

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
June 30, 2022
7:00 PM**

PUBLIC HEARINGS FOR AREA VARIANCES

- 8 Langley Rise, Tax # 163.04-4-15, Applicant is requesting relief from Town Code §185-113 B. (1) for a proposed oversized accessory structure, pool house. Property is zoned RN - Residential Neighborhood.
- 50 Nature View, Tax # 192.01-3-37, Applicant is requesting relief from Town Code §185-113 B. (1) for a proposed oversized accessory structure, shed. Property is zoned RN - Residential Neighborhood.
- 445 Mendon Center Road, Tax # 177.04-1-12, Applicant is requesting relief from Town Code §185 - 113 B. (3), for a deck forward of the rear wall of the house. This property is zoned Residential Neighborhood (RN).
- 19 Hilltop Drive, Tax # 164.10-3-28, 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. This property is zoned Residential Neighborhood – (RN).

PUBLIC HEARING FOR AREA VARIANCE – CONTINUED

- 14 Trotters Field Run Tax # 164.17-1-22.1, Applicant is requesting relief from Town Code §185 - 113 B. (3), for pool equipment and a sport court forward of the rear wall, §185 – 17 E. (1) for a sport court within the side setback, §185 – 17 H. for greater than 40% impervious lot coverage. This property is zoned Residential Neighborhood (RN).

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
DRAFT MINUTES
May 16, 2022**

PRESENT

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

ALSO PRESENT

Kate Munzinger, Town Board liaison; Robert Koegel, Town Attorney; Doug DeRue, Director of Planning and Zoning; Susan Donnelly, Secretary to the Board

ABSENT

Phil Castleberry

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, May 16, 2022 at 7:00PM local time.

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

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

- 21 Founders Green, Tax # 164.03-5-10, 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).

The homeowner, David Pritchard, was present.

He indicated that his neighbor who is most affected by the project does not have a problem with it. The timeframe for starting the project is June 2022.

There was no further discussion by the Board.

There was no public comment.

Barb Servé moved to close the Public Hearing.

Tom Kidera seconded.

All Ayes.

- 32 Rosewood Drive Tax # 178.20-2-20, Applicant is requesting relief from Town Code §185 - 17 D. (1) for a proposed front porch encroaching into the front setback. This property is zoned Residential Neighborhood (RN).

This application was withdrawn by the Applicant prior to the meeting.

- 640 Mendon Center Road Tax # 191.02-2-22, Applicant is requesting relief from Town Code §185 - 113 B. (3) for a proposed pool, pool equipment and generator encroaching into the front setback. This property is zoned Rural Residential South Pittsford (RRSP).

The homeowner Sunil Prasad was present.

This home sits 600 ft. back from Mendon Center Road. The home is situated so that it will face the Christmas tree lot which is currently being grown and developed on the land. This being said, the pool is being located at the back at the house which is technically in the "front yard" of the home. The generator is proposed to be located next to the garage.

Chairman George Dounce asked for public comment.

John Postel of 621 Mendon Center Road was present and offered comment. Mr. Postel welcomed his new neighbor and expressed his thoughts about natural barriers which could be placed around the pool to mitigate sight and noise.

A letter of comment from Al Rodgers of 631 Mendon Center Road was received by the Town.

A see through fence is proposed around the pool. Mr. Prasad said he is open to installing natural barrier plantings around the pool. The generator will not pose to cause disturbing noise to the neighbors.

There was no further comment.

Jim Pergolizzi moved to close the public hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- 14 Trotters Field Run Tax # 164.17-1-22.1, Applicant is requesting relief from Town Code §185 - 113 B. (3), for pool equipment and a sport court forward of the rear wall, §185 – 17 E. (1) for a sport court within the side setback, §185 – 17 H. for greater than 40% impervious lot coverage. This property is zoned Residential Neighborhood (RN).

The homeowner, Terry Goetz, was present.

Mr. Goetz indicated that two days prior to the 5/16 hearing that 16 arbor vitae plantings have been installed between his property and #12 Trotters Field Run. He indicated that he removed 6 trees at the recommendation of an arborist. He showed the Board pictures of the new plantings on his phone. Mr. Goetz indicated he is willing to install a solid fence

around the perimeter of his property. He discussed moving the rock garden and installing arbor vitae and evergreens.

It is determined that the current impervious lot coverage is 45.1% where code allows 40%. The homeowner did not consider that impervious coverage when he installed the sport court which now encroaches into the side setback generating one of the variance requests. He feels that even if he moved the sport court back 7 ft. the neighbor would still be able to see and hear activity from it. Mr. Goetz discussed a motion light which is on the back of the home and that this is the only light on the court. Doug DeRue discussed that per Town Code a sports court cannot be lighted after dark.

Mr. Goetz discussed that his property is lower than others and was “swampy” which he cites as part of the reason for the pool. He stated that water now flows into a catch basin. Barb Servé asked if there is a permit for the pool and Doug DeRue stated yes but the Town does not review the hard surface around the pool.

Chairman George Dounce called for public comment.

Nicole Gupta of 259 Tobey Court commented that her family has been impacted by the removal of trees which were removed to accommodate the addition of the pool and the sport court. She requested that a privacy fence and plantings be installed to mitigate this.

Paula and Lou Cianca of 16 Trotters Field Run commented on the drainage issues they are experiencing due to the addition of the pool and sport court. They feel that water is not moving as it was previously due to the addition of impervious surface on Mr. Goetz’s property which they feel is causing additional pooling on their property.

Tim and Susan Fogel of 12 Trotters Field Run also made remarks. Mr. Fogel commented that the additional hard surface of the sport court increases noise and visual impact to his property. He noted that many trees have been removed from Mr. Goetz’s property and it would be helpful to add more vegetative screening between their properties but the current size and location of the sport court between their properties are now prohibitive to these plantings. Mrs. Fogel is concerned about privacy issues and loss of their property value.

Mr. Goetz discussed some options to mitigate the neighbor’s concerns including installing arbor vitae around the property and a solid fence to provide privacy. Removal of the rocks in the rear of the property and a French drain installation were also discussed. Mr. Goetz also discussed installing plantings around the filter or a custom box around it.

The Board held discussion regarding mitigation of the neighbor’s concerns. It was determined that the Board would need to see a site plan of proposed plantings and landscaping.

George Dounce moved to keep the hearing open to give the neighbors an opportunity to come to some agreement or determine whether the Town will need to make the decisions.

All Ayes.

DECISION FOR 21 FOUNDERS GREEN – AREA VARIANCE

A written Resolution to grant the area variance for 21 Founders Green was moved by Barbara Servé and seconded by Board Member George Dounce.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Absent
Kidera	Aye
Dounce	Aye
Powers Iacobucci	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 April 15, 2022.
2. All construction is to be completed by December 31, 2022.

DECISION FOR 640 MENDON CENTER ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 640 Mendon Center Road was moved by George Dounce and seconded by Board Member Jim Pergolizzi.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Absent
Kidera	Aye
Dounce	Aye
Powers Iacobucci	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 March 28, 2022.
2. All construction is to be completed by December 31, 2024.
3. Appropriate planting to be installed around the pool and generator to screen from across the street neighbors.

POINT PERSONS FOR JUNE 2022 MEETING

8 Langley Rise - Jennifer Iacobucci

445 Mendon Center Road – Mary Ellen Spennacchio-Wagner

50 Nature View - Jim Pergolizzi

Following discussion, it was determined that a majority of members can attend a meeting on Thursday, June 30th for the next Zoning Board of Appeals meeting. The meeting is being rescheduled from Monday, June 20 in observance of the federal holiday Juneteenth on that date.

ADJOURNMENT/MINUTES APPROVAL

Chairman George Dounce motioned to approve the minutes of April 18, 2022 with an addition. Following a unanimous voice vote, the minutes were approved as written.

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Susan Donnelly
Secretary to the Zoning Board of Appeals

DRAFT

Zoning Board of Appeals Referral Form Information

Property Address:

8 Langley PITTSFORD, NY 14534

Property Owner:

Vornovitsky, Michael
8 Langley Rise
Pittsford, NY 14534

Applicant or Agent:

Vornovitsky, Michael
8 Langley Rise
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: 180 SF

Proposed Conditions:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size: 288 SF

Resulting in the Following Variance:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size: 108 SF

Code Section(s):

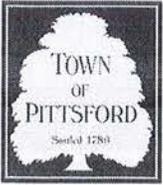
Description: Applicant is requesting relief from Town Code §185- 113 B. (1) for a proposed 288 SF oversized accessory structure, where code allows up to 180 SF. Property is zoned RN - Residential Neighborhood.

June 1, 2022



Date

Bill Zink -



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: April 14, 2022 Hearing Date: _____

Applicant: Michael Vornovitsky

Address: 8 Langley Rise, Pittsford NY 14534

Phone: (718) 614-1217 E-Mail: mvornovitsky@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: 8 Langley Rise Current Zoning: _____

Tax Map Number: 163.04-4-15

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

Pool house, 12x24 feet. 288

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)

04/13/22
(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:

As mentioned earlier, the structure will be of the same architectural style as everything in the neighborhood. It will not block the view of the neighbors. It is neither in front of anyone's neighboring window or taller than any home.

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

In building a pool, a storage area is needed, as well as an area where people can gather on the shade. During the season when the pool is closed the poolhouse has to be big enough to contain outdoor furniture to be kept out of the weather.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The area variance is minimal - This is not a very large structure

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 poolhouse is a nondestructive structure. It will stand on a foundation and will not affect the land surrounding it. It is contained in the backyard and has no impact on the rest of the neighborhood. There will be no emissions coming from the structure.

- **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 as much as the homeowner feels it is necessary that a structure for storage is essential.

Zoning Board of Appeals Referral Form Information

Property Address:

50 Nature View PITTSFORD, NY 14534

Property Owner:

McCann, Yeonmo
50 Nature Vw
Pittsford, NY 14534

Applicant or Agent:

McCann, Yeonmo
50 Nature Vw
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: 180 SF

Proposed Conditions:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size: 216 SF

Resulting in the Following Variance:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size: 46 SF

Code Section(s):

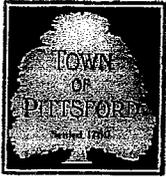
Description: Applicant is requesting relief from Town Code §185- 113 B. (1) for a proposed 216 SF oversized accessory structure, where code allows up to 180 SF. Property is zoned RN - Residential Neighborhood.

June 1, 2022



Date

Bill Zink -



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: _____ Hearing Date: _____

Applicant: Kevin McCann and YEONMO McCann

Address: 50 Nature Vw. Pittsford, NY 14534

Phone: 315-559-5845 E-Mail: Kevin@McCannsLocalMeats.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: placement of a pre-constructed shed inside a privacy fence on a prepared concrete and gravel bed. Shed is vinyl sided to match that on our home as are the black roofing tile on white trimmed doors and windows. shed will be partitioned to be use for storage as well as a changing room for pool guests.

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)

5/13/22
(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 shed will have virtually zero impact on our Neighbors as it will be placed inside the privacy fence installed around our pool. There will be no obstruction to use of or enjoyment to any adjacent properties. The roof of the shed will be visible above the privacy fence but will not interfere with any views from our Neighbors property. The shed will provide us adequate storage to more safely use our Garage, access equipment used to keep our property visually appealing, and alleviate the need to store any of the equipment and supplies outside creating gawdy eye sore for our Neighbors. Our two existing adjacent Neighbors have been consulted and approve.

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

Based on land grading, access, and usage the proposed location will be both the most efficient and discreet for its intended use. Existing garage has become too cumbersome to remain either adequate or safe for storage needs.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

while proposal is Substantial enough to request a variance, it is of minimal impact to ANY of our Neighbors. The Benefit to our Family however will be Substantial for both current and future needs.

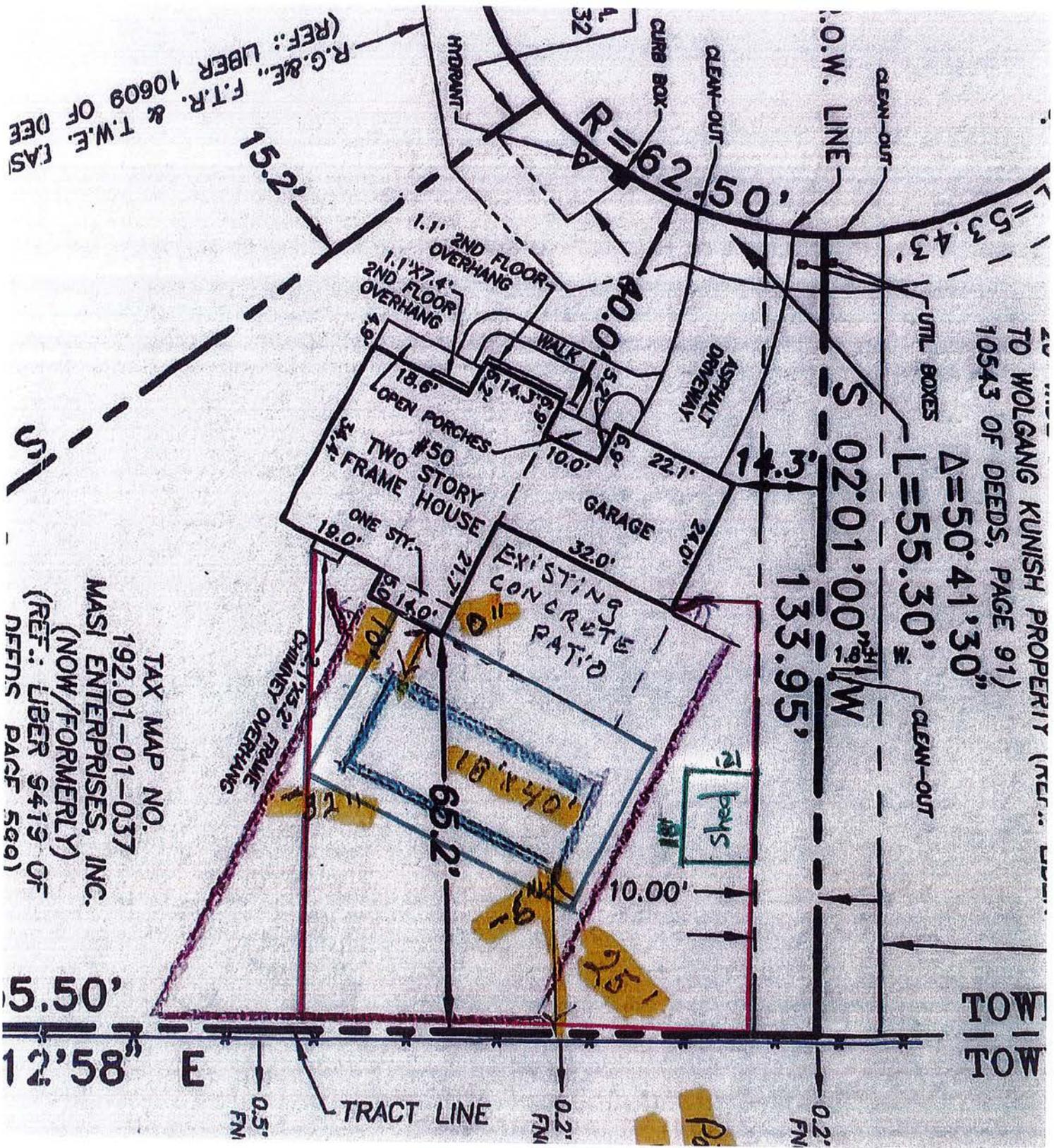
4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

Virtually zero effect on our Neighborhood. As stated This shed would be located inside a privacy fence, making it unnoticeable anywhere but from inside the fence. steps are being taken to improve drainage with installation of a drain to direct water away from all structures as intended by code enforcement, eliminating erosion or pooling water issues. Added storage, provided by the shed, will allow for property upkeep and prevent yard clutter.

• **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?

Size of property to maintain and storage provided by existing garage is not adequate to properly maintain appearance.



R.G.&E., F.T.R. & T.W.E. CAS
 (REF.: LIBER 10609 OF DEE

TO WOLGANG KUNISH PROPERTY (REF.: DEEDS, PAGE 91)
 10543 OF DEEDS, PAGE 91)
 $\Delta = 50'41'30''$
 $L = 55.30'$

S 02°01'00" W
 133.95'

TAX MAP NO.
 192.01-01-037
 MASI ENTERPRISES, INC.
 (NOW/FORMERLY)
 (REF.: LIBER 9419 OF
 DEEDS PAGE 590)

5.50'
 12'58"

TOW
 TOW

TRACT LINE

0.5' FM

0.2' FM

0.2' FM

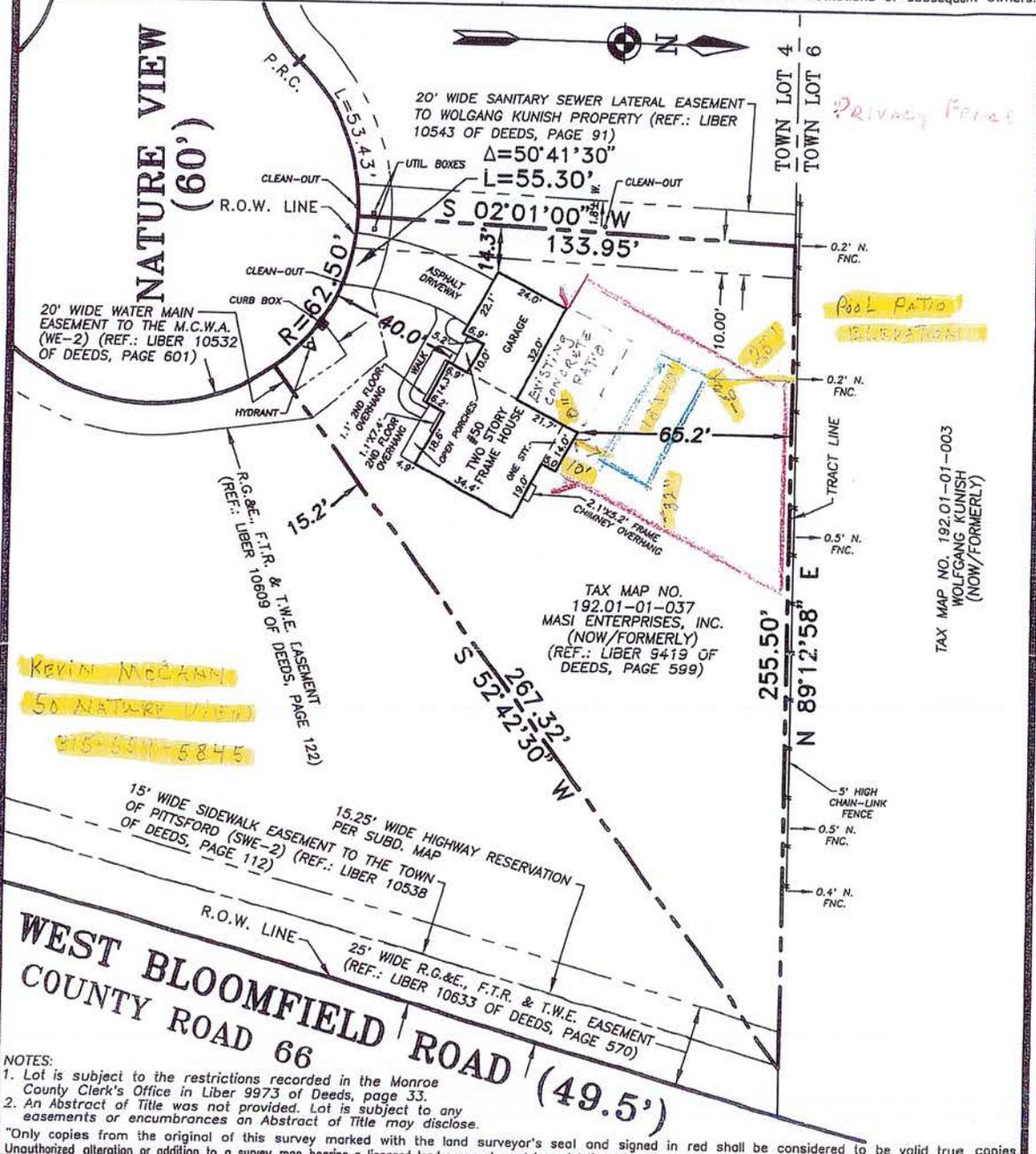
We certify to: Yeonmo McCann; John Marchioni, Esq.; The title company insuring title, if any;

Reference Data:

Country Pointe Subdivision, Section No. 2 is on file in the Monroe County Clerk's Office in Liber 332 of Maps, Page 73.

that this map was made from the map filed in the Monroe County Clerk's Office indicated and a survey by this office on June 17, 2014.

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 institutions or subsequent owners.



NOTES:

1. Lot is subject to the restrictions recorded in the Monroe County Clerk's Office in Liber 9973 of Deeds, page 33.
2. An Abstract of Title was not provided. Lot is subject to any easements or encumbrances an Abstract of Title may disclose.

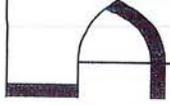
Only copies from the original of this survey marked with the land surveyor's seal and signed in red shall be considered to be valid true copies. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, subdivision 2, of the New York State Education Law.

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**INSTRUMENT SURVEY OF LOT #37
COUNTRY POINTE SUBD., SECT. NO. 2**

PART OF TOWN LOT 4, TOWNSHIP 12, RANGE 5
PHELPS & GORHAM PURCHASE
TOWN OF PITTSFORD, MONROE COUNTY, NEW YORK



LaDieu Associates p.c.
surveying-engineering-land planning

40 Cedarfield Commons
scale: 1"=40'
client: Masi Enterprises, Inc.

Rochester New York 14612
date: June 18, 2014



Installation of shed

1 message

John tanza <jmtanza@yahoo.com>
To: Kevin@McCainLocalMeats.com

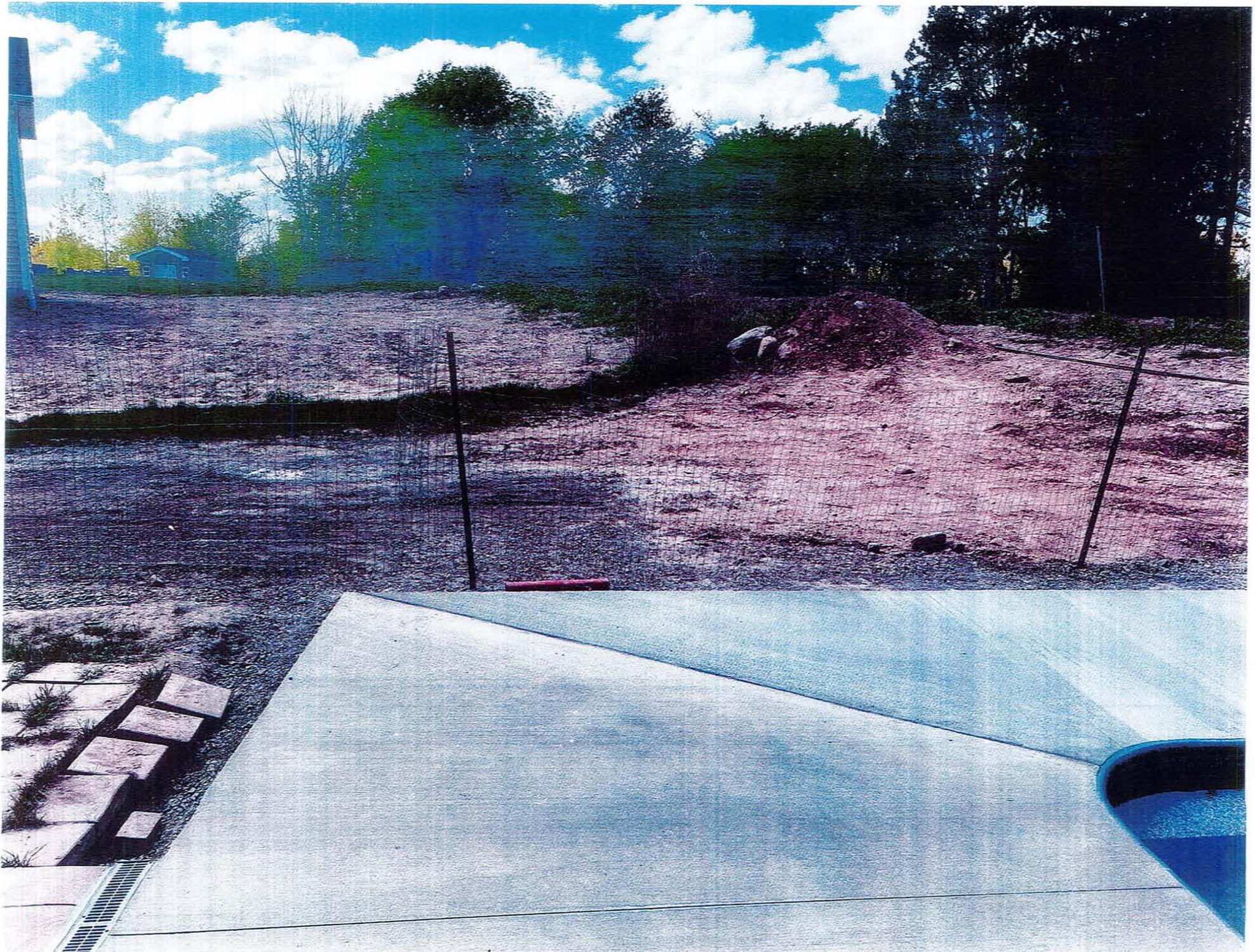
Fri, May 13, 2022 at 2:39 PM

The purpose of this email is to acknowledge my knowledge of a proposed shed that will be placed/constructed on Kevin McCain's property. I have no issues with said shed being placed on the aforementioned property . My property is a rear to his along a common fence line.

John Tanza
251 W Bloomfield rd
Pittsford NY 14524

Sent from my iPhone







Zoning Board of Appeals Referral Form Information

Property Address:

445 Mendon Center Road PITTSFORD, NY 14534

Property Owner:

Pies, Zachary R
445 Mendon Center Rd
Pittsford, NY 14534

Applicant or Agent:

Pies, Zachary R
445 Mendon Center Rd
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):

Description: Applicant is requesting relief from Town Code §185 - 113 B. (3), for a deck forward of the rear wall of the house. This property is zoned Residential Neighborhood (RN).

June 1, 2022



Date

Bill Zink -



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: _____ Hearing Date: _____

Applicant: Zachary R. Pies

Address: 445 Mendon Center Rd Pittsford NY 14534

Phone: 585-455-5293 E-Mail: Zpies@yahoo.com

Agent: n/a
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

Property Owner: Same as 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: Pittsford Current Zoning: Residential

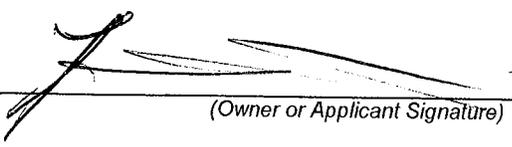
Tax Map Number: 264689 177.04-1-12

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

20X20 Deck to be built on side of house, property has a garage behind the house and how the town code is written the deck has to be built behind the house. My property is unable to have a deck built behind it. Proposed deck would be on the left side of house.

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


(Owner or Applicant Signature)

3/25/22
(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:

Regarding the rear setback variance, there is no properties to the left of my house. Our request would result in a deck location that is not perceptively different than other properties that are being built. Specifically, the deck isn't any closer to the road than my house is and is more than 100ft away from any neighbors property lines.

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

without the variances requested we would not be able to build a deck. This area is unfortunately the only possible location.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The requested variance is minimal and in no way would result in a perceptible difference from other decks in the immediate neighborhood. It's no different than a corner lot property and seeing their deck from the road.

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 requested variance will not have any adverse effect or impact.

- **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, there's not an alternative site that would not also require a variance.

NOTES: 1.) PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD NOT REFERENCED IN ABSTRACT OF TITLE.
 2.) THE USE OF THIS MAP IN CONJUNCTION WITH AN AFFIDAVIT OF NO CHANGES RELEASES THE SURVEYOR OF ALL RESPONSIBILITY

REFERENCES:

- 1.) LIBER 317 OF MAPS, PAGE 36.
- 2.) LIBER 8879 OF DEEDS, PAGE 222.
- 3.) ABSTRACT OF TITLE No. 1816-0457SCH (CHICAGO TITLE).
- 4.) AGREEMENT PER LIBER 5811 OF DEEDS, PAGE 203.

CERTIFICATION:

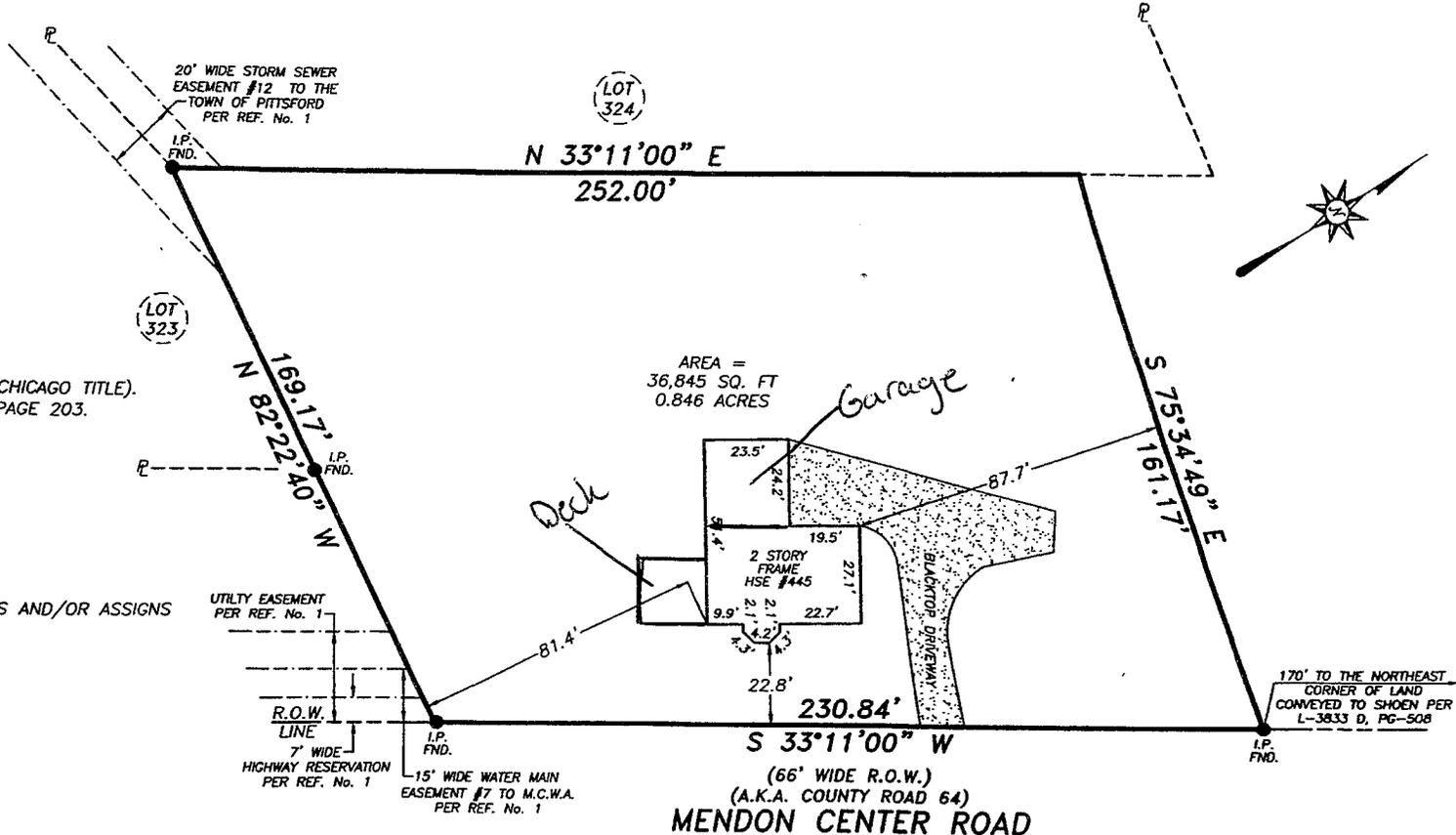
I, DAVID A. STAUB, HEREBY CERTIFY TO:

- ZACHARY R. PIES
- ESL FEDERAL CREDIT UNION, ITS SUCCESSORS AND/OR ASSIGNS
- MICHAEL SANTARIELLO, ESQ.
- INDEPENDENT TITLE AGENCY, LLC

THAT THIS MAP WAS MADE APRIL 30, 2018 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED IN JANUARY, 2018 AND REFERENCES LISTED HEREON.



DATE



INSTRUMENT SURVEY MAP

MENDON CENTER ROAD
 BEING PART OF TOWN LOT No. 45,
 TOWNSHIP No. 12, RANGE No. 5,
 TOWN OF PITTSFORD, COUNTY OF MONROE,
 STATE OF NEW YORK

"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 red ink 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 institutions or subsequent owners."

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TRIPLE POINT LAND SURVEYING, LLC.

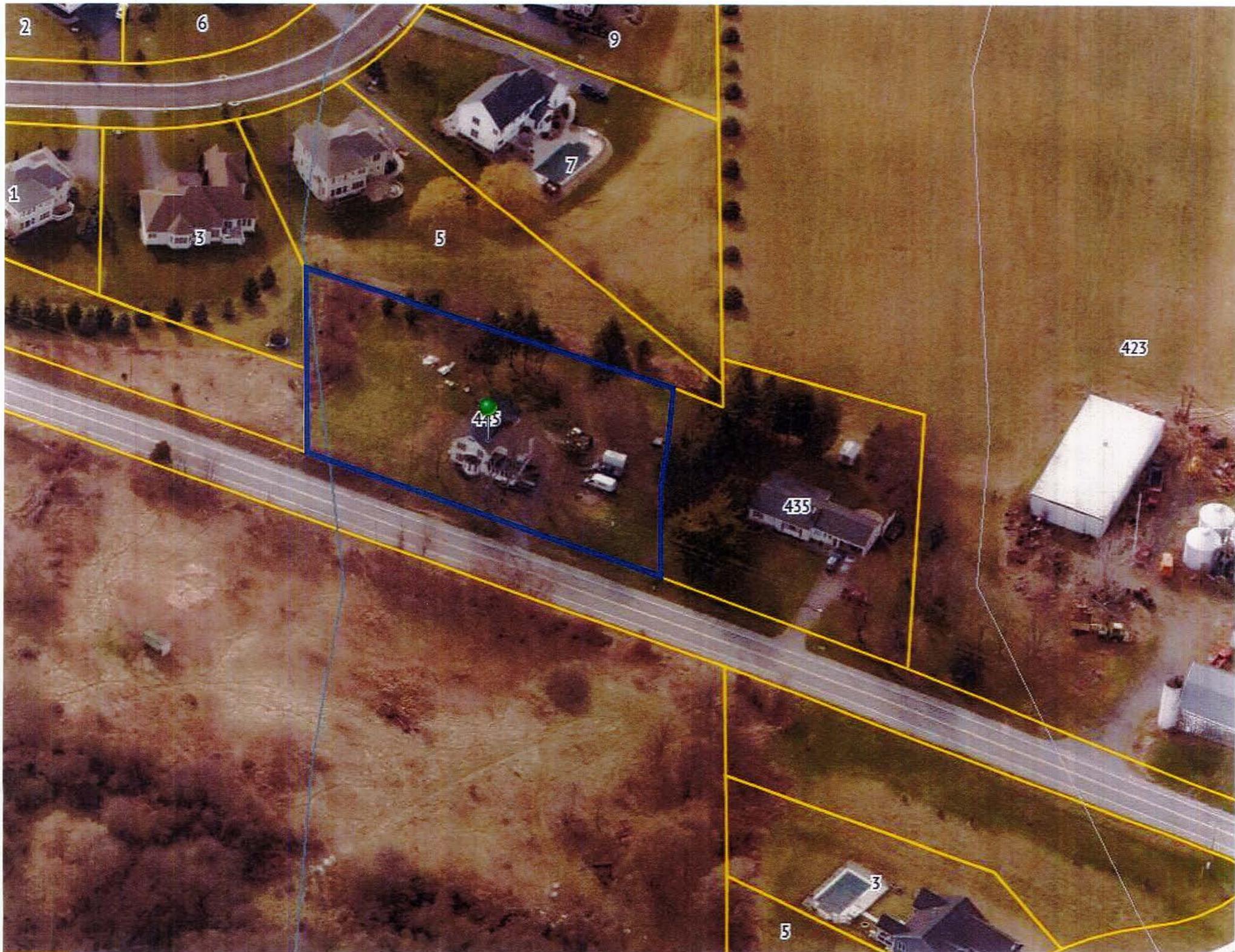
16 EAST MAIN STREET SUITE 320
 ROCHESTER, NEW YORK 14614
 PHONE (585) 263-9950
 FAX (585) 263-3591
 TRIPLEPOINTSURVEYING@YAHOO.COM

SCALE: 1" = 40'

TAX ACCOUNT: 177.04-1-12

JOB No. 0484-18

DATE: APRIL 30, 2018



Zoning Board of Appeals Referral Form Information

Property Address:
19 Hilltop Drive PITTSFORD, NY 14534

Property Owner:
Dermody, Christopher J
19 Hilltop Dr
Pittsford, NY 14534

Applicant or Agent:
Dermody, Christopher J
19 Hilltop Dr
Pittsford, NY 14534

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

Town Code Requirement is:	Proposed Conditions:	Resulting in the Following Variance:
Right Lot Line:	Right Lot Line:	Right Lot Line:
Left Lot Line:	Left Lot Line:	Left Lot Line:
Front Setback:	Front Setback:	Front Setback:
Rear Setback:	Rear Setback:	Rear Setback:
Height:	Height:	Height:
Size:	Size:	Size:

Code Section(s):

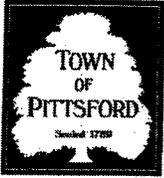
Description: Applicant is requesting relief from Town Code §185-119 A. (1) to place the pool filter and or heater equipment on the side of the home. This property is zoned Residential Neighborhood – (RN).

June 1, 2022



Date

Bill Zink -



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: May 25, 2022 Hearing Date: June 27, 2022

Applicant: Christopher J Dermody

Address: 19 Hilltop Drive

Phone: 585-278-4071 E-Mail: cd8man@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: 19 Hilltop Drive Current Zoning: residential neighborhood

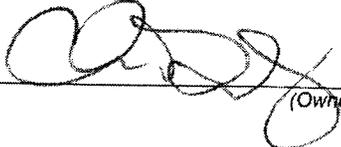
Tax Map Number: 164.10-3-28

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

a requested variance for pool equipment to be placed on the side of the house not the back/behind the house.

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


(Owner or Applicant Signature)

5/25/2022
(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 plan to place pool equipment will not produce an undesirable change because it will be placed approximately 20' from the front of the house and behind a newly built privacy fence (6', vinyl) and not visible from the street of neighboring property.

There is roughly 7'-10' difference in the requested location of equipment and the formal "behind" house.

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

- limited flat space behind house
- equipment cannot be placed above pool (back of property) due to backyard gradient
- space closest to house is pre-existing outdoor living space - patio

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

I believe the variance request is substantial to properly complete the project visually and logically, however I believe the request to be minimal in impact on neighbors, neighborhood, and Town of Pittsford. It will not be visible or known to anyone outside of guests to the backyard of the property.

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:

Visibly this will not be known to passersby or those not physically on the property due to privacy fence and landscaping. Topography maps and plans have been developed to account for the building of the pool. This included environmental impacted. The pool equipment was factored into this project so as not to disrupt anything in the

- **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;

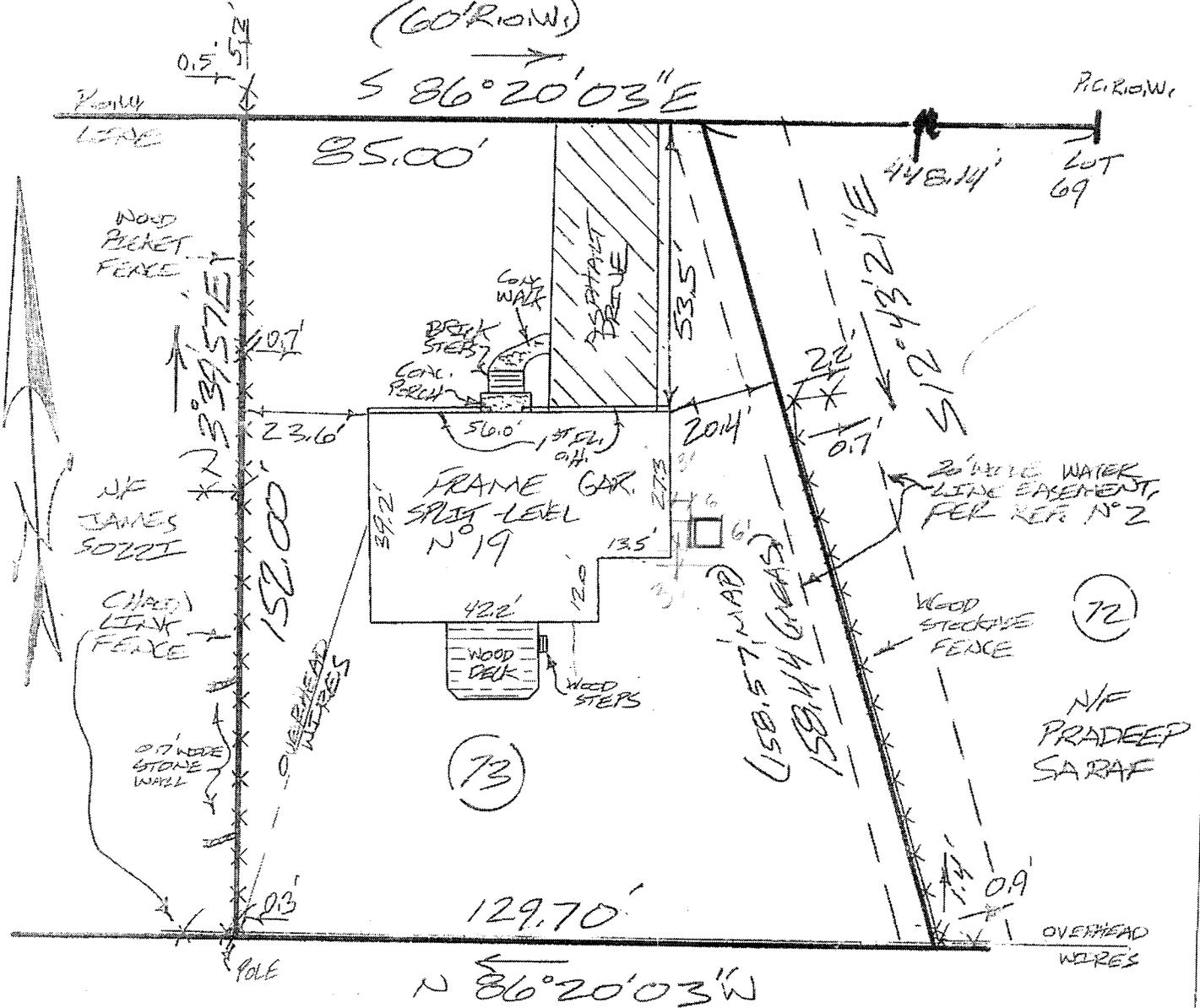
5. Is the alleged difficulty self-created?

Yes this is self created b/c the building of the related pool cannot function w/out the equipment. the layout of the property significantly limits the location options hence the requested variance to the side of the house.

HILLTOP DRIVE

(60' R.O.W.)

S 86° 20' 03" E



REFERENCES

1. L. 1103 MAPS, P. 25

2. L. 1102 MAPS, P. 73

3. L. 1167 MAPS, P. 25

4. MONROE TITLE INSURANCE CORPORATION, N° 162749 DATED MAY 27, 2009

5. L. 4098 DEEDS, P. 495

- EASEMENT TO R6E5 AND ATC, L. 3531 DEEDS, P. 390, ALONG SIDE AND REAR.

"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."

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I HEREBY CERTIFY TO THE PARTIES LISTED HEREON THAT THIS MAP WAS COMPLETED ON JUNE 16, 2009 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON JUNE 15, 2009 USING THE REFERENCE MATERIALS LISTED.



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

INSTRUMENT SURVEY MAP

19 HILLTOP DRIVE

LOT 73 OF THE PITTSFORD HEIGHTS SUBDIVISION
MONROE COUNTY TOWN OF PITTSFORD

SCALE: 1" = 30'

BRUCE E. FRIES

PROFESSIONAL LAND SURVEYOR

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

FAX: 800-772-7419

CERTIFIED TO:

1. PREMIUM MORTGAGE CORPORATION, ITS SUCCESSORS AND/OR ASSIGNS.
2. DOLLINGER ASSOCIATES
3. CHRISTOPHER AND LORIANNE DERPIODY
4. MICHAEL SANTAPARIELLO
5. THE TITLE INSURANCE COMPANY INSURING THE MORTGAGE
6. THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT OF WASHINGTON D.C. AND ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR

