

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
April 18, 2022
7:00 PM**

PUBLIC HEARINGS FOR AREA VARIANCES

- 32 Le Pere Drive, Tax # 178.19-2-5, Applicant is requesting relief from Town Code §185-113 B. (3) to place a 9'x9' concrete pad for the placement of a hot tub forward of the rear wall. This property is zoned Residential Neighborhood – (RN).

- 56 Landsdowne Lane, Tax # 151.11-1-32, Applicant is requesting relief from Town Code §185-17 E. (1) to place a shed within the minimum side setback. This property is zoned Residential Neighborhood – (RN).

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
DRAFT MINUTES
March 21, 2022**

PRESENT

George Dounce, Chairperson; Barbara Servé, Vice Chair; Mary Ellen Spennacchio-Wagner, James Pergolizzi, Tom Kidera, Phil Castleberry

ALSO PRESENT

Robert Koegel, Town Attorney; Doug DeRue, Director of Planning and Zoning; Bill Zink, Building Inspector; Susan Donnelly, Secretary to the Board

ABSENT

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, March 21, 2022 at 7:00PM local time.

George Dounce, Chairperson called the regularly scheduled meeting of the Zoning Board of Appeals to order at 7:01PM.

The applications before the Board this evening are Type II Actions under 6-NYCRR §617.5 (c) (16) 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 HEARINGS FOR AREA VARIANCE - RETURNING

- 15 Glendower Circle, Tax # 151.16-3-24, Applicant is requesting relief from Town Code §185 - 17 K. (2) for a proposed garden shed located less than both the required minimum side setbacks, property is a corner lot. This property is zoned Residential Neighborhood – (RN).

This hearing was open.

The homeowner, Christina Kozan, was present.

The homeowner is requesting this variance to avoid moving an existing flower bed and play gym. She stated that this is a vinyl sided shed so there is no upkeep and it is mulched around the shed. She stated that her neighbors are in support of the request.

There was no further questions from the Board.

There was no public comment.

Phil Castleberry moved to close the hearing.

Barbara Servé seconded.

All Ayes.

PUBLIC HEARINGS FOR AREA VARIANCES

- 49 Turning Leaf Drive, Tax # 177.04-3-18, Applicant is requesting relief from Town Code §185-119 A. (1) to place the pool filter and or heater equipment on the side of the home and 185-17 - I. for pool encroachment into the 20 foot rear buffer. This property is zoned Residential Neighborhood – (RN).

George Dounce opened the Public Hearing.

The homeowner, Kyle Monroe, was present.

Mr. Monroe indicated that finished landscaping will hide the view of the pool equipment and a generator that is already installed at the property. He said that he has talked to his neighbors and there is no objection.

There is Town of Pittsford land in the rear of the property. Chairman George Dounce asked the Town if there is any objection and town staff indicated no.

The timeframe is to complete the installation by Spring 2022.

There was no public comment and no further discussion by the Board.

Jim Pergolizzi moved to close the Public Hearing.

Tom Kidera seconded.

All Ayes.

- 35 Meadow Cove Road, Tax # 164.12-2-14, Applicant is requesting relief from Town Code §185-17 E. (1) to place a generator within the minimum side setback. This property is zoned Residential Neighborhood – (RN).

George Dounce opened the Public Hearing.

Terry Smith from Integrated Power Supply was present to represent the homeowners.

Mr. Smith indicated that the most affected neighbors does not have any issues with the proposed 6” variance.

Currently, the air-conditioning unit for this home also impedes into the current setback because zoning codes have changed since this structure was constructed.

There was no public comment.

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

Barbara Servé seconded.

All Ayes.

- 4 Evesham Place, Tax # 178.03-2-50, Applicant is requesting relief from Town Code §185-113 B. (1), (2) and 185-17 E. for an oversized and over height accessory structure, greenhouse, that does not meet the minimum total setback measurement for lot. This property is zoned Residential Neighborhood – (RN).

George Dounce opened the Public Hearing.

J.R. McCarthy of Ted Collins Associates was present to represent the homeowners.

Mr. McCarthy indicated that the greenhouse is proposed to be located in the South east corner of the property. The most affected neighbor is the Town of Pittsford as this property backs up to Town land on both sides. Doug DeRue expressed that this is not objectionable to the Town.

The timeframe for the construction is Spring of 2022.

There was no public comment.

Tom Kidera moved to close the Public Hearing.

Jim Pergolizzi seconded.

All Ayes.

- 3500 East Avenue, Tax # 138.14-1-13.21, Applicant is requesting relief from Town Code §185 – 134 D. (4) for the proposed 10 square foot oversized sign. This property is zoned Incentive Zoning.

George Dounce opened the Public Hearing.

Jerry Watkins of Riedman Associates was present.

Mr. Watkins was present to discuss the application for an oversized sign to identify Kilbourn Place on East Avenue.

Mr. Watkins indicated that the single sign would and effort to be the identifier of the project as opposed to multiple smaller signs. Doug DeRue stated that there may be future determination whether more smaller signs would be needed in the future. The proposed sign this evening will be located behind the proposed sidewalk.

An email communication to the Board from Don Frisbee, owner of the property at which abuts Kilbourn Place sent was discussed at the meeting. Doug DeRue spoke with Mr. Frisbee earlier in the day and the Board was satisfied that most of his concerns had been alleviated.

There was no further public comment.

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

Phil Castleberry seconded.

All Ayes.

DECISION FOR 15 GLENDOWER CIRCLE – AREA VARIANCE

A written Resolution to grant the area variance for 15 Glendower Circle was moved by Mary Ellen Spennacchio-Wager and seconded by Board Member Barbara Servé.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant Dated December 12, 2021.
2. All construction is to be completed by December 31, 2023.

DECISION FOR 49 TURNING LEAF DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for 49 Turning Leaf Drive was moved by Tom Kidera and seconded by Board Member George Dounce.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	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 February 17, 2022.
2. All construction is to be completed by December 31, 2023.

DECISION FOR 35 MEADOW COVE ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 35 Meadow Cove Road was moved by Barb Servé and seconded by Board Member Mary Ellen Spennacchio-Wagner.

George Dounce called for a roll call vote.

Servé	Aye
-------	-----

Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	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 February 14, 2022.
2. All construction is to be completed by December 31, 2023.

DECISION FOR 4 EVESHAM PLACE – AREA VARIANCE

A written Resolution to grant the area variance for 4 Evesham Place was moved by Mary Ellen Spennacchio-Wagner and seconded by Board Member Phil Castleberry.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	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 February 2, 2022.
2. All construction is to be completed by December 31, 2024.

DECISION FOR 3500 EAST AVENUE – AREA VARIANCE

A written Resolution to grant the area variance for 3500 East Avenue was moved by Phil Castleberry and seconded by Board Member Jim Pergolizzi.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the Site map and application submitted to the Zoning Board of Appeals dated February 16, 2022.
2. All construction is to be completed by December 31, 2023.

FOR APRIL 18, 2022 MEETING

56 Landsdowne Lane – Tom Kidera

32 Le Pere Drive – Mary Ellen Spennacchio-Wagner

MEETING ADJOURNMENT/MINUTES APPROVAL

Chairman George Dounce motioned to approve the minutes of February 21, 2022 as written. Following a unanimous voice vote, the minutes were approved.

The meeting was adjourned at 7:55 PM.

Respectfully submitted,

Susan Donnelly
Secretary to the Zoning Board of Appeals

DRAFT

Zoning Board of Appeals Referral Form Information

Property Address:

32 Le Pere Drive PITTSFORD, NY 14534

Property Owner:

Schultz, Matthew W
32 Le Pere Dr
Pittsford, NY 14534

Applicant or Agent:

Schultz, Matthew W
32 Le Pere Dr
Pittsford, NY 14534

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

Town Code Requirement is:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size:

Proposed Conditions:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size:

Resulting in the Following Variance:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size:

Code Section(s): 185-113 B. (3)

Description: Applicant is requesting relief from Town Code §185-113 B. (3) to place a 9'x9' concrete pad for the placement of a hot tub forward of the rear wall. This property is zoned Residential Neighborhood – (RN).

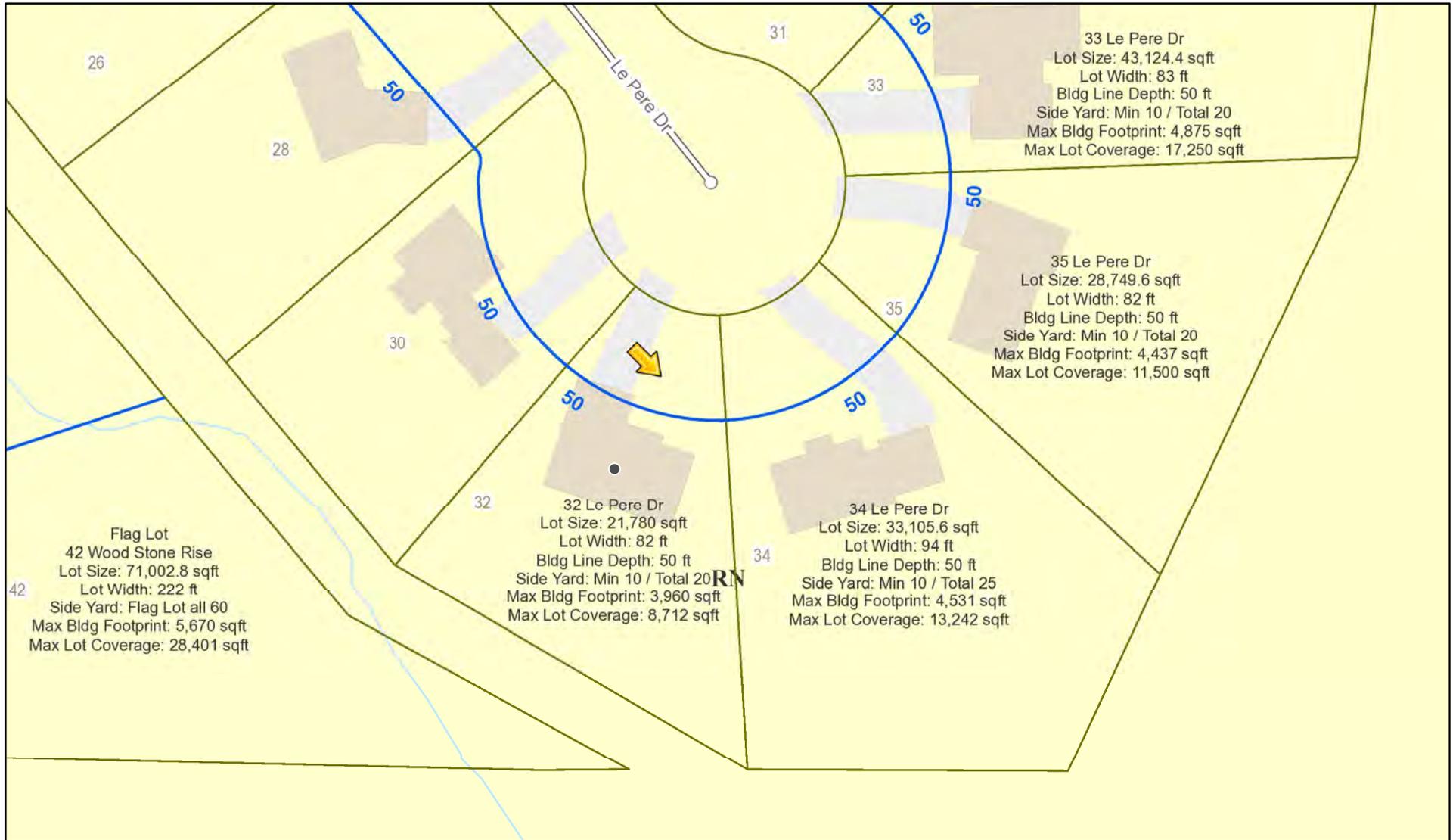
March 30, 2022



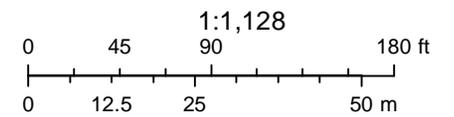
Date

Bill Zink -

RN Residential Neighborhood Zoning

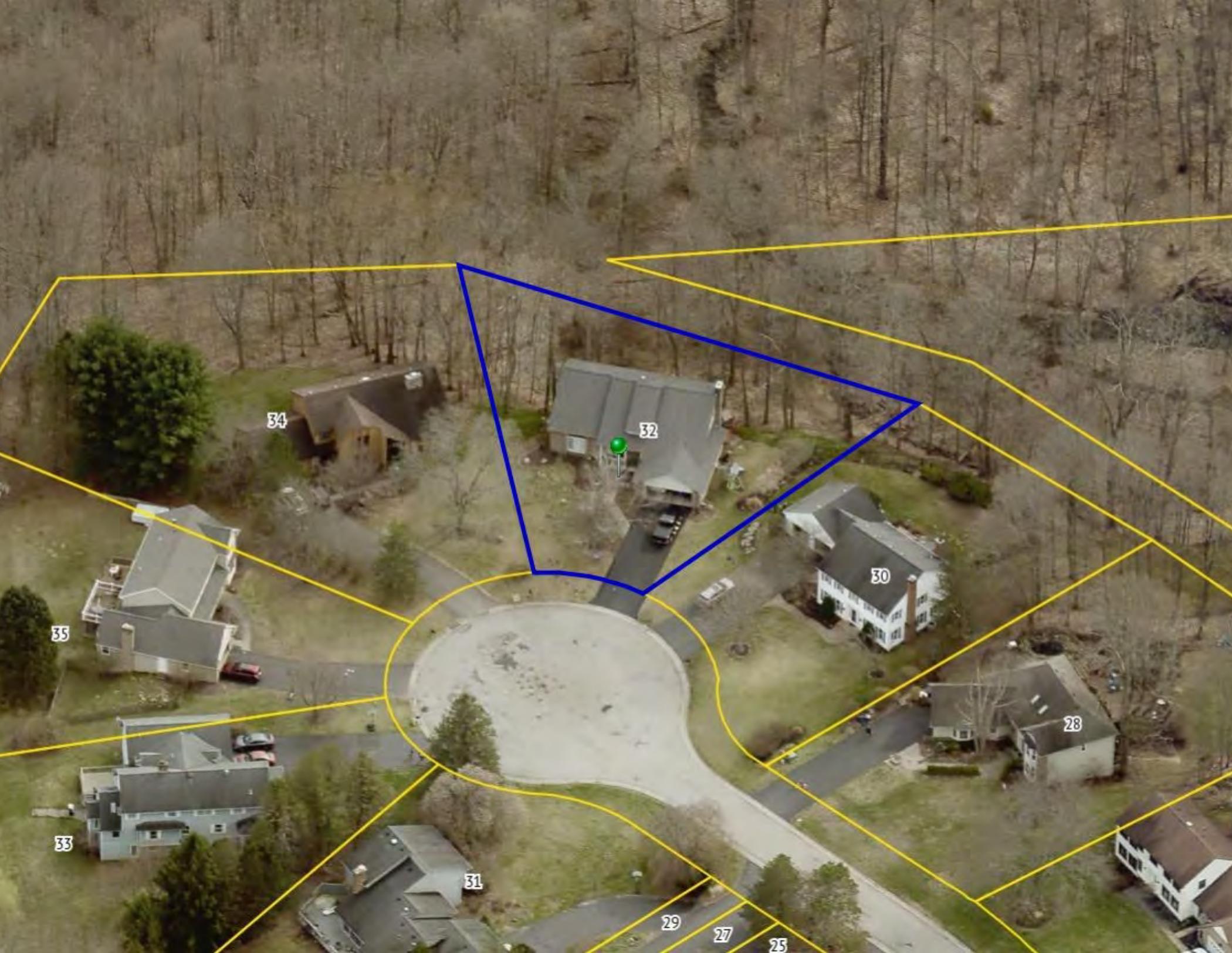


Printed March 29, 2022



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.



34

32

30

28

31

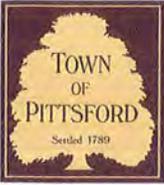
29

27

25

35

33



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: March 18, 2022 **Hearing Date:** April 18, 2022

Applicant: Matthew Schultz

Address: 32 Le Pere Dr.

Phone: (786) 301-4807 **E-Mail:** mschultz4@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: Suburban **Current Zoning:** Single Family Residential

Tax Map Number: 178.19-2-5

Application For: **Residential** **Commercial** **Other**

Please describe, in detail, the proposed project:

The project includes a concrete pad measuring 9ft by 9ft for the placement of a hot tub, a retaining wall built of boulders behind the pad, and the required electrical work.

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.

Matthew C. Johns
(Owner or Applicant Signature)

3/18/22
(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 chosen location is towards the back of the property which slopes down away from the street. It is not visible from the street, from the front of our property, or from any neighbor's property. The location is surrounded by a house on one side, a forest, a steep slope, and a fence shielding it from view from the neighbors. Furthermore, although not necessary to hide the tub from view, we plan to add additional landscaping to maintain the appeal of our side yard.

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 is located on a steep forested slope. There is no stable ground behind the house suitable for placement of the hot tub.

We could potentially place the tub on the deck. However, we were cautioned against this as the weight of the tub and the severity of the slope could pose unpredictable stability risks. The slope has already moved once causing the back left portion of the house to sag. We do not wish to impose any additional risks to the long term stability of the property.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

We believe it to be minimal. The requirement is for the tub to be behind the house and we wish to place it adjacent to the back of the house.

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 will place it on land that is currently landscaped. Thus, other than the relocation of a patch of ornamental grass, there will be little impact to the environment.

- **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. It is the nature of the location of the house within the property.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

32 Le Pere Dr. Hot Tub

(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)

March 17, 2022

(Dated)

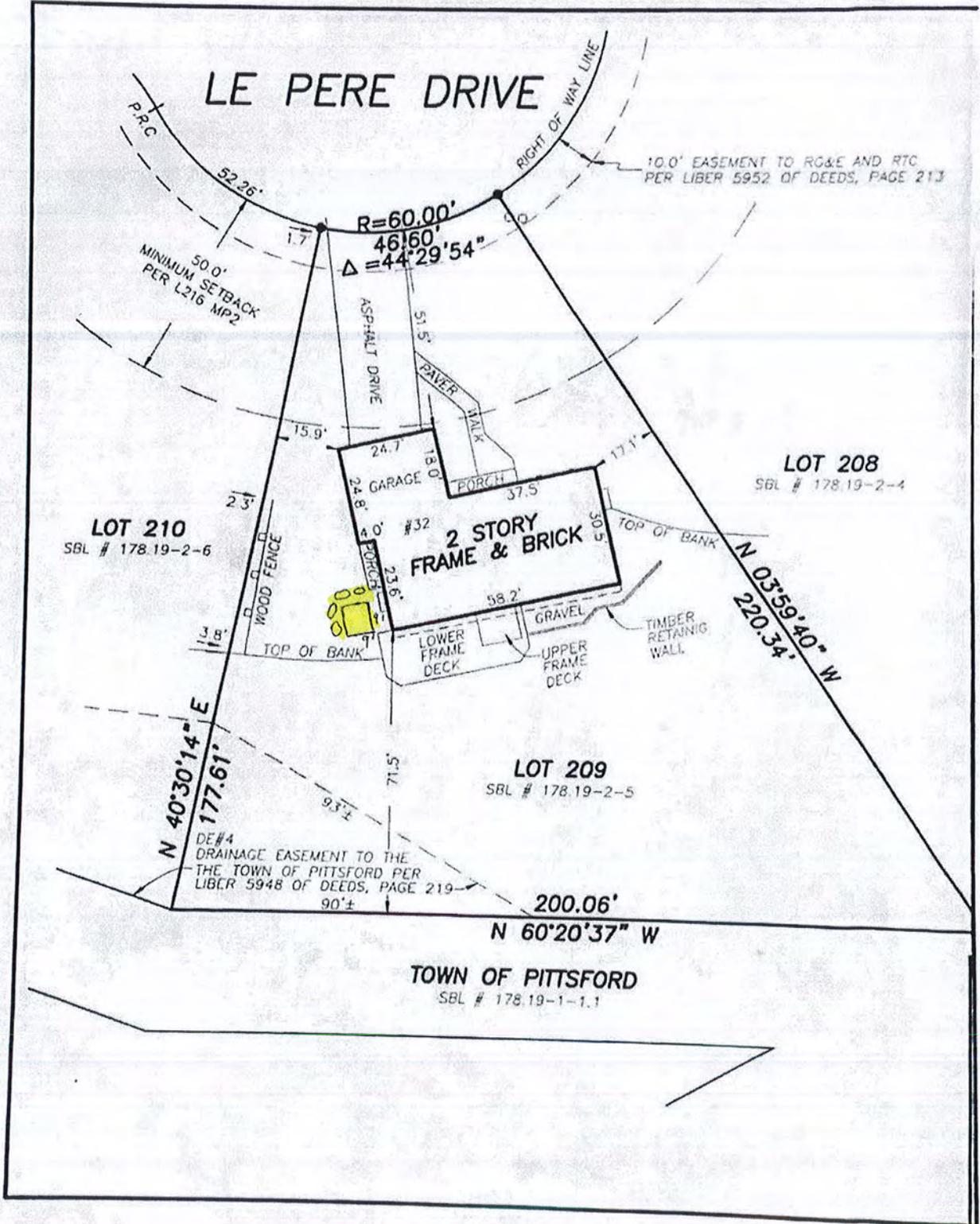
32 Le Pere Dr.

(Street Address)

Pittsford, NY 14534

(City/Town, State, Zip Code)

SKETCH









Zoning Board of Appeals Referral Form Information

Property Address:

56 Landsdowne Lane ROCHESTER, NY 14618

Property Owner:

Schofield, Kris
56 Landsdowne Ln
Rochester, NY 14618

Applicant or Agent:

Schofield, Kris
56 Landsdowne Ln
Rochester, NY 14618

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

Town Code Requirement is:

Right Lot Line:
Left Lot Line: 10
Front Setback:
Rear Setback:
Height:
Size:

Proposed Conditions:

Right Lot Line:
Left Lot Line: 6
Front Setback:
Rear Setback:
Height:
Size:

Resulting in the Following Variance:

Right Lot Line:
Left Lot Line: 4
Front Setback:
Rear Setback:
Height:
Size:

Code Section(s): 185-17 E. (1)

Description: Applicant is requesting relief from Town Code §185-17 E. (1) to place a shed 6' from the side property line which is a 4' variance from the 10' minimum side setback. This property is zoned Residential Neighborhood – (RN).

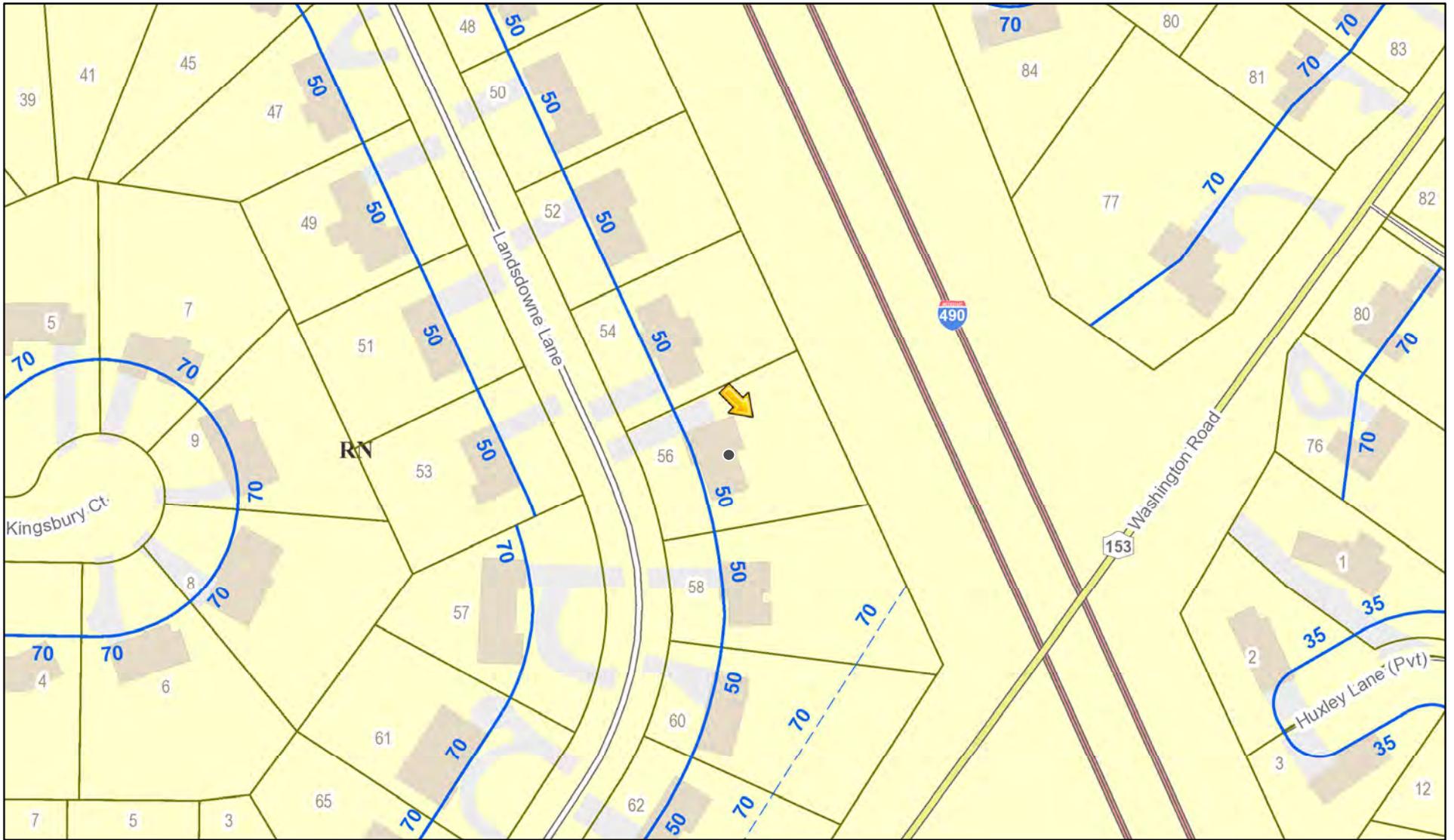
March 30, 2022



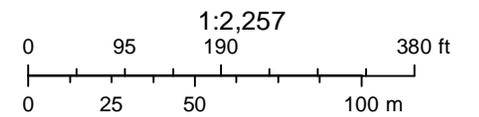
Date

Bill Zink -

RN Residential Neighborhood Zoning



Printed March 29, 2022



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.



56

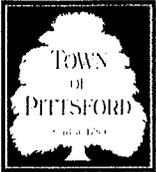
54

58

57

53

51



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: _____ Hearing Date: _____

Applicant: Kris Schofield

Address: 56 LANDSDOWNE LN. Roch NY 14618

Phone: 585-465-1915 E-Mail: kschof@rochester.m.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: I already have a prefab ("TUFFSHE" from Home Depot) shed that I prepped a gravel pad for, and that arrived before the permit that I applied for was approved. The shed is 10x12 and sits on that gravel pad with timber retaining wall. I used the town "garden shed / storage shed" structure page as a guide for picking the location I later

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.

Kris Schofield
(Owner or Applicant Signature)

2/23/22
(Date)

found out that there is another requirement that the shed be 20 ft from the back of the property line. mine is not.



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 did not understand the shed needed to be 20' from the back wall (expressway wall). The kind that the shed is on slopes down a few feet from the plane of the house. The road also is sloped down from the front plane of the base. Only the top 5ft of the shed is visible from the street. The shed is the same color as my home, so it is aesthetically pleasing. My neighbor at 54 Lansdowne (adjaining property line), is ok with the shed.

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

Moving the location of the shed could only be done by hiring a professional shed mover, and investing another \$1000 for a gravel pad. I already built the pad twice, and I mistakenly did not see the requirement for 20ft from the back wall on the "Garden Shed / Storage document

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

I believe that granting the variance will have no affect on the neighborhood, so I believe it is a minimal effect. There is no effect aesthetically, or from a safety standpoint. Since the ground that it sits on levels out at the back of my yard, if the shed moved back 20ft from the wall, the same top 5ft of the shed would be

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: visible from the street

There are/is no impact on the physical or environmental condition of the neighborhood. No trees or landscaping were affected. Only the top 5ft of the shed can be seen from the road.

- 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. While I did submit a permit to the town. After purchasing the shed, I went ahead and built the gravel pad / timber retaining wall before the permit was granted. I did this as the gravel company expressed concerns about the ground being covered with snow. I thought I was solidly within parameters of the shed permit sheet, but I guess I was not. The movers showed and I allowed placement of the shed before the permit. Thinking it was an EASY APPROVAL - IN ERROR

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

SHED AT 56 LANDSDOWNE LANE 14618
(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)



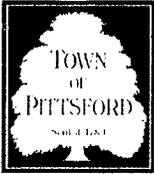
(Signature of Applicant)

2/23/20

(Dated)

56 Landsdowne Lane
(Street Address)

Rochester NY 14618
(City/Town, State, Zip Code)



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, Kris Schofield, the owner of the property located at:
56 LANDSDOWNE LANE Pittsford NY 14618
(Street) (Town) (Zip)

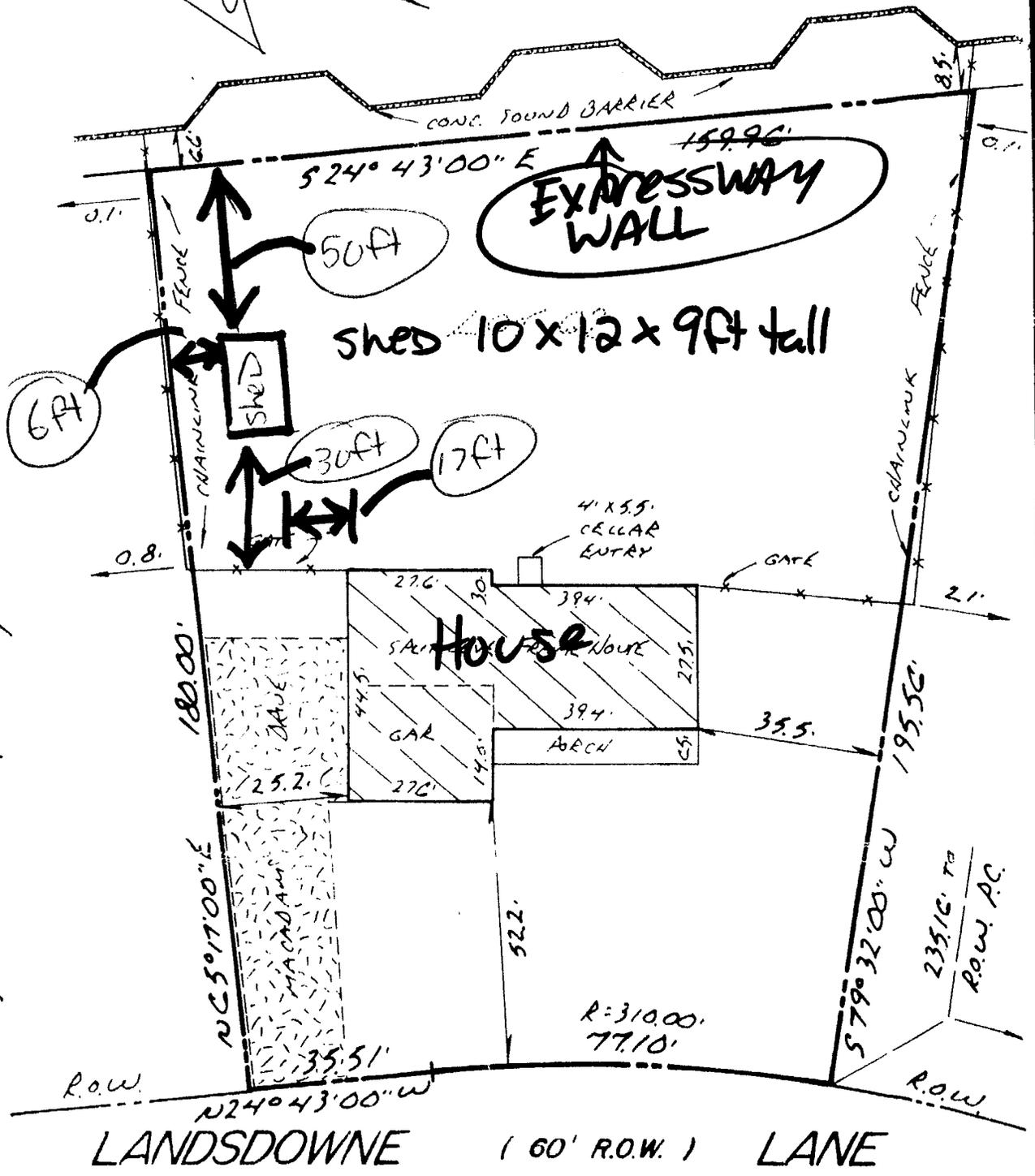
Tax Parcel # 151-110-01-032 do hereby authorize
_____ to make application to the
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of _____

K Schofield
(Signature of Owner)

2/23/22
(Date)

56 LANDSDOWNE LANE Roch Ny 14618

N.Y.S. I-490



REFERENCE: 1) ABSTRACT OF TITLE NOT PROVIDED 2) LIBER 8794 OF DEEDS PAGE 462
 3) LIBER 138 OF MAPS PAGE 99 of 100 - EAST AVENUE MAJOR SUBDIVISION

CERTIFICATION:

I hereby certify to

ETL FEDERAL CREDIT UNION IT'S SUCCESSORS & ASSIGNS
 THE TITLE INSURANCE COMPANY INSURING THE MORTGAGE
 KRIS H. SCHOFIELD & ANDREA SCHOFIELD
 SILVER & FELDMAN, ATTY'S

that this map was made DEC. 29, 2006 from notes of an Instrument Survey completed DEC 29, 2006 and from references listed here

[Handwritten signature]

NOTE: Property corners should only be

TRAPERS TO GDB CANTRAP 1 MEASUR

Date APR 25, 1950

Showing OFFICE TRAPERS TO GDB CANTRAP 1 MEASUR WITH GARAGE INCLUDED

Lot No. 64 Subdivision LAKE AVENUE MANOR

City Town Village PLEASANT

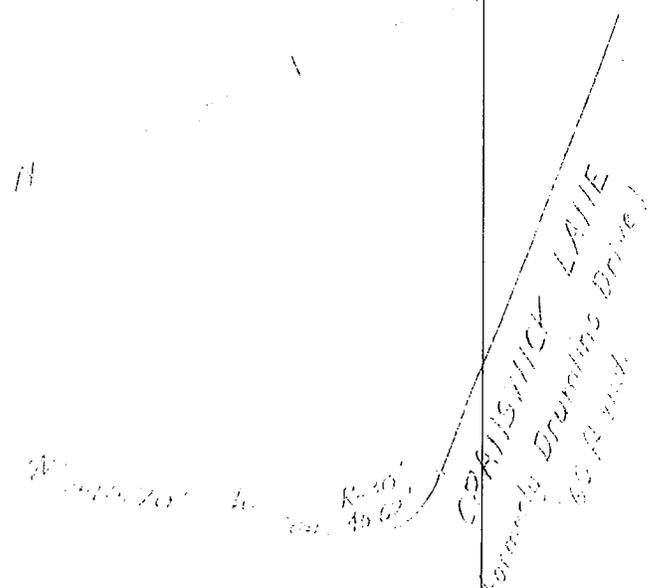
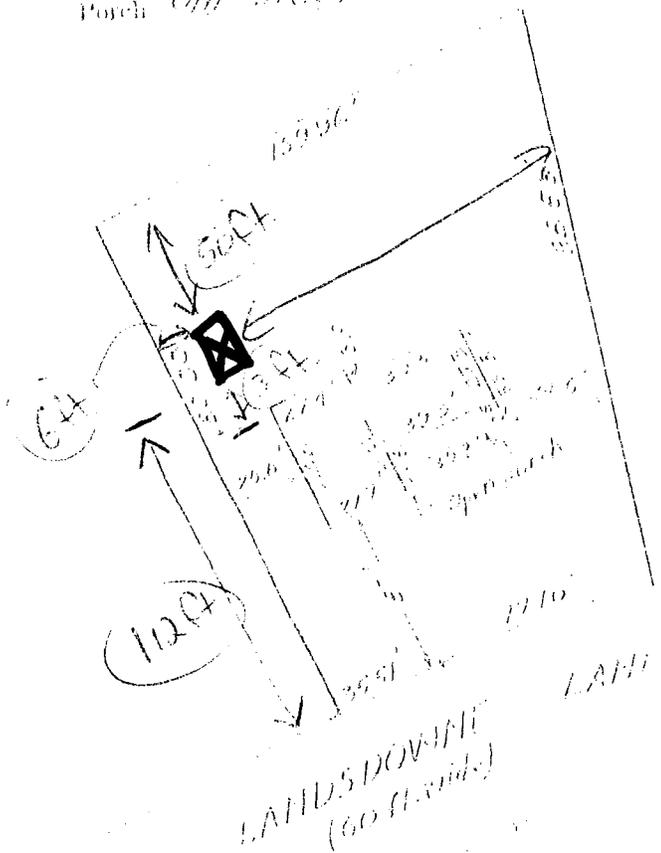
Label 158 of Map, Pg. 100

Monuments Used NO MONUMENTS USED

Distance from CROSSWICK LAKE to SOUTH line of property was actually measured.

Main building line is not approx. parallel to street line.

Porch OFF STORY OPEN



This map was made at the request of HENDERSON & MOORE to show general location of structures on the lot. It must not be used for any other purposes, such as locating fences or driveways. It is not an instrument survey map.

PAUL SLAPPEL
Licensed Land Surveyor
65 Broad Street, Room 511
Rochester 11, N. Y.
Tel. RA 6-7080

By

Paul Slapfel

PAUL SLAPPEL
License No. 3250



