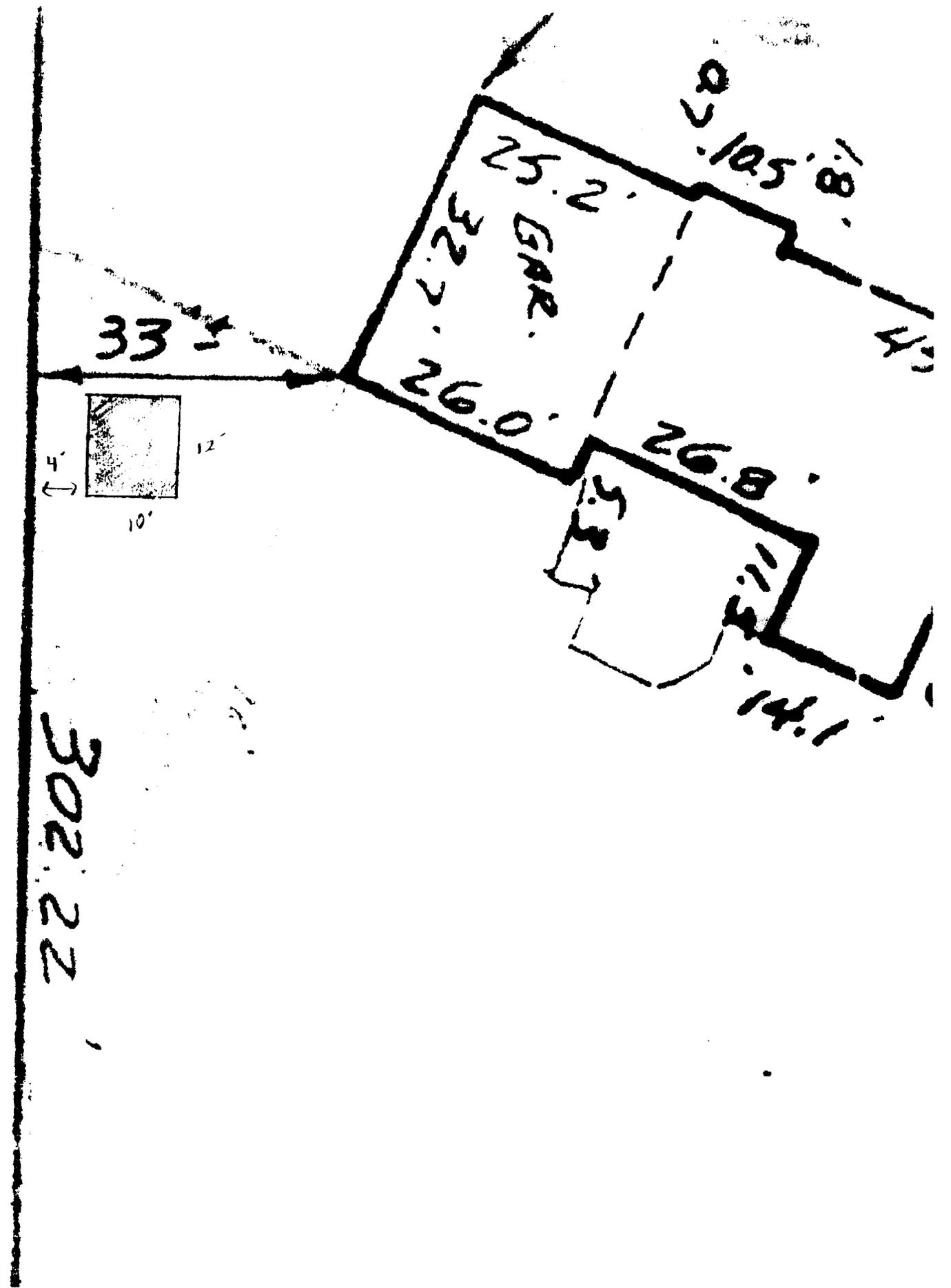


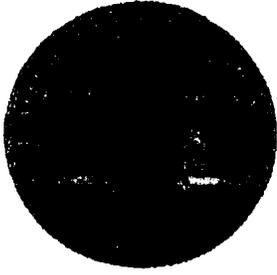
REMARKS: THIS INFORMATION IS FOR RYAN HOMES, INC.

THIS IS NOT AN INSTRUMENT SURVEY AND INFORMATION SHOWN SHOULD NOT BE USED FOR BUILDING PURPOSES OR EXACT LOCATION OF PROPERTY LINES. TELEPHONE, GAS OR POWER LINE EASEMENTS ARE NOT SHOWN.

LESTER ENGINEERS, INC.
CIBBS STREET
CHESTER, NEW YORK 14604
CEN

SIGNED Robert E. Lester
N.Y. STATE LICENSE NO. 28726 C.S.
DATED: NOVEMBER 2, 1972





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:

We are a corner lot, but our backyard is not visible from the road. The proposed shed would have landscape on either side. The tree at the top of our driveway will probably be removed as it is tilting and beginning to die from bottom up. We plan to put a few arborvite in that spot, so shed would be behind the arborvites. The back of the shed would not be visible to neighbors as they have arborvites in that area.

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

We understand the code requires the shed to be 26 ft off our property line. We currently have a planting bed which is approx 13-14 ft off the property line. Hence the shed would be in the middle of our yard instead of somewhat hidden in the current planting bed (we have to remove some shrubs and weeds growing there). We are ~~proposing~~ proposing putting it 11 ft off the line, so a 10 x 12 ft shed would fit in the current landscaped area and not in our grass area.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

We believe it is minimal. Please see responses to #1 & #2.

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:

We don't believe it will be visible from the road. Please see responses to #1 and #2.

Shed will be purchased from Amish
It will be 10x12ft. with T111 wood and shingles on roof. Windows on either side of double door (no windows on side).

- **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

Smilie - Shed
(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)

6/1/2021
(Date)

L Skutumpah Lane
(Street Address)

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



Brochure picture of shed

Color will be light grey
with white trim



Straight on view

Shed would be placed
between the current
pine tree (A) at
driveway and short
green shrub (B)

Remove lilac trees
between



Shed would be placed behind pine tree and basketball hoop.

We would clean all trees and shrubs from the top of the driveway and will plant new arborvitae shrubs



View from
behind current
pine tree.

Placement of
shed



View from
backyard

Shed would be
placed between
the current pine
tree (A) at
driveway and
short green
shrub (B) in
center of picture
(along grass
line)

Zoning Board of Appeals Referral Form Information

Property Address:

8 Sugarbush Lane PITTSFORD, NY 14534

Property Owner:

Fernandez, Josh
8 Sugarbush Ln
Pittsford, NY 14534

Applicant or Agent:

Fernandez, Josh
8 Sugarbush Ln
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:	10	Right Lot Line:	6	Right Lot Line:	4.0
Left Lot Line:	20	Left Lot Line:	58.3	Left Lot Line:	0.0
Front Setback:	50	Front Setback:	50	Front Setback:	0.0
Rear Setback:	20	Rear Setback:	0	Rear Setback:	0.0
Height:	0	Height:	0	Height:	0.0
Size:	0	Size:	0	Size:	0.0

Code Section(s): 185-17 (E)

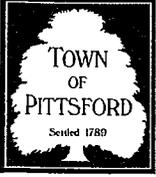
Description: Area variance for side setback for sun room addition. The proposed addition will encroach 4 feet into the 10 foot side setback leaving a setback of 6 feet.

July 08, 2021

Date



Doug DeRue - Director Planning Zoning Development



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: June 14, 2021 Hearing Date: _____

Applicant: Josh Fernandez

Address: 8 Sugarbush Lane

Phone: (585) 737-4074 E-Mail: josh@freshco.biz

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:

We would like to add a 3-seasons room off of our kitchen. The room would extend 4' into the 10' of buffer we need between our neighbor's property line. (So there would still be 6' of room between the new room and our neighbor's property.)

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) 6/14/21 *(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:

I believe a three seasons roomed would actually add aesthetics to a currently under-utilized area of our property. Right now, there is nothing but leaves, grass, and weeds between our house and a line of arborvitae that separates our property from our neighbor's property. Our neighbor's garage sits on the other side of the arborvitae.

So the three seasons room will not obstruct anyone's views, won't get in anyone's way, and will be an aesthetic treatment of currently wasted space.

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

Extending the three seasons room lengthwise, without extending widthwise would not be conducive to a "room"-like feel. Rather, it would be more like a hallway.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

I believe it to be minimal.

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:

Based on the layout of our house and how it is situated, the room will be pretty well hidden. The only people who MIGHT be able to see it are our across-the street neighbors. And again, it will actually add aesthetics, not detract from them.

- **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?

N/A. I don't think there are any difficulties.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

Fernandez 3-seasons room

(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)

June 9, 2021

(Dated)

8 Sugarbush Lane

(Street Address)

Pittsford, NY 14534

(City/Town, State, Zip Code)

Proposed 3 season room

Existing house

View from East

2" x 6" rafters 16" oc.

2" x 4" walls

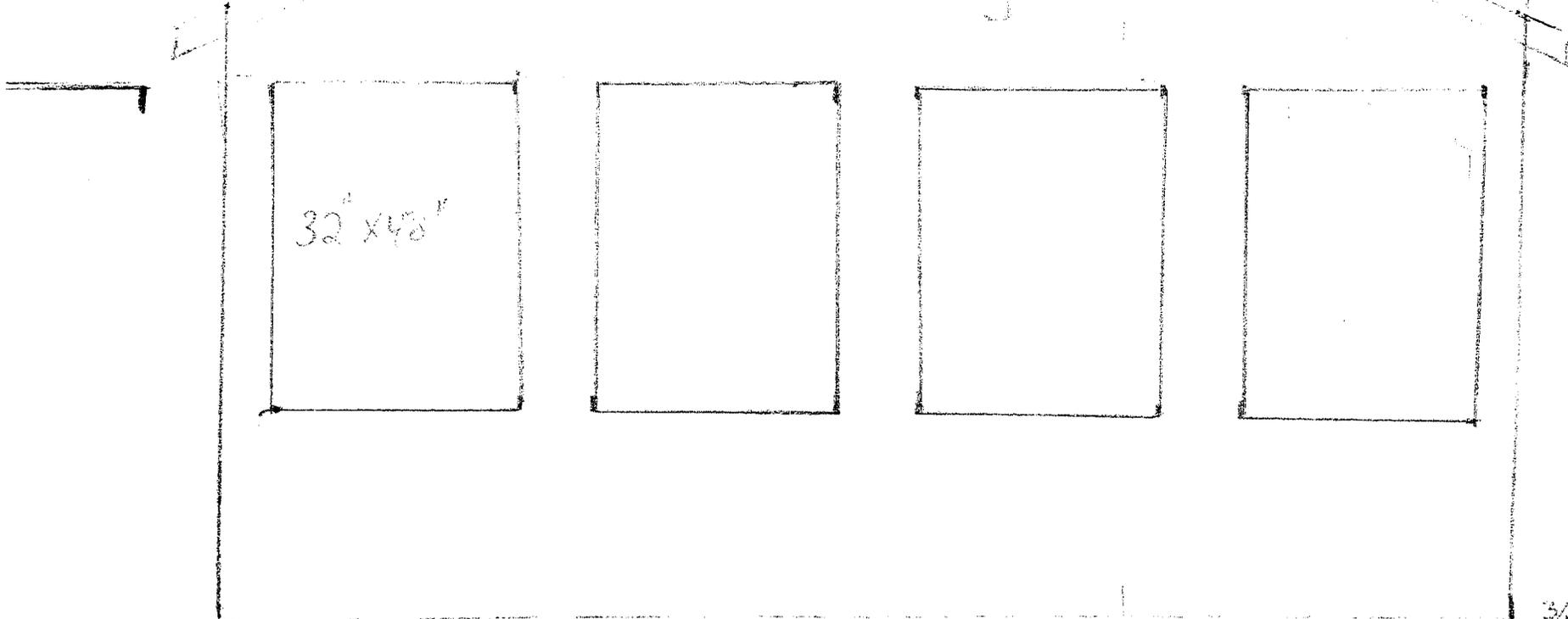
2" x 8" ceiling joists

2" x 8" headers

Chimney

Flash

siding to appear match existing



32' x 48'

15'

6" x 6" PT. posts on 1' of concrete with 2" rebar

3/4" Plywood
2" x 10" joists
16" o.c.

1/2" = 1'

View from
South

Existing house

ridge vent

20 year architectural shingles

32" x 48"

siding to approx. match existing

$\frac{1}{2}'' = 1'$



pic taken from the street.



porch/room will fit in here.

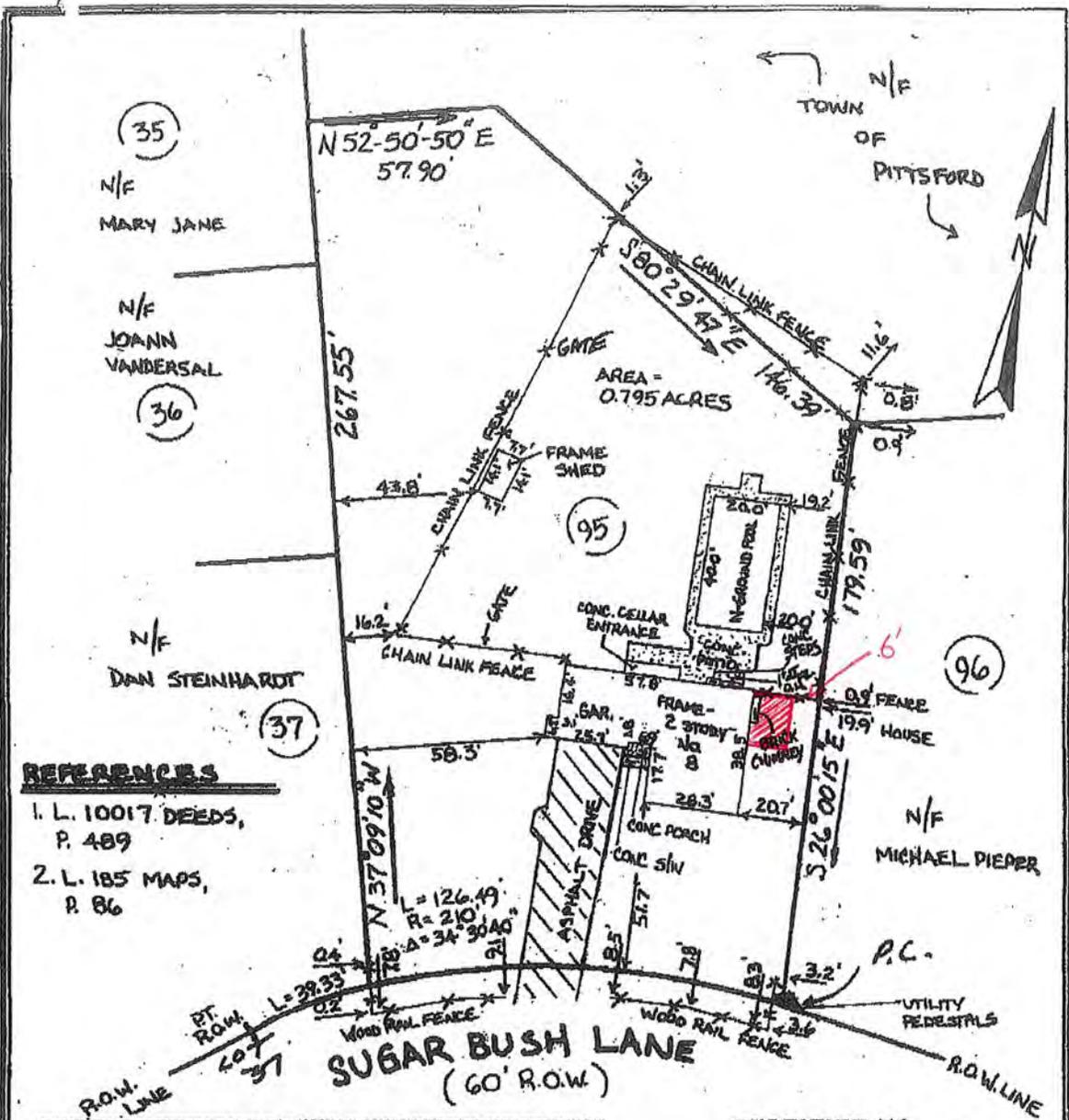
pic taken from the yard.



view from porch/room to the neighbor's property (this is the side of their garage)



view from neighbor's property (from the side of their garage)



REFERENCES

- 1. L. 10017 DEEDS, P. 489
- 2. L. 185 MAPS, P. 86

"GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSUREES OF THIS LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."
 COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S WRITTEN SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.
 *UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.

I HEREBY CERTIFY TO THE PARTIES LISTED HEREON THAT THIS MAP WAS COMPLETED ON JUNE 19, 2006 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON JUNE 13, 2006 USING THE REFERENCE MATERIALS LISTED.

Bruce E. Fries



BRUCE E. FRIES N.Y.S. P.L.S. NO. 030263
 4150 RIDGE CHAPEL ROAD, MARION, NEW YORK 14505

CERTIFIED TO:

- 1. PITTSFORD FEDERAL CREDIT UNION, ITS SUCCESSORS AND/OR ASSIGNS.
- 2. FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK
- 3. FRANK H. FERRIS, III, ESQ.
- 4. JOSH AND KRISTIN P. FERNANDEZ
- 5. ERIC D. HANDELMAN, ESQ.

**INSTRUMENT SURVEY MAP
 8 SUGARBUSH LANE**

LOT 95 WOODSTOCK SUBDIVISION SECTION VI

MONROE COUNTY
SCALE: 1" = 40'

TOWN OF PITTSFORD

NEW YORK
JUNE 19, 2006

BRUCE E. FRIES
PROFESSIONAL LAND SURVEYOR

PHONE: 800-772-3734 4150 RIDGE CHAPEL ROAD • MARION, NEW YORK 14505 FAX: 800-772-7419

Zoning Board of Appeals Referral Form Information

Property Address:

810 Allens Creek Road ROCHESTER, NY 14618

Property Owner:

Stahl Property Associates
8 Roslyn Rd
Richmond, VA 23236-1610

Applicant or Agent:

Stahl Property Associates
8 Roslyn Rd
Richmond, VA 23236-1610

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:	15	Right Lot Line:	15	Right Lot Line:	0.0
Left Lot Line:	25	Left Lot Line:	49.8	Left Lot Line:	0.0
Front Setback:	70	Front Setback:	98.2	Front Setback:	0.0
Rear Setback:	20	Rear Setback:	40	Rear Setback:	0.0
Height:	12	Height:	?	Height:	?
Size:	180	Size:	1260	Size:	1,080

Code Section(s): §185-113 B. (1); (2); for an oversized, over height accessory structure (3 car garage, proposed to be 1260 +/- square feet and greater height than the 12 feet allowed by code). Property zoned RN – Residential Neighborhood District.

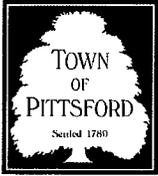
Description: Over size and over height accessory structure

July 08, 2021



Date

Doug DeRue - Director Planning Zoning Development



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: June 14, 2021 Hearing Date: _____

Applicant: Stahl Property Associates

Address: 345 Kilbourn Road Rochester, NY 14618

Phone: (585) 415-9882 E-Mail: kimbailey99@gmail.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: 810 Allens Creek Road Current Zoning: Residential

Tax Map Number: 13813-1-40

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

We are requesting a variance for an oversized and over height auxiliary structure on the property. It will serve as a 3 car garage with a second story.

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)

6/14/21

(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:

We are proposing a detached garage very much in keeping with the character of the existing house in terms of overall design and materials. The height and scale of the structure are in proportionately scaled from the main house and will exist on a lot of more than 1 acre therefore remaining within all setback requirements.

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 design elements of this historically significant Georgian Revival home, it is important for us to maintain the overall characteristics throughout. Therefore, disturbing any of the visible part of the existing house to accommodate a garage further up on the side, would require moving windows and side entries and having to completely change the interior for an undesirable entrance location which would also not be appealing to the exterior. Along with that, an attached garage on the side of the house would not allow for a turn around forcing cars to have to back out onto a busy street. If we were to put the garage directly behind the house, the side and most usable entrance would enter into a living room.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

We believe the requested variance is minimal when considering the home needs a usable garage and again, we are keeping the scale, proportions and design aesthetic as a priority and working with HPC to achieve these details.

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:

We have a lot that is over an acre and not restricted by setbacks. We also believe that cleaning up the overgrowth on the lot and replacing with a desirable detached structure will be pleasing to the neighbors. The lot is fairly level with well drained soil and there will be not drainage issues.

- **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?

It is self created in the sense of desiring a usable garage on the property. The original garage is both in disrepair and not sized to be usable with cars today. It also enters from the rear of the house that requires a 3 point turn to face the garage doors and a difficult turn around to get out and not back all the way down the Allens Creek.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

810 Allens Creek Road

(Project Name)

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

Town Board Zoning Board of Appeals Planning Board Architectural Review Board

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

change of zoning special permit building permit permit amendment

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

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

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

Name(s)

Address(es)

(Signature of Applicant)

(Dated)

(Street Address)

(City/Town, State, Zip Code)

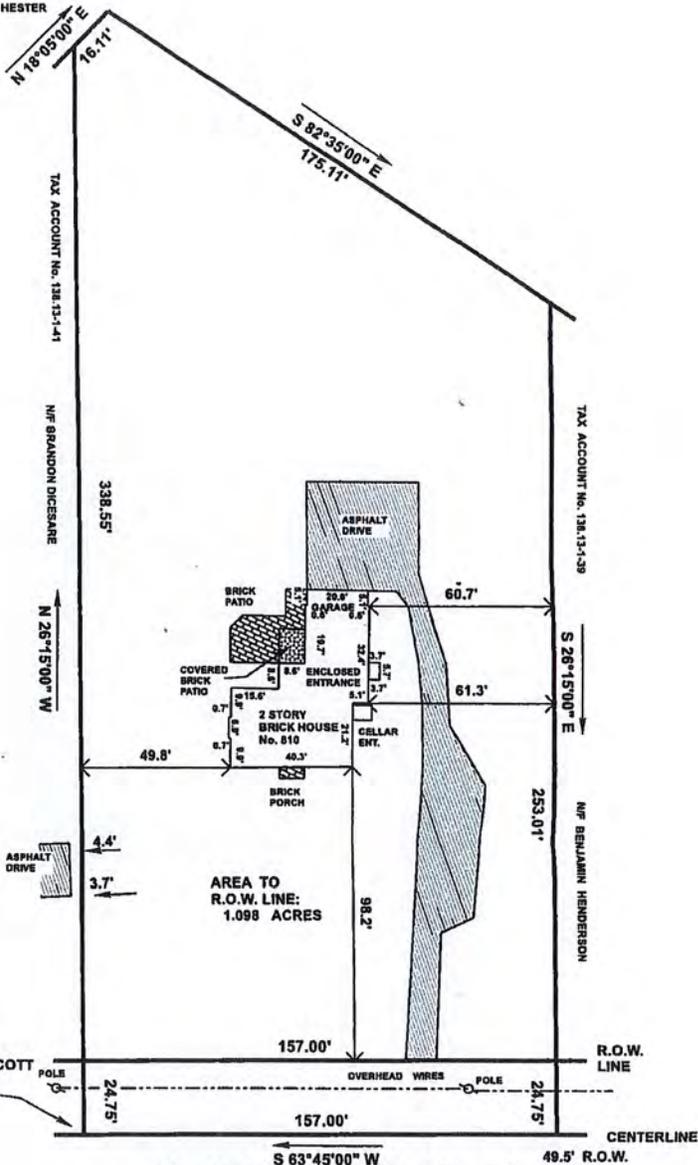
TAX ACCOUNT No. 137.18-2-1

N/F COUNTRY CLUB OF ROCHESTER



REFERENCES

1. TAX ACCOUNT No. 138.13-1-40
2. L. 7785 DEEDS, P.91
3. L. 39 MAPS, P.9
4. L. 93 MAPS, P.22
5. FIRST AMERICAN TITLE INSURANCE COMPANY No. 459676, DATED MARCH 2, 2021



ALLENS CREEK ROAD

GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE, COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.

I HEREBY CERTIFY TO THE PARTIES LISTED HEREON THAT THIS MAP WAS COMPLETED ON MARCH 19, 2021 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON MARCH 17, 2021 USING THE REFERENCE MATERIALS LISTED.

Bruce E. Fries



BRUCE E. FRIES N.Y.S.P.L.S. NO. 050263
4150 RIDGE CHAPEL ROAD, MARION, NEW YORK 14505

CERTIFIED TO:

1. STAHL PROPERTY ASSOCIATES IV, L.L.L.
2. WOODS OVIATT GILMAN LLP
3. STEWART TITLE INSURANCE COMPANY

INSTRUMENT SURVEY MAP

810 ALLENS CREEK ROAD
PART LOT 69, TOWNSHIP 12, RANGE 5
TOWN OF PITTSFORD

MONROE COUNTY

NEW YORK

SCALE: 1"=40'

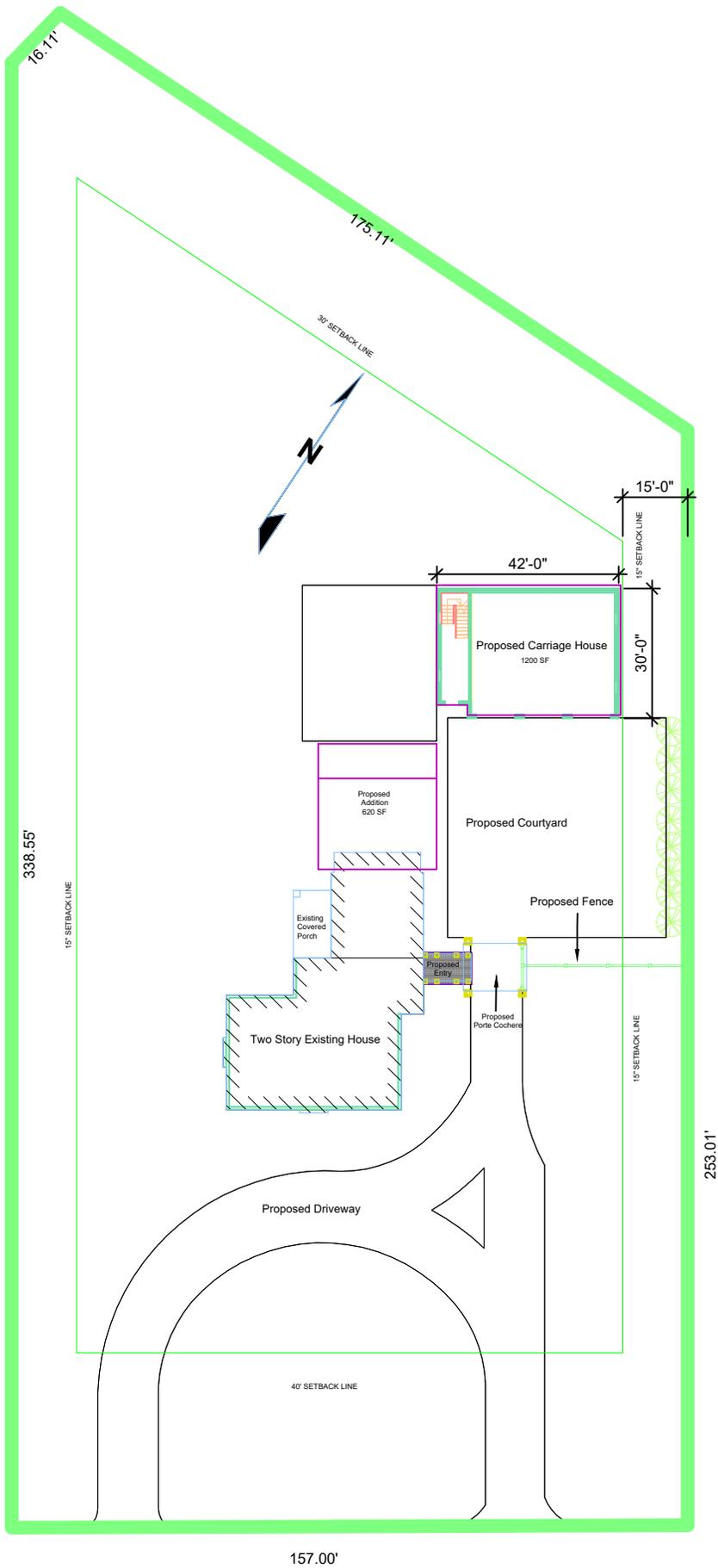
BRUCE E. FRIES
PROFESSIONAL LAND SURVEYOR

MARCH 19, 2021

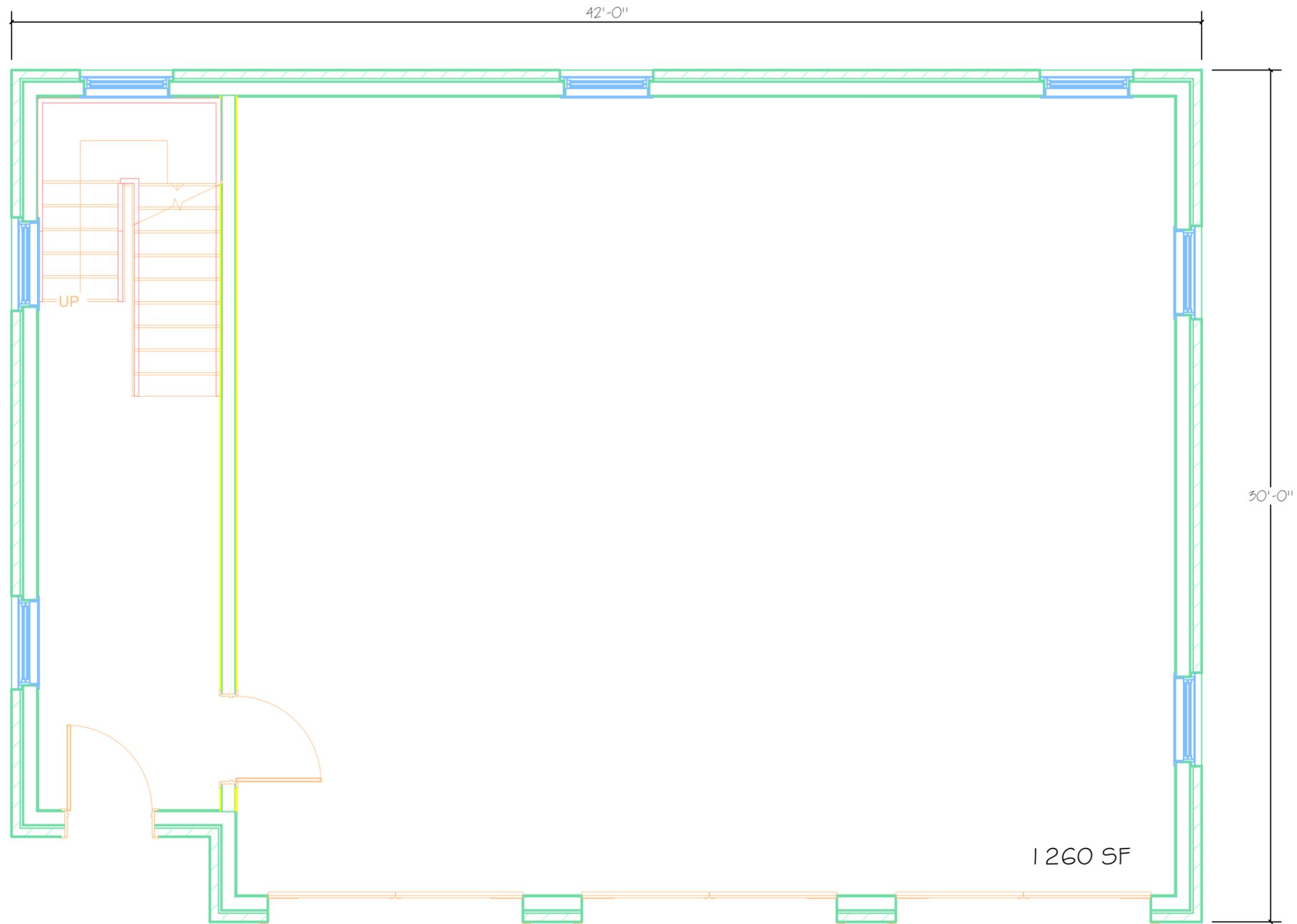
PHONE: 800-772-3734

4150 RIDGE CHAPEL ROAD ■ MARION, NEW YORK 14505

FAX: 800-772-7419



ALLENS CREEK ROAD

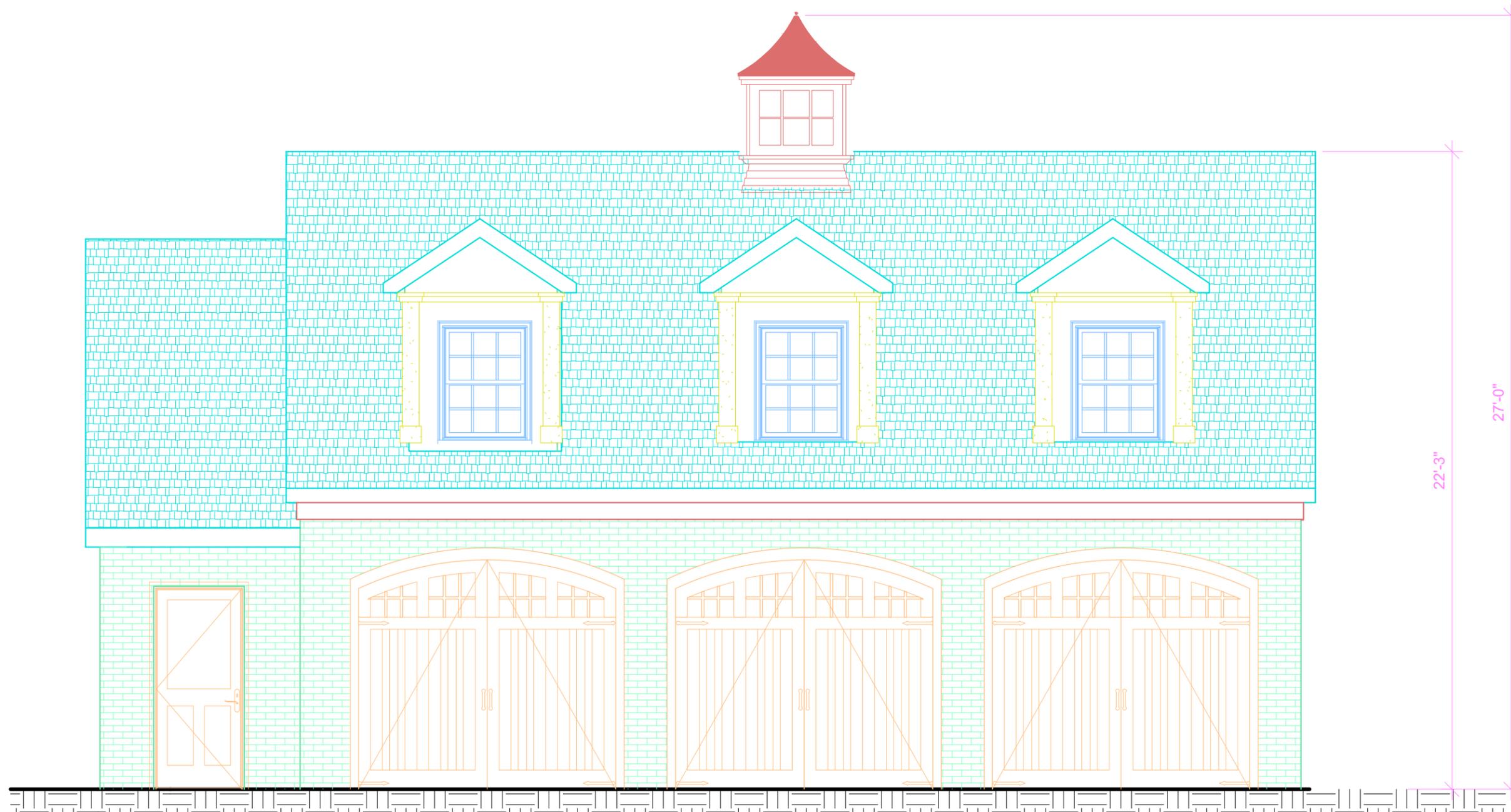


810 ALLENS CREEK ROAD, ROCHESTER, NY 14618

GARAGE 1ST FLOOR PLAN

1/4" = 1'





810 ALLENS CREEK ROAD, ROCHESTER, NY 14618

GARAGE SOUTH ELEVATION

1/4" = 1'



