

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
February 17, 2020**

PUBLIC HEARING FOR AN AREA VARIANCE – NEW

- 40 Landsdowne Lane, Tax # 151.11-1-16. Applicant is requesting relief from Town Code §185 – 17 (B) (1) for the construction of an addition extending beyond the building line for a corner lot. The addition is proposed to be constructed with a 45 foot +- front setback from Landsdowne Lane where code requires 70 feet. Property is zoned RN – Residential Neighborhood District.

OTHER

- Review and Approval of the December 16, 2019 Minutes

draft
**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
December 16, 2019**

PRESENT

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

ALSO PRESENT

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

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. 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 – NEW

- 257 East Street, Tax # 178.12-1-30. Applicant is requesting relief from Town Code §185-113 (B) (3) & (6) and §185-17 L to place a storage shed on the side of the garage and encroaching into the side setback. The storage shed is proposed to be located approximately 8 feet from the right property line and located forward of the rear wall of the home. Property is zoned RN – Residential Neighborhood District.

The homeowner, Andrew Spencer, was present.

Mr. Spencer explained that the side of the garage was the best location for the shed. There is a steep drop off in the back yard area. He indicated that his most affected neighbor does not have a problem with the proposed construction.

The time frame is to install as soon as all approvals are granted.

There was no public comment.

Phil Castleberry moved to close the Public Hearing.

Jaime Waldman seconded.

All Ayes.

- 5 Winding Road, Tax # 151.14-1-81. Applicant is requesting relief from Town Code §185 – 17 (B) (1) for the construction of an addition extending beyond the building lines for a corner lot. The addition is proposed to be constructed with a 35 foot +- setback from Winding Road and a front setback of approximately 46 feet +- from French Road where code requires 50 feet. Property is zoned RN – Residential Neighborhood District.

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

The project is a small 14' x 24' addition which is as wide as the existing house.

The Board inquired whether the air conditioning unit that is presently on the side of the home where the addition will be will be maintained. The homeowner, Donna Trost, was present and stated that the air conditioning unit will be placed behind the home.

The neighbor at 46 French Road, Edward Mead was present, and indicated that he supported the project.

Barbara Servé moved to close the public hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

DECISION FOR 257 EAST AVENUE – AREA VARIANCE

A written Resolution to grant the area variance for 257 East Avenue was moved by Mike Rose and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

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

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated November 13, 2019.
2. All construction is to be completed by December 31, 2020.

DECISION FOR 5 WINDING ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 5 Winding Road was moved by Phil Castleberry and seconded by David Rowe.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	Aye
Barbara Servé voted	Aye
Jaime Waldman voted	Aye
David Rowe voted	Aye

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

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated November 19, 2019.
2. All construction is to be completed by December 31, 2021.
3. The application is subject to the approval of the Design Review and Historic Preservation Board.

POINT PERSONS FOR JANUARY 20, 2019 MEETING

Due to the lack of applications to review, the January meeting of the Zoning Board of Appeals is cancelled.

REVIEW OF NOVEMBER 18, 2019 MINUTES

Phil Castleberry moved to approve the minutes of the November 18, 2019 meeting as written.

Jaime Waldman seconded.

All Ayes.

OTHER

Phil Castleberry and David Rowe indicated they would not attend the February meeting.

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 7:20 pm.

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals

Zoning Board of Appeals Referral Form Information

Property Address:

40 Landsdowne Lane ROCHESTER, NY 14618

Property Owner:

Hammert, Warren C
40 Landsdowne Ln
Rochester, NY 14618

Applicant or Agent:

Hammert, Warren C
40 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:	0	Left Lot Line:	0	Left Lot Line:	0.0
Front Setback:	70	Front Setback:	45	Front Setback:	25.0
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0
Height:	0	Height:	0	Height:	0.0
Size:	0	Size:	0	Size:	0.0

Code Section(s): 185-17 B (1)

Description: Applicant is requesting relief from Town Code for the construction of an addition extending beyond the building line for a corner lot. The addition is proposed to be constructed with a 45 foot +/- front setback from Landsdowne Lane where code requires 70 feet. Property is zoned RN – Residential Neighborhood District.

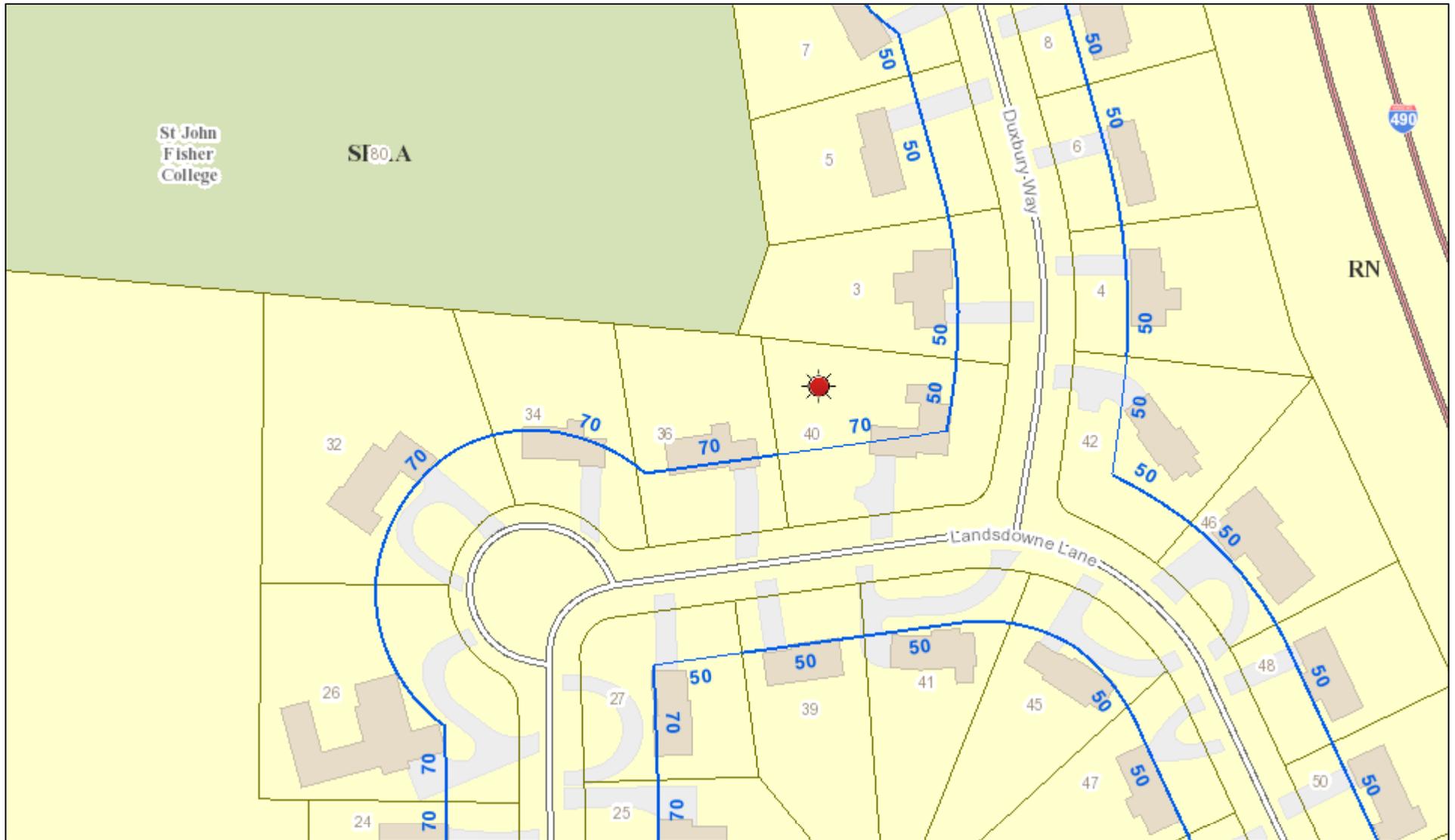
February 06, 2020



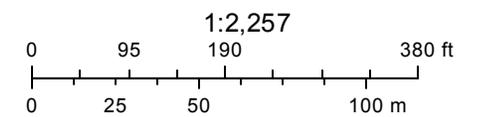
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning



Printed February 6, 2020



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.



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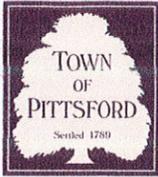
Duxbury Way

Landsdowne Lane

Landsdowne Lane

04/21/2018

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TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: 1/9/2020 Hearing Date: 2/17/2020

Applicant: DEBI AND WARREN HAMMERT

Address: 40 LANDSDOWNE LANE

Phone: 216-310-1847 E-Mail: dhammert2000@yahoo.com

Agent: RANDALL F. PEACOCK, ARCHITECT
(if different than Applicant)

Address: 70 LINDEN OAKS, SUITE 110, ROCHESTER, NY, 14625

Phone: 585-746-5984 E-Mail: rfp@moission.com

Property Owner: same as applicant
(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: 40 LANDSDOWNE LANE Current Zoning: RN

Tax Map Number: 151.11-1-16

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

THE MAIN PURPOSE OF THE PROJECT IS THE ENLARGEMENT OF THE ENTRY FOYER INCLUDING MOVING THE LAUNDRY EQUIPMENT OUT OF THE FOYER. A DOG SERVICE ROOM AND AN ENLARGED CLOSET WILL BE CONSTRUCTED. TO PROVIDE SPACE FOR THE NEW AREAS THE EXISTING GARAGE WILL BE "EXTRUDED" 10 FEET TO THE SOUTH. A THIRD GARAGE BAY WILL BE ADDED TO THE WEST OF THE EXISTING.

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

(Owner or Applicant Signature)

(Date)



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

TESTS FOR GRANTING AREA VARIANCES

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

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

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

A) THE CURRENT SETBACK IS MAPPED AT 70'. THIS PUTS THE SETBACK LINE THROUGH THE MIDDLE OF THE EXISTING HOUSE. THIS PROPERTY WAS ORIGINALLY DEVELOPED W/ A 50 SETBACK BUT WAS CHANGED TO A 70' SETBACK IN 2012. THE HOUSES FURTHER ALONG LANDSDOWNE WERE DEVELOPED WITH A 70 FOOT SETBACK BUT THEY ARE AROUND THE CORNER. PROPERTIES DIRECTLY ACROSS LANDSDOWNE HAVE A 50' FRONT SETBACK.

B) GIVEN THE LOCATION OF THE HOUSE ON A CORNER AND THE SKEW OF THE HOUSE TO RIGHT OF WAY LINES ON LANDSDOWNE THERE IS NO DISCERNABLE FRONT SETBACK LINE THAT THE PROPOSED ADDITIONS WOULD VIOLATE AND THUS THE PROJECT WOULD NOT CREATE AN UNDESIRABLE CHANGE.

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

IT IS NOT POSSIBLE TO EXPAND THE HOUSE TO THE NORTH (REAR) TO ACCOMPLISH THE DESIRED PROGRAM BECAUSE THERE ARE DECKS AND AN IN-GROUND SWIMMING POOL IMMEDIATELY BEHIND THE GARAGE. ADDITIONALLY, THERE IS A GRADE CHANGE OF 5 TO 6 FEET DOWN FROM THE EXIST GRADE AT THE BACK OF THE GARAGE WHICH IS 2 FEET DOWN FROM THE MAIN FLOOR. THERE IS SIMPLY NO OTHER SPACE TO EXPAND THE GARAGE AND INTERIOR SPACES.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

THIS EXPLANATION IS COMPLICATED. THE SETBACK FOR THIS PROPERTY SHOULD BE 50 FEET BUT IS ACTUALLY 70 FEET. IF IT WERE A 50 FOOT SETBACK WE WOULD BE SEEKING A VARIANCE FOR ENCROACHMENT OF THE GARAGE FROM 0 TO 4'-9" OVER A WIDTH OF 24 FEET. DUE TO THE UNUSUAL APPLICATION OF THE 70 FOOT SETBACK THE ACTUAL REQUESTED VARIANCE IS 24'-9". WE ARE ONLY EXTENDING THE EXISTING GARAGE BY 10'-0". THE NEW COVERED ENTRY WILL ENCROACH 21'-0" AND THE NEW GARAGE BAY WILL ENCROACH 13'-6" INTO 70 FOOT

4. ^{SETBACK} 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:

A BIT LESS THAN HALF OF THE EXISTING HOUSE IS CONSTRUCTED OVER THE 70 FOOT SETBACK LINE. TWO OTHER HOUSES ADJACENT EXTEND OVER THE 70 FOOT SETBACK LINE. THE HOUSE IS SKEWED TO THE LINE OF LANDSDOWNE LANE AND IS LOCATED ON A CORNER IN SUCH A MANNER THAT THE ENCROACHMENT OF THE EXTENDED GARAGE, ADDED GARAGE AND ADDED ENTRYWAY WILL NOT ADVERSELY IMPACT THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD.

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

5. Is the alleged difficulty self-created?

THE DESIRE OF THE OWNER TO MODIFY AND EXPAND THE HOUSE IS SELF CREATED BUT THE PROPERTY CONDITIONS THAT PRECLUDE COMPLIANCE ARE NOT SELF-CREATED.

- 1) THE HOUSE IS SITED ON A SKEW ON THIS CORNER LOT.
- 2) GRADE CHANGE AND EXISTING STRUCTURES LIMIT EXPANSION ANYWHERE ELSE.
- 3) THE PLACEMENT OF A SETBACK LINE THROUGH THE MIDDLE OF THE EXISTING HOUSE.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

(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...

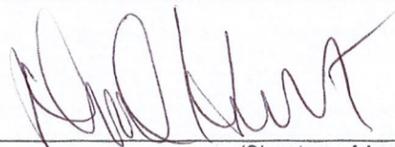
change of zoning special permit building permit permit amendment
 variance approval of a plat exemption from a plat or official map

...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)

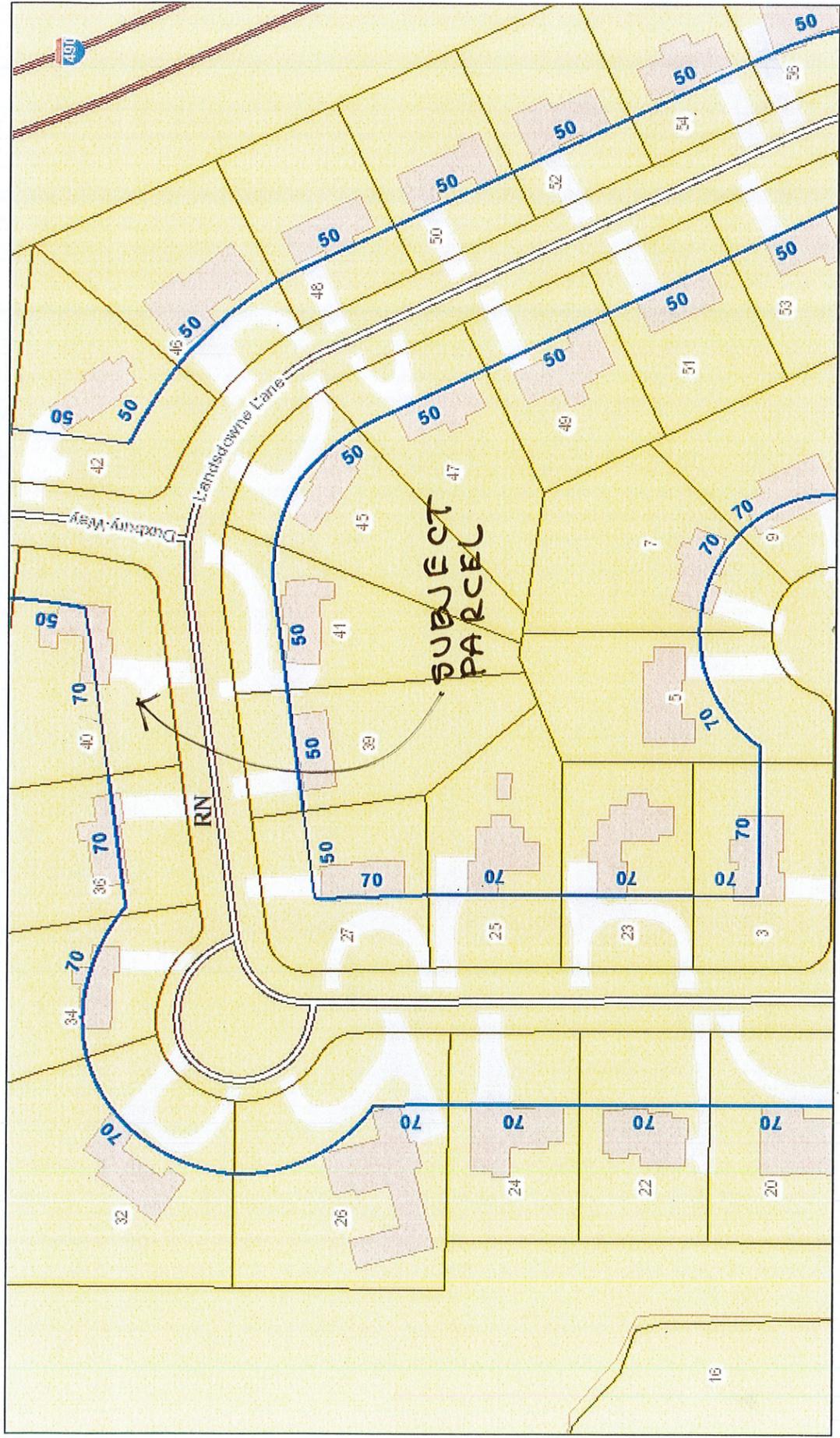
40 LANDSDOWNE LANE

(Street Address)

PITTSFORD, NEW YORK 14618

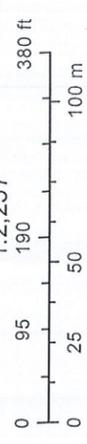
(City/Town, State, Zip Code)

RN Residential Neighborhood Zoning



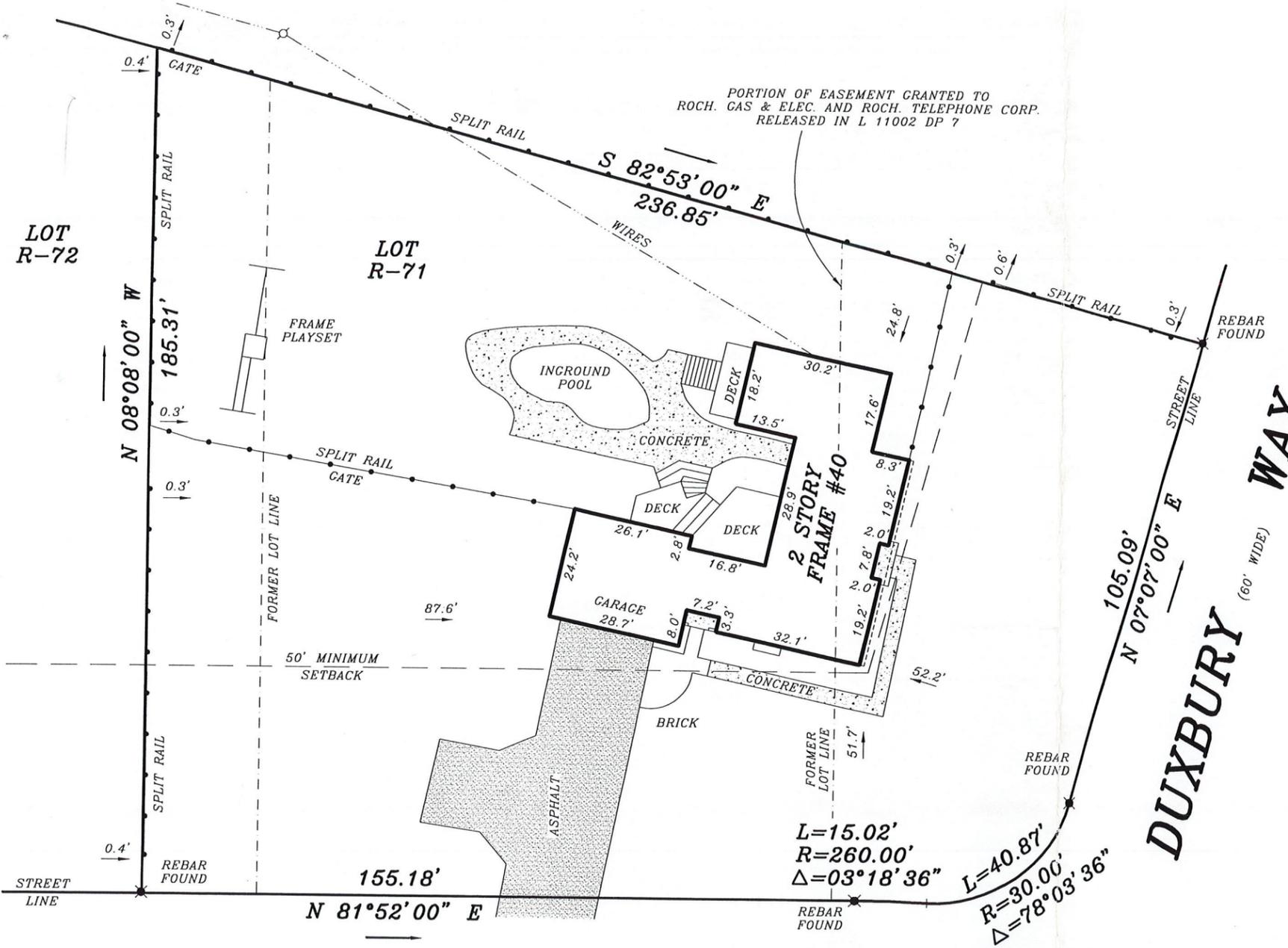
Printed December 9, 2019

1:2,257



Town of Plisford GIS

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PORTION OF EASEMENT GRANTED TO
ROCH. GAS & ELEC. AND ROCH. TELEPHONE CORP.
RELEASED IN L 11002 DP 7



REFERENCES:

FIRST AMERICAN TITLE INSURANCE COMPANY #391715 DATED DECEMBER 4, 2014
LIBER 10985 OF DEEDS, PAGE 642
LIBER 173 OF MAPS, PAGE 45

NOTES:

PARCEL IS SUBJECT TO AN EASEMENT GRANTED TO ROCH. GAS & ELEC. CORP. AND ROCH. TELEPHONE CORP. FOR FIXTURES AS SET FORTH IN LIBER 3153 OF DEEDS, PAGE 457.

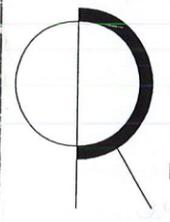
REFERENCE IS MADE TO A GAS MAIN EASEMENT GRANTED TO ROCH. GAS & ELEC. CORP. AS SET FORTH IN LIBER 3153 OF DEEDS, PAGE 456.

PARCEL TAX ID #151.11-1-16

LANDSDOWNE LANE (60' WIDE)

WE, O'NEILL-RODAK LAND SURVEYING ASSOCIATES, P.C., CERTIFY TO PREMIUM MORTGAGE CORP., ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTEREST MAY APPEAR; OLVER KORTS LLP; STEWART TITLE INSURANCE COMPANY; WARREN HAMMERT AND DEBORAH HAMMERT THAT THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED DECEMBER 22, 2014.

Thomas A. Rodak
THOMAS A. RODAK, P.L.S. #050246



O'NEILL-RODAK
LAND SURVEYING ASSOCIATES, P.C.
LAND SURVEYORS - PLANNERS
BOUNDARY CONSULTANTS
FLOOD ZONE DETERMINATIONS
ALTA/ACSM SURVEYS

5 SOUTH FITZHUGH STREET
ROCHESTER, NY
14614

PHONE (585) 325-7520 FAX (585) 325-1708
e-mail oneillrodak@frontiernet.net

MAP OF A SURVEY

LOT R-71
EAST AVENUE MANOR RESUBDIVISION

TOWN OF PITTSFORD

MONROE COUNTY, NEW YORK

CLIENT		MORGENSTERN DEVOESICK PLLC	
SCALE	DATE	PROJECT NO.	
1" = 30'	12/23/2014	2014-1153	