

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

**APPLICATION FOR AN AREA VARIANCE - NEW**

- 80 Barker Road, Tax # 178.09-1-27, Applicant is requesting relief from Town Code §185- 113 B. (1) and 185 K. (2) for a proposed oversized accessory structure, shed in the side setback. Property is a corner lot and zoned RN - Residential Neighborhood.
- 354 Canfield Road, Tax # 191.04-2-3, Applicant is requesting relief from Town Code §185- 113 B. (1), (2) for a proposed oversized and over height accessory structure, garage. Property is zoned RRSP – Rural Residential South Pittsford.
- 263 East Street, Tax # 178.12-1-32, Applicant is requesting relief from Town Code §185-113 B. (1), (2) for a proposed oversized and over height accessory structure, garage. Property is zoned RN - Residential Neighborhood.
- 7 Lusk Farm Circle, Tax # 164.15-1-86, 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).
- 4 Millstone Court, Tax # 178.11-2-36, Applicant is requesting relief from Town Code §185 - 17 E for a proposed garden shed located less than the required minimum side setback. This property is zoned Residential Neighborhood – (RN).

**APPLICATION FOR AN 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  
June 30, 2022**

**PRESENT**

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

**ALSO PRESENT**

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

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, June 30, 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) 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**

- 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.

George Dounce opened the Public Hearing.

The homeowner, Michael Vornovitsky, was present. Mr. Vornovitsky is requesting the area variance for an oversized accessory structure to be used as a pool house to store pool equipment and lawn equipment. He stated there will not be a bathroom in the structure.

The timeframe for requested construction is July - August 2022.

George Dounce called for public comment.

David Senise of 4 Langley Rise stated he is opposed to the project as he is concerned it will set a precedent of oversized structures in the neighborhood and expressed concerns for his property value.

It was pointed out that there is one house between these properties.

Jim Pergolizzi moved to close the Public Hearing.

Jennifer Iacobucci seconded.

All Ayes.

The Board held discussion on the proposed structure and asked the homeowner if he would consider a smaller structure to 240 sq. ft. (20' x 12'). Mr. Vornovitsky indicated he would agree to that size but code size of 180 sq. ft. would not fit his needs. Drawings indicate the structure is proposed to be 12 ft., which meets code.

Jim Pergolizzi pointed out the right side neighbor does not have a problem with the structure. It was also noted that a current line of trees provides buffering to the rear of the property.

Doug DeRue noted that this structure is proposed to be well within the property setback and does not present encroachment on other properties.

- 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.

George Dounce opened the Public Hearing.

The homeowner, Kevin McCann, was present.

The Board asked Mr. McCann on his timeline for this project. He would like to install summer of 2022. The pad has already been constructed. Mr. McCann submitted with his application to the Board two letters of support for the project. A third abutting property has not had a home built on it yet.

There was no public comment.

Barb Servé moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- 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).

George Dounce opened the Public Hearing.

Zachary Pies, the homeowner, was present.

Mr. Pies indicated that was the best location for the deck as the side of the home faces the road. Natural screening will add additional privacy. The applicant also intends to install additional arbor vitae screening.

Mr. Pies would like to start his project as soon as possible.

Phil Castleberry moved to close the Public Hearing.

Thomas Kidera seconded.

All Ayes.

- 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).

George Dounce opened the Public Hearing.

Chris Dermody, the homeowner, and Heinrich Fisher, designer were present.

Mr. Dermody stated that due to the incline in his backyard the pool equipment cannot be located in the rear of the property as pool company indicated the equipment will not function properly on elevated area. The equipment will be shielded by a new fence and will not be visible from the road.

Mr. Dermody stated that he spoke to both of his neighbors and they do not object.

There was no public comment.

Jennifer Iacobucci moved to close the Public Hearing.

Mary Ellen Spennacchio- Wagner seconded.

All Ayes.

#### **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).

This hearing remained open from the May 16 meeting.

The homeowner, Terry Goetz, was not present but submitted an email indicating he could not be in attendance due to a personal family matter which took him out of the area. Mr. Goetz also submitted a separate email testifying to the fact that he has removed 4 ft. of rocks between his property and 16 Trotters Field Run and also planted 16 trees along the fence to separate the property with his land and 12 Trotters Field Run. He indicated he is willing to plant more trees and replace the current fence with a solid 6 ft. fence.

George Dounce called for public comment.

Paula Cianca of 16 Trotters Field Run stated she did not think that removing the rocks will solve the drainage problem. George Dounce indicated the drainage is not a Zoning Board issue and is something that the Town would need to look into.

Nicole Gupta of 259 Tobey Court expressed concern about a gap underneath the fence which could allow access to the pool area. She also questioned the number of trees planted. The Town indicated they would review the fence situation.

Tim and Susan Fogel of 12 Trotters Field Run spoke. They expressed their concerns about the noise issue from the pool and sport court due to echo from the increased impervious surface and asked to have the setback restored. Mrs. Fogel asked for the asphalt between the court and pump removed.

George Dounce asked if the Town had received a more recent map of the property. Doug DeRue stated that the Town had done an extensive review of the amount of impervious surface on the property and determined it to be 45.1 % compared to the Town Code allowed 40%. He stated that the sport court is angled with the widest section requiring 6'10" of the court be removed in order to meet Town Code. George Dounce also indicated that the sport court is also somewhat forward of the rear wall of the home where Code requires it to be behind.

A discussion of fencing was held. Nicole Gupta indicated she would be agreeable to a 6 ft. or higher solid fence.

Tom Kidera moved to close the Public Hearing.

Phil Castleberry seconded.

All Ayes.

The Board held discussion about the amount of the variance requested for the impervious surface along with the potential detriments additional hard surface poses.

Doug DeRue indicated he had reviewed options with the Applicant and requested a new survey map with proposed landscaping/fencing. It was noted that the applicant has not to date submitted the survey with landscaping/fencing shown and documentation requested at the previous meeting for the Board's review. The applicants and neighbors have also had no further discussion since the last meeting.

It was determined that the Town will contact the Applicant and inform him to submit any final plan in writing to the Town for the Board's review by a deadline of July 11 to be considered in this matter at the July 18 meeting.

This hearing remains open.

### **DECISION FOR 8 LANGLEY RISE – AREA VARIANCE**

A written Resolution to grant the area variance for 8 Langley Rise was moved by Jennifer Iacobucci 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  
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 13, 2022 and the attached site plan dated May 17, 2022 as modified to a 240 sq. ft. structure on June 30, 2022.
2. All construction is to be completed by December 31, 2023.

**DECISION FOR 50 NATURE VIEW – AREA VARIANCE**

A written Resolution to grant the area variance for 50 Nature View was moved by Jim Pergolizzi 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  
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 May 13, 2022.
2. All construction is to be completed by December 31, 2023.

**DECISION FOR 445 MENDON CENTER ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 445 Mendon Center Road was moved by Mary Ellen Spennacchio-Wagner 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  
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 25, 2022.
2. All construction is to be completed by December 31, 2023.

### **DECISION FOR 19 HILLTOP DRIVE – AREA VARIANCE**

A written Resolution to grant the area variance for 19 Hilltop Drive was moved by Mary Ellen Spennacchio-Wagner and seconded by Board Member Tom Kidera.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
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 May 25, 2022.
2. All construction is to be completed by December 31, 2023.

### **POINT PERSONS FOR JULY 18 MEETING**

**80 Barker Road – Barb Servé**

**354 Canfield Road – Tom Kidera**

**263 East Street – Jim Pergolizzi**

**7 Lusk Farm Circle – George Dounce**

**4 Millstone Court – Jennifer Iacobucci**

### **ADJOURNMENT/MINUTES APPROVAL**

Chairman George Dounce motioned to approve the minutes of May 16, 2022. Following a unanimous voice vote, the minutes were approved as written.

The meeting was adjourned at 8:54 pm.

Respectfully submitted,

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Susan Donnelly  
Secretary to the Zoning Board of Appeals

# Zoning Board of Appeals Referral Form Information

**Property Address:**

80 Barker Road PITTSFORD, NY 14534

**Property Owner:**

Maggio, Maryanne  
80 Barker Rd  
Pittsford, NY 14534

**Applicant or Agent:**

Maggio, Maryanne  
80 Barker Rd  
Pittsford, NY 14534

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

<b>Town Code Requirement is:</b>		<b>Proposed Conditions:</b>		<b>Resulting in the Following Variance:</b>	
Right Lot Line:		Right Lot Line:		Right Lot Line:	
Left Lot Line:	20	Left Lot Line:	8	Left Lot Line:	12.0
Front Setback:		Front Setback:		Front Setback:	
Rear Setback:		Rear Setback:		Rear Setback:	
Height:		Height:		Height:	
Size:	180 SF	Size:	240 SF	Size:	60.0 SF

**Code Section(s):**

Description: Applicant is requesting relief from Town Code §185- 113 B. (1) and 185 K. (2) for a proposed oversized accessory structure, shed in the side setback. Property is a corner lot and zoned RN - Residential Neighborhood.

June 28, 2022



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Date

Bill Zink -



# TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Applicant: Maryanne Maggio

Address: 80 Barker Road

Phone: (585) 749-2428 E-Mail: andrew@rochoff.com

Agent: Andy Draveck  
*(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: 80 Barker Road Current Zoning: \_\_\_\_\_

Tax Map Number: \_\_\_\_\_

Application For:  Residential  Commercial  Other

Please describe, in detail, the proposed project:

Install a 12x20 shed, see attached pictures and specifications.

**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)*

5-26-2022  
\_\_\_\_\_  
*(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 shed will look similar to our house. There is a 7' high fence on one side and large Douglas Firs behind it. It is located in the far back corner of our lot. It can be seen from Barker Road through many trees we planted to offer us privacy. It will be painted a light color, white or cream, with white trim. It will not be a loud color like a "red barn".

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

I don't have another option to store our items under an enclosed roofed structure. We have 5 cars and only 3 garage bays.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Minimal. The area is blocked by a fence and large trees. It is a very small footprint on our property. The shed will be done tastefully.

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 request will not be an obnoxious style, tall or a loud color. It will be a similar style and color to match our house. I will also be well maintained just like the rest of our property.

- **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 part of being a family that owns things. As our children age they require more things. I don't store items in our yard and therefore, I need another covered structure. Thank you.



You're shopping  
**Victor**   
OPEN until 10 pm

Delivering to  
**14534**

Search



Cart | 0 items

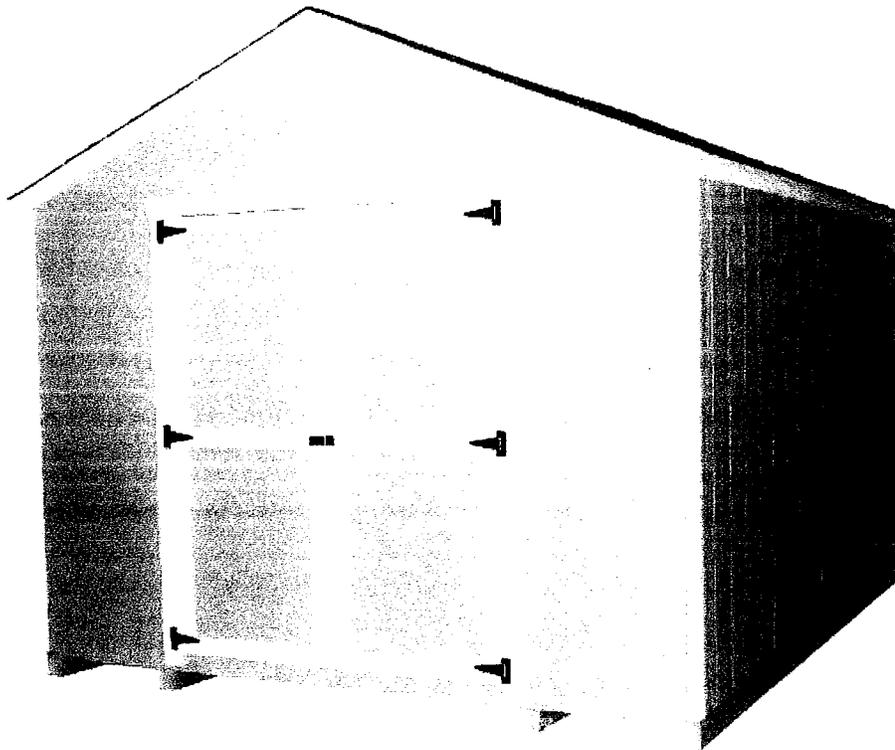
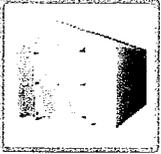
Home / Storage & Organization / Outdoor Storage / Sheds / Wood Sheds

Internet #312478747 Model #12x20 VGS-WPC-FK Store SKU #1005146443

LITTLE COTTAGE CO. (Brand Rating: 3.0/5)   
Value Gable 12 ft. x 20 ft. Wood Shed Precut Kit with Floor

70

★ (1) Questions & Answers (2)



Product Details

Hover Image to Zoom

SPECIAL BUY

**\$4542<sup>86</sup>**

Limit 5 per order

~~\$5678.57~~

Save \$1135.71 (20%)



\$190.00 /mo\* suggested payments with 24 months\* financing Apply Now

How to Get It

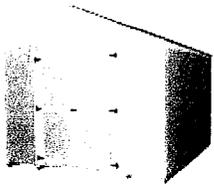
Delivering to: **14534** | Change



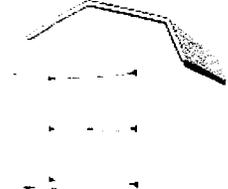
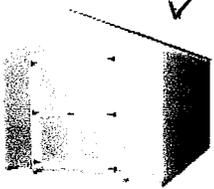
Add To Cart

Ad

### Compare Similar Wood Sheds



CURRENT PRODUCT



Brand	LITTLE COTTAGE CO.	LITTLE COTTAGE CO.	LITTLE COTTAGE CO.	LITTLE COTTAGE CO.
Name	Value Gable 10 ft. x 20 ft. Wood Shed Precut Kit	Value Gable 12 ft. x 20 ft. Wood Shed Precut Kit with Floor	Value Gambrel 12 ft. x 16 ft. Wood Storage Building Precut Kit with 6' Sidelwalls and Floor	Value Gambrel 12 ft. x 18 ft. Wood Storage Building Precut Kit with 6' Sidelwalls and Floor
Price	<b>\$4222<sup>40</sup></b>	<b>\$4542<sup>86</sup></b> <del>\$5678.57</del> Save \$1135.71 (20%)	<b>\$4671<sup>20</sup></b> <del>\$5899.00</del> Save \$1167.80 (20%)	<b>\$6299<sup>00</sup></b>
Ratings	★★★★★ (1)	★ (1)	★★★★★ (1)	★★★★★ (1)
Floor Options	Without Floor	With Floor	With Floor	With Floor
Coverage Area (sq. ft.)	200 ft <sup>2</sup>	240 ft <sup>2</sup>	192 ft <sup>2</sup>	216 ft <sup>2</sup>
Approximate Width (ft.)	10	12	12	12
Features	Door Latch, Double Door, Lockable Door, Paintable	Door Latch, Double Door, Lockable Door, Paintable	Door Latch, Double Door, Lockable Door, Paintable	Door Latch, Double Door, Lockable Door, Paintable
Foundation	Foundation Not Included	Foundation Not Included	Foundation Not Included	Foundation Not Included
Storage Capacity (cu. ft.)	1200	1440	1920	2124
Approximate Depth (ft.)	20	20	16	18
Roof Shape	Peak	Peak	Gambrel	Gambrel
Roof Material	Not Included	Not Included	Not Included	Not Included
	<a href="#">View Product</a>	<a href="#">View Product</a>	<a href="#">View Product</a>	<a href="#">View Product</a>

Feedback

### Specifications

#### Dimensions

Approximate Depth (ft.)	20
Approximate Width (ft.)	12
Assembled Depth (in.)	240 in

79X ID# 178.09-1-27

TAPE LOCATION MAP

NAME PITTSFORD HIGHLANDS SEC. 5 JOB NO 63-24

(VILLAGE)  
STREET COUNTRY OAKS DRIVE (TOWN)  
(CITY) PITTSFORD, N.Y.

LOT NO. 86 LIBER 195 OF MAPS: PAGE 81

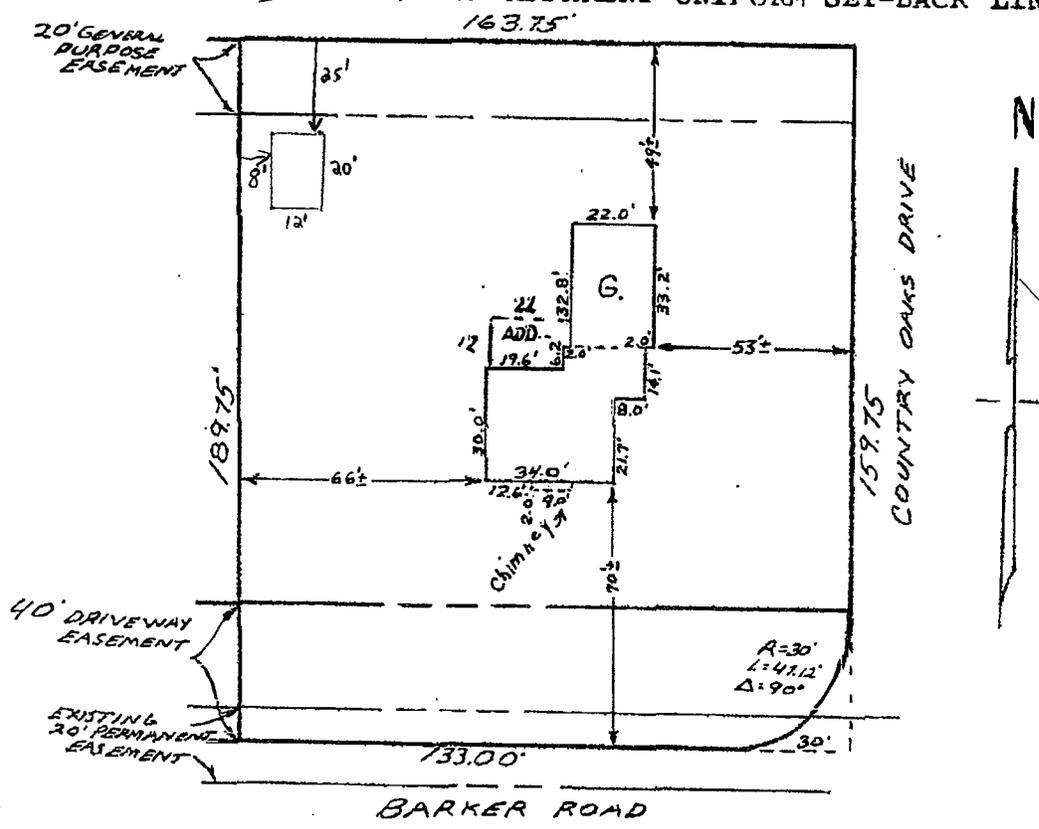
SHOWING 1 STORY 1 DWELLING: GARAGE: YES  NO  ATTACHED YES

DISTANCE AS SHOWN FROM CORNER LOT 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 KELSON DEVELOPMENT, INC.

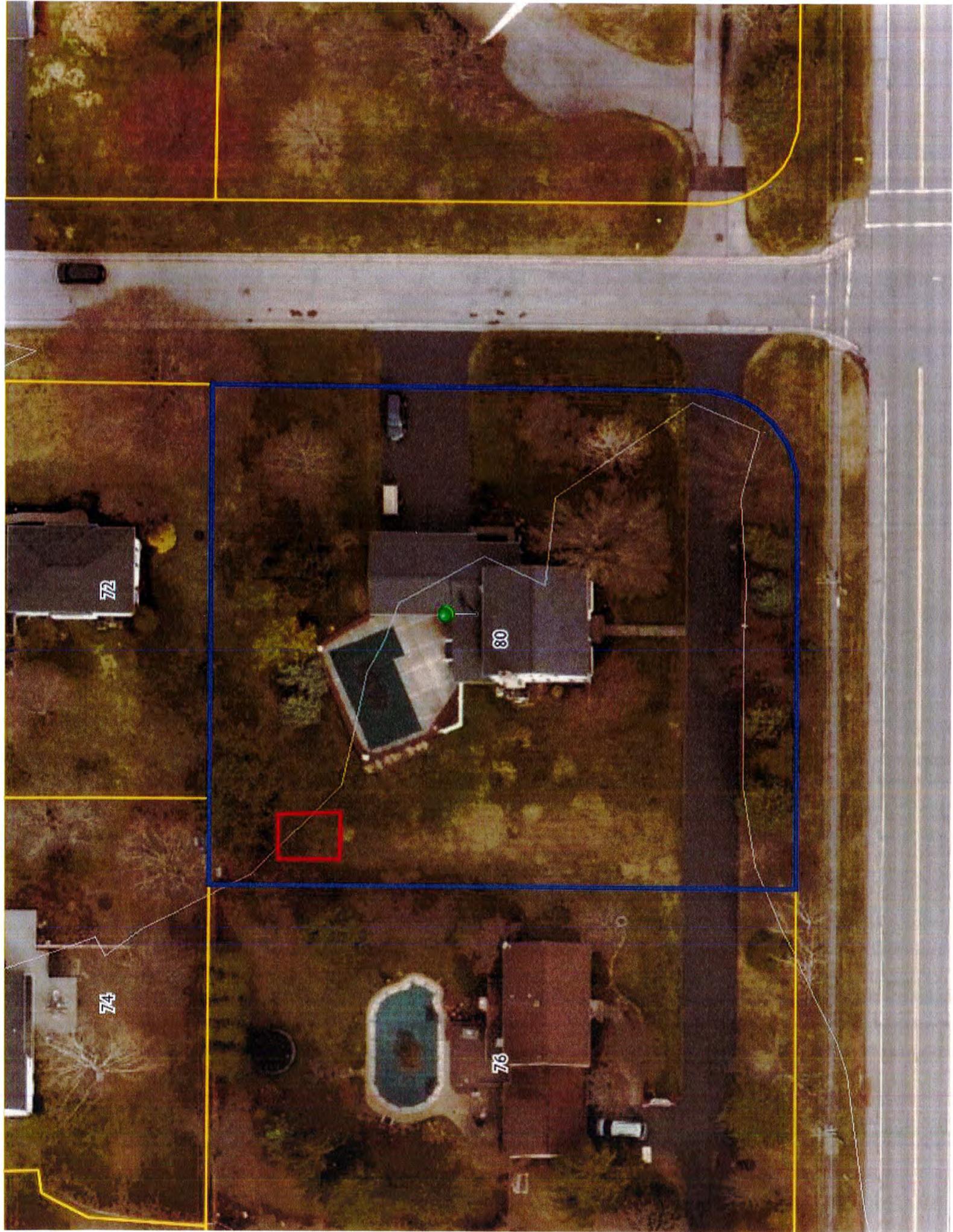
THIS IS NOT AN INSTRUMENT SURVEY AND INFORMATION SHOWN SHOULD NOT BE USED FOR BUILDING PURPOSES OR EXACT LOCATION OF PROPERTY LINES. TELEPHONE, GAS OR POWER LINE EASEMENTS ARE NOT SHOWN.

SIGNED Robert E. Leland

N.Y. STATE LICENSE NO. 28726 L.S.

DATED: AUG. 1, 1975

LOZIER ENGINEERS, INC.  
~~10 GIBBS STREET~~ 50 CHESTNUT PLAZA  
ROCHESTER, NEW YORK 14604



72

80

74

76

# Zoning Board of Appeals Referral Form Information

**Property Address:**

354 Canfield Road PITTSFORD, NY 14534

**Property Owner:**

Dean Smith  
354 Canfield Rd  
Pittsford, NY 14534

**Applicant or Agent:**

Dean Smith  
354 Canfield Rd  
Pittsford, NY 14534

**Present Zoning of Property:** RRSP Rural Residential South Pittsford  
Area Variance - Residential and Non-Profit

<b>Town Code Requirement is:</b>		<b>Proposed Conditions:</b>		<b>Resulting in the Following Variance:</b>	
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:	12'	Height:	23'	Height:	11.0'
Size:	180 SF	Size:	1472 SF	Size:	1292.0 SF

**Code Section(s):**

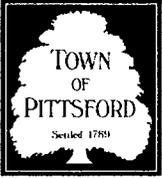
Description: Applicant is requesting relief from Town Code §185- 113 B. (1), (2) for a proposed oversized and over height accessory structure, garage. Property is zoned RRSP – Rural Residential South Pittsford.

June 28, 2022



Date

Bill Zink -



# TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: June 17, 2022 Hearing Date: July 15, 2022

Applicant: Dean Smith

Address: 354 Canfield Rd

Phone: (585) 754-0385 E-Mail: dlgsmith2@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: 354 Canfield Road Current Zoning: RN

Tax Map Number: 191.04-2-3

Application For:       Residential       Commercial       Other

Please describe, in detail, the proposed project:

a 2 car garage (32 ft x 30 ft) with attached carport (32 ft x 16 ft ) for a total footprint of 32 ft x 46 ft.  
Max height at roof peak is 23 ft

SEE GARAGE SKETCH.

**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.

Dean Smith  
*(Owner or Applicant Signature)*

6/16/2022  
*(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 design of the proposed structure complements the architecture of the existing house.
  - All neighboring residential properties (360, 366, 370 and 380 Canfield Road) contain garage structures. 380 Canfield Road and 631 Mendon Center Road have detached secondary structures.
  - A couple of the neighboring properties include substantial secondary structures that are significantly larger than the garage structure herein proposed (440 Canfield Road and 640 Pittsford Mendon Center Road, see Figures A and B).
  - The proposed structure will reduce clutter by enabling indoor storage of yard equipment and vehicles.
  - Location of the garage structure herein proposed is not visible from Canfield Road nor from any neighboring residence.
  - The gravel pit reclamation project off S. Wilmarth Road is located over 130 heavily wooded feet north of the proposed structure's location and has no direct visibility of the proposed garage's location.
  - The proposed garage structure would be located 21 feet from Mendon Ponds Park borderline. The structure would be non-distinguishable from the Pinewoods Trail (the only trail neighboring 354 Canfield Road, see Figure C).
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 located at 354 Canfield Road was built in 1938 and has never had a garage. Given today's lifestyle wherein a garage is a necessity, not a luxury, the benefit sought by this variance cannot be achieved by any other method.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The requested area variance is substantial but with minimal impact to character of the neighborhood for the following reasons:

- It does not increase the living space of the existing residence;
- It is not visible from Canfield Road nor from other neighboring residences;
- The size of the proposed structure is significantly smaller than the size of neighboring secondary structures (440 Canfield Road and 640 Pittsford Mendon Road, see Figures A and B).

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 addition of the proposed structure would bring the total area of permanent structures to be less than 1.5% of the land area of 354 Canfield Road.
- The proposed structure has foundation piers on 8-foot centers, which would require minimal excavation.
- The structure would be constructed as an extension of the existing driveway; approximately one third of its location would be within the existing driveway and two-thirds would extend beyond the driveway's current end location.
- There will be no bathroom or sink and no heating system, thereby eliminating the potential for environmental impact from wastewater to Mendon Ponds Park or neighboring properties.

- **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 alleged difficulty was not self-created. The house was built back in 1938 and never has had a garage.

# 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

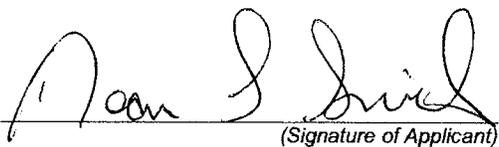
...issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this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

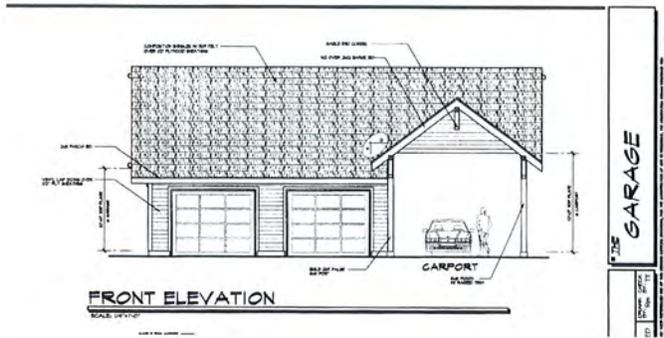
6/16/2022  
(Dated)

354 Canfield Road

(Street Address)

Pittsford NY 14534

(City/Town, State, Zip Code)



Garage Sketch

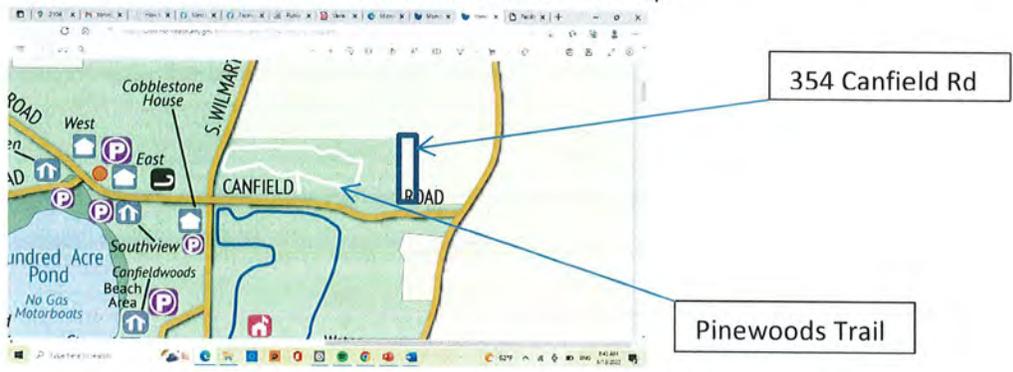
Figure A: 440 Canfield Rd

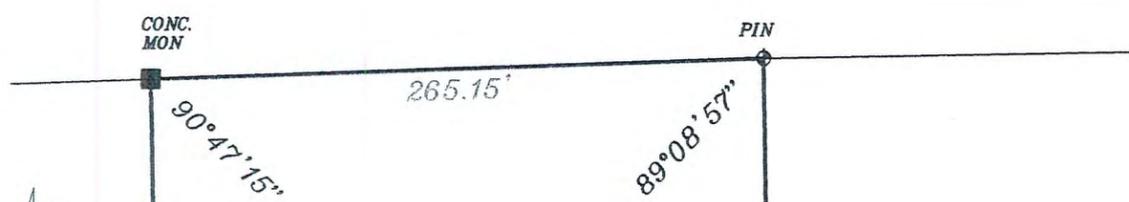


Figure B: 640 Pittsford Mendon Road



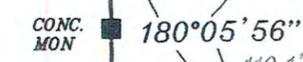
Figure C: Portion of Pittsford Mendon Trail Map





SKETCH  
*Dean Smith*

POND VIEW SUBDIVISION  
 LIBER 243 OF MAPS, PAGE 88



STONE & FRAME  
 1 STORY  
 #354

N/F PETER & DOROTHEA BRAAL  
 #360 CANFIELD ROAD  
 T.A.#191.04-2-2

**REFERENCE**

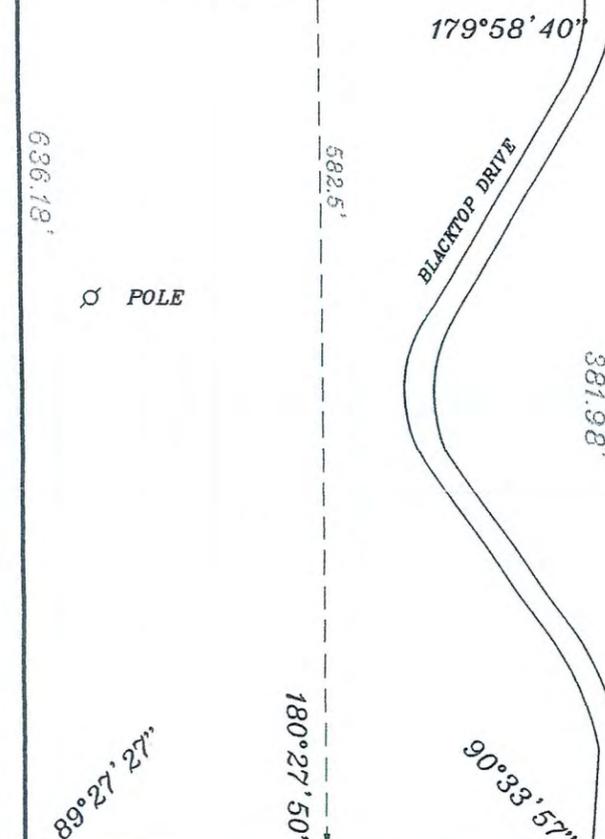
- 1.) LIBER 4061 OF DEEDS, PAGE 495
- 2.) A. MAP ATTACHED TO L.4061 P.495, B. MAP OF MENDON PONDS PARK, DATED SEPT. 1942 (COURTESY OF MONROE COUNTY), C. MAP OF #360 CANFIELD ROAD BY HERMAN KLINGENBERGER, P.C. DATED 11-3-1993 ATTACHED TO LIBER 8439 OF DEEDS, PAGE 602, D. LIBER 243 OF MAPS, PAGE 88 E. VARIOUS MAPS & WORKSHEETS SHOWING SURVEY CONTROL & MONUMENTS FOR CANFIELD ROAD & MENDON CENTER ROAD (COURTESY OF THE MONROE COUNTY SURVEYOR)
- 3.) FIRST AMERICAN ABSTRACT #448178 DATED 1-31-2020
- 4.) T.A.#191.04-2-1
- 5.) EASEMENT TO RG&E & RTC, L.2035 P.346 FOR POLE LINE ALONG CANFIELD ROAD

**CERTIFICATIONS**

- 1.) Dean Smith
- 2.) The Title Insurance Company Insuring the Property
- 3.) David B. Cook, Esq.

COUNTY OF MONROE  
 "MENDON PONDS PARK"

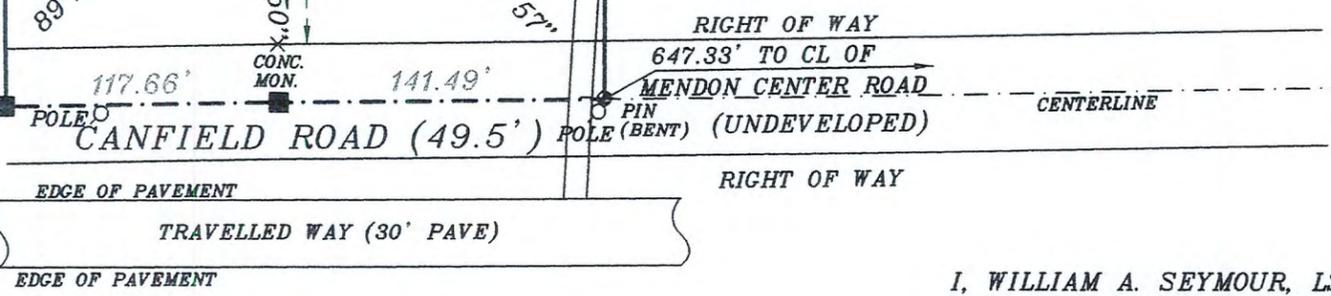
AREA TO CENTERLINE  
 5.830 ACRES



N/F SCOTT & HELEN MILLER  
 #360 CANFIELD ROAD  
 T.A.#191.04-2-3



TOWN OF PITTSFORD  
 TOWN OF MENDON



COUNTY OF MONROE  
 "MENDON PONDS PARK"

I, WILLIAM A. SEYMOUR, LS#050465 CERTIFY  
 THIS MAP WAS MADE SEPTEMBER 17, 2020  
 FROM NOTES OF AN INSTRUMENT SURVEY  
 COMPLETED ON SEPTEMBER 3, 2020

<b>INSTRUMENT SURVEY MAP</b> <b>#354 CANFIELD ROAD</b> BEING PART OF LOT 39, TOWNSHIP 12, RANGE 5 TOWN OF PITTSFORD MONROE COUNTY, NEW YORK STATE	
FILE: 2020-4671 SCALE: 1"=80'	WILLIAM A. SEYMOUR, LICENSED LAND SURVEYOR 2055 KENYON ROAD, ONTARIO, NEW YORK 14519 TEL: 1-315-524-9073 FAX: 1-315-524-8954

"COPIES OF THIS MAP NOT BEARING THE LAND SURVEYORS INKED OR EMBOSSED SEAL SHALL NOT BE CONSIDERED A TRUE AND VALID COPY"  
 "UNAUTHORIZED ALTERATION AND/OR ADDITION TO A MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW"  
 "CERTIFICATIONS LISTED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY WAS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO ASSIGNEES OF THE LENDING INSTITUTION, CERTIFICATIONS ARE NOT TRANSFERABLE TO SUBSEQUENT OWNERS OR THEIR INSTITUTIONS"  
 "UNLESS SHOWN OR NOTED, THE LOCATION OF LANDSCAPING FEATURES WAS NOT DETERMINED BY THIS SURVEY"  
 "THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY AND REFERENCES LISTED, THIS MAP IS SUBJECT TO ANY INSTRUMENTS OF RECORD NOT REFERENCED"  
 "UNLESS NOTED MISSING/LOST CORNERS NOT SET AS PART OF THIS PROJECT"



# Zoning Board of Appeals Referral Form Information

**Property Address:**

263 East Street PITTSFORD, NY 14534

**Property Owner:**

Kelly, Michael R  
128 Whitetail Dr  
Mountaintop, PA 18707

**Applicant or Agent:**

Kelly, Michael R  
128 Whitetail Dr  
Mountaintop, PA 18707

**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: 12'  
Size: 180 SF

**Proposed Conditions:**

Right Lot Line:  
Left Lot Line:  
Front Setback:  
Rear Setback:  
Height: 14'2"  
Size: 576 SF

**Resulting in the Following Variance:**

Right Lot Line:  
Left Lot Line:  
Front Setback:  
Rear Setback:  
Height: 2'2"  
Size: 396.0 SF

**Code Section(s):**

Description: Applicant is requesting relief from Town Code §185- 113 B. (1), (2) for a proposed oversized and over height accessory structure, garage. Property is zoned RN - Residential Neighborhood.

June 28, 2022

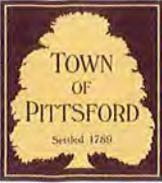


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Date

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Bill Zink -



# TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: June 9, 2022 Hearing Date: July 18, 2022

Applicant: Michael Kelly

Address: 263 East Street, Pittsford, New York 14534

Phone: (585) 350-9884 E-Mail: pyhice@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: 263 East Street, Pittsford NY Current Zoning: Residential

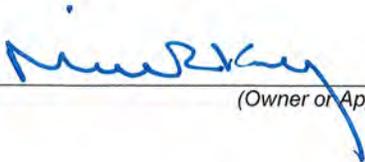
Tax Map Number: 178.120.01.032

Application For:       Residential       Commercial       Other

Please describe, in detail, the proposed project:

Adding a free-standing, front loading, single level, two-door 24'x24' Garage and 14' 2" in Height at the end of the driveway straight entry from road. The dark-grey garage will match the house finishing once the house is resided to match in color and trim. The garage will set on a Monolithic pad built. The garage is aligned with the edge of the house set back 10' and even with the existing driveway. Once installed the garage will be 13'6" from the neighboring lot line (to the left).

**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)*

6/9/22

*(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 addition of a new free-standing 24'x24' single story garage and 14' 2" in Height which will blend well both within the property and neighborhood. There are many front-loading garages in the neighborhood, the location of the garage is set back from the house so not over-bearing.

The finish of the garage design, color and trim will blend perfectly with the design of the house, the house is being re-sided and both structures will blend well. The garage will have two-doors with hardware and lighting to match the architecture.

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 garage measures 24'x24' totaling 576 total square feet and 14' 2" in Height thus requiring an area variance to meet town requirements.

The existing garage is internal to the Dutch Colonial house design and exceeds 40% of the first floor living space. Once the garage is complete we will be starting a project to convert the existing garage to living space resulting in a better use of space and ultimately more marketable for a 5 bed room house. The existing first-floor living space is too small for the house size.

The new garage is needed to maximize the house design.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The area variance results in minimal aesthetic change to the property and surrounding properties. The garage is set-back visually from the alignment of neighboring houses on the street and will be minimal on the lot as the proposed garage is single-story. The garage finish will match the existing house and the lighting and garage door hardware match the design and vibe 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:

The garage and house will match aesthetically, the physical location is set back from house lines. There is zero environmental risk as the garage will be set on a flat, centrally located portion of the yard.

- **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 difficulty is self-created with the addition of the free-standing garage. The new garage will blend well within the property and surrounding area. The existing garage will be re-purposed to living space within the confines of the existing home adding over 520 square feet of new living space. The home is a two-story Dutch Colonial with about 40% of the first floor taken for a garage. The transition of this living space will give more room and better balance (living vs. sleeping space) for a 5 bedroom home. Ultimately this will make the home more livable and marketable to families.

# Disclosure Form E

STATE OF NEW YORK  
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

Kelly Garage | 263 East Street, Pittsford NY

*(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)

Michael Kelly | 263 East Street Pittsford, New York 14534

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*Michael Kelly*  
*263 East St*

*(Signature of Applicant)*

*(Street Address)*

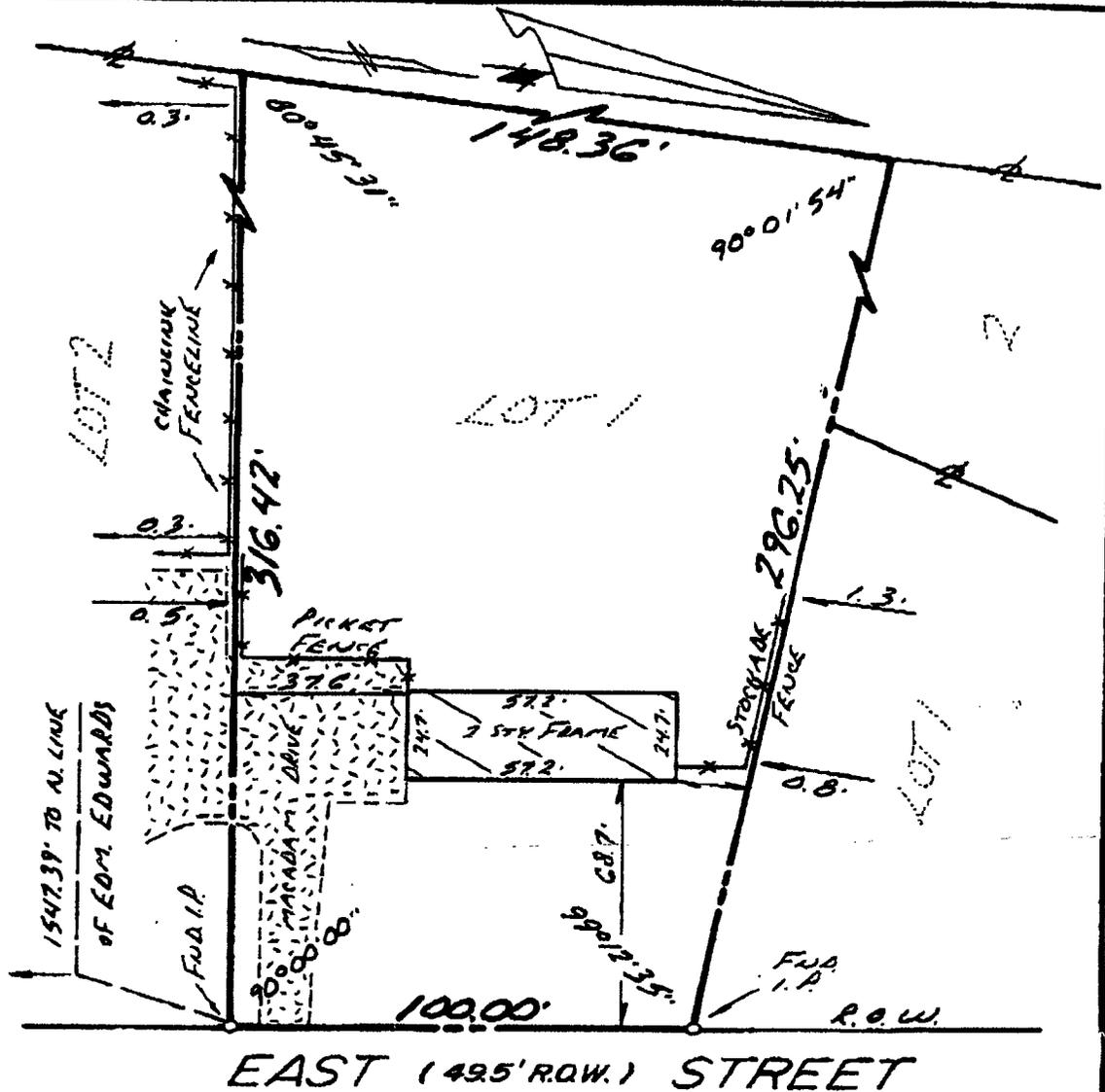
*Pittsford NY 14534*

*(City/Town, State, Zip Code)*

*6/9/22*

*(Dated)*

REFERENCES: 1) ABSTRACT OF TITLE NOT PROVIDED  
 2) LIBER 144 OF MAPS PAGE 34 - FOUNTAINE FARMS SUBD. SECTION 1  
 3) LIBER 157 OF MAPS PAGE 60 - LAUREL HILL SUBD. SECTION 1  
 4) TAX ACCOUNT N° 178.120-01-032



EAST (49.5' R.O.W.) STREET

**CERTIFICATION:** PNH MORTGAGE SERVICES CORPORATION ITS SUCCESSORS & ASSIGNS  
 I hereby certify to: JAMES S. & RITA E. SCHEIDER  
 MIDEY / SWINNEY ATTYS  
 LAWYERS TITLE INSURANCE COMPANY

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7309 sub-division 3. 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."

that this map was made MAY 20 1998 from notes of an Instrument Survey completed MAY 20 1998 and references listed above:

*Ronald W. Staub*

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



"Certifications indicated herein 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 herein, and to the usefulness of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

TITLE: **INSTRUMENT SURVEY MAP**  
 #263 EAST STREET  
 LOT 1 - FOUNTAINE FARMS SUBDIVISION, SECTION 1  
 TOWN OF PITTSFORD MONROE COUNTY, NEW YORK

CLIENT: JAMES D. POST  
 CREAMY / CREAMY ATTYS  
 130 ALLENS CREEK ROAD  
 ROCHESTER NEW YORK 14618



**RONALD W. STAUB**  
 LAND SURVEYORS  
 320 Reynolds Arcade  
 Rochester, N.Y. 14614

SCALE: 1 INCH = 40 FEET	FILE NO:	JOB NO:	REDATE: 96-01-31	DATE: MAY 20, 1998
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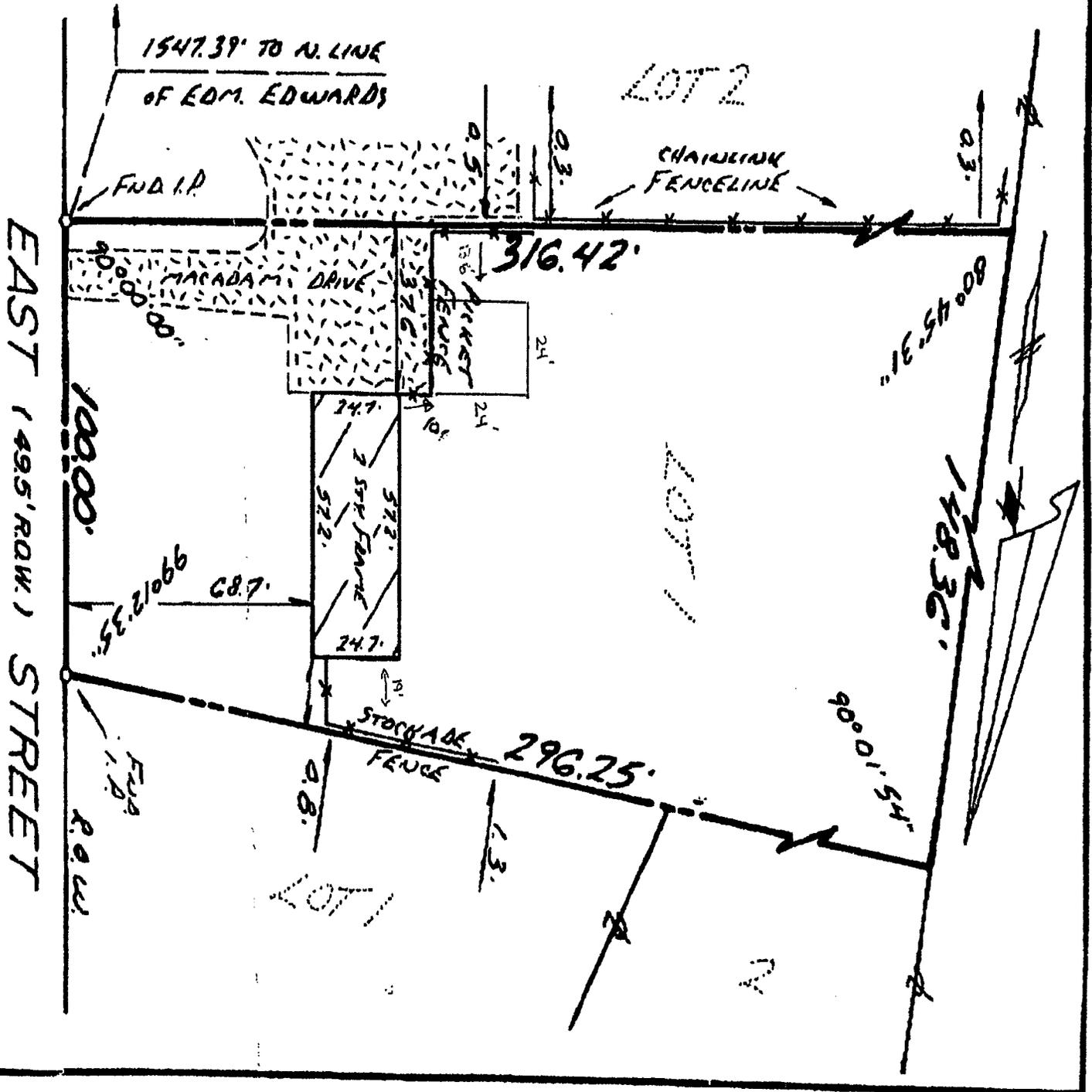
M.D.C.

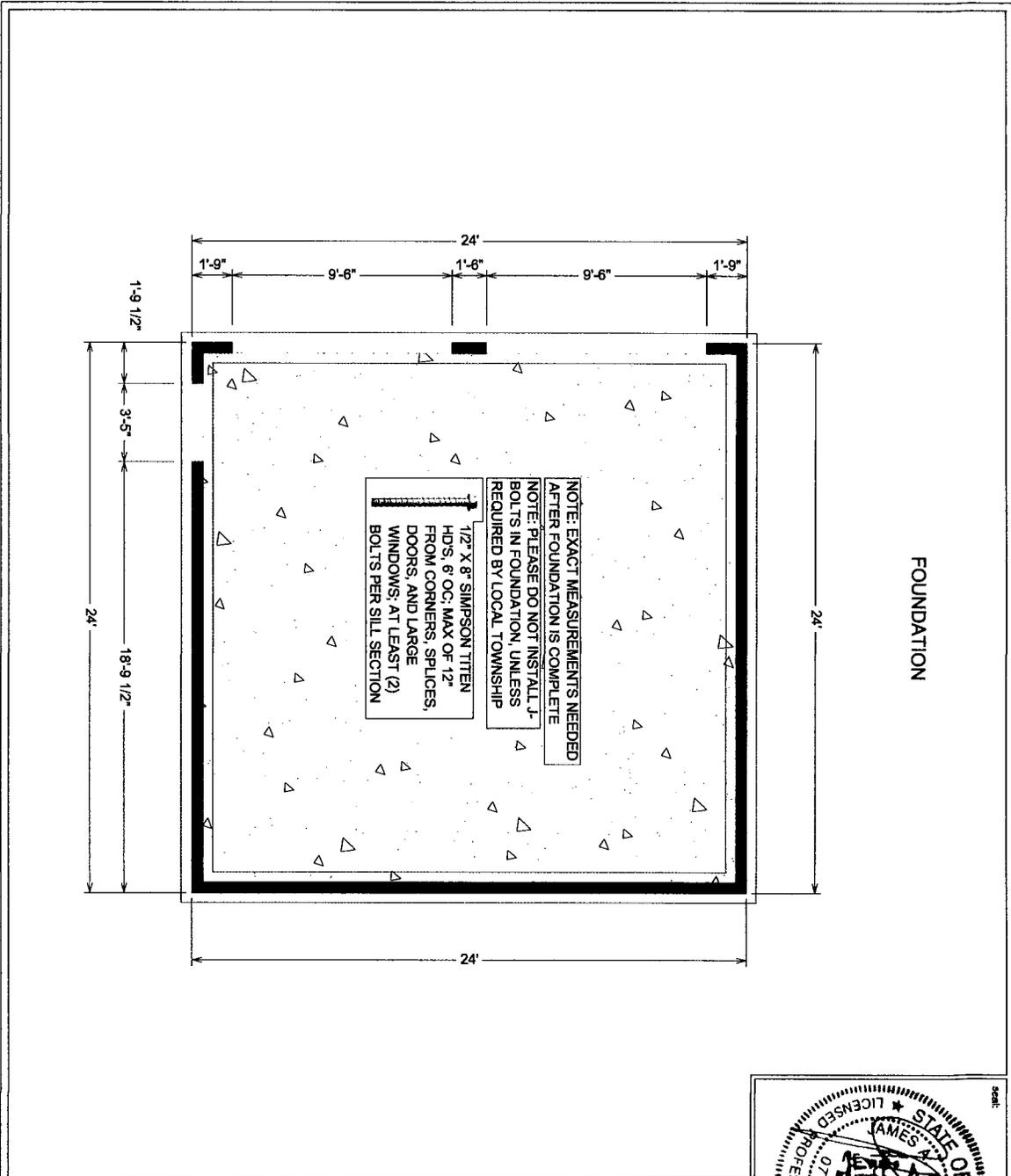
CERTIFICATION:

PULL MORTGAGE SERVICES CORPORATION, ITS

Unauthorized alteration or addition to survey map bearing a licensed land surveyor's name is prohibited.

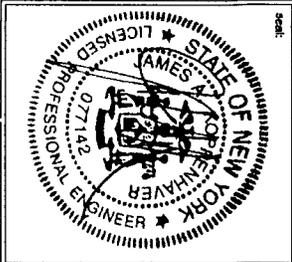
- REFERENCES:
- 1) ABSTRACT OF TITLE NOT PROVIDED
  - 2) LIBER 144 OF MAPS, PAGE 34 - FOUNTAINE FARMS SUBD, SECTION 1
  - 3) LIBER 157 OF MAPS, PAGE 60 - LAUREL HILL SUBD, SECTION 1
  - 4) TAX ACCOUNT N° 178.120-01-032





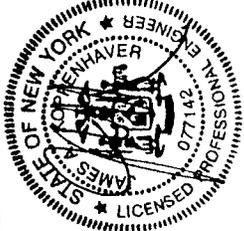
FOUNDATION

**NOTE: EXACT MEASUREMENTS NEEDED AFTER FOUNDATION IS COMPLETE**  
**NOTE: PLEASE DO NOT INSTALL J-BOLTS IN FOUNDATION, UNLESS REQUIRED BY LOCAL TOWNSHIP**  
 1/2" X 8" SIMPSON TITEN HD'S, 6" OC; MAX OF 12" FROM CORNERS, SPLICES, DOORS, AND LARGE WINDOWS; AT LEAST (2) BOLTS PER SILL SECTION



<b>A1.1</b>	SHEET:	SCALE:	DATE:	<b>Sheds Unlimited LLC</b> 2025 Valley Road Morgantown, PA 19543 Drawn By: Japheth Beller Sales Rep: Cleon Kemp	Est. #1004731    Job Name:  Michael Kelly 263 East Street Pittsford, NY 14534	REVISIONS:	
		3/16"=1'	5/18/2022			5/26/22	6/1/22





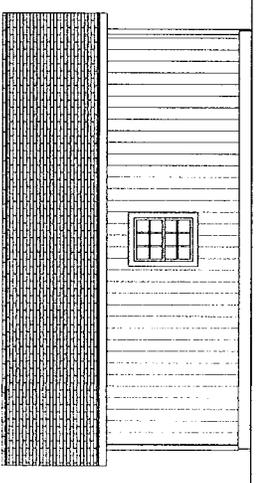
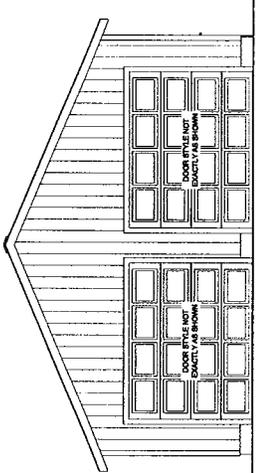
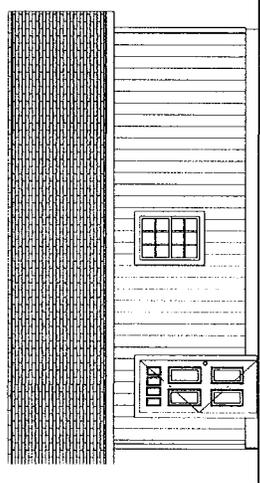
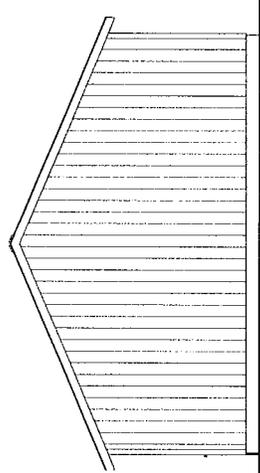
Seal:

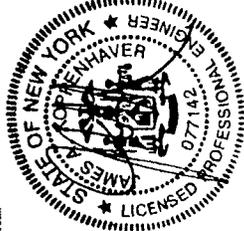
REVISIONS:	DATE:
	6/1/22
	5/26/22

Job Name: Michael Kelly  
263 East Street  
Pittsford, NY 14534

Sheds Unlimited LLC  
2025 Valley Road  
Morgantown, PA 19543

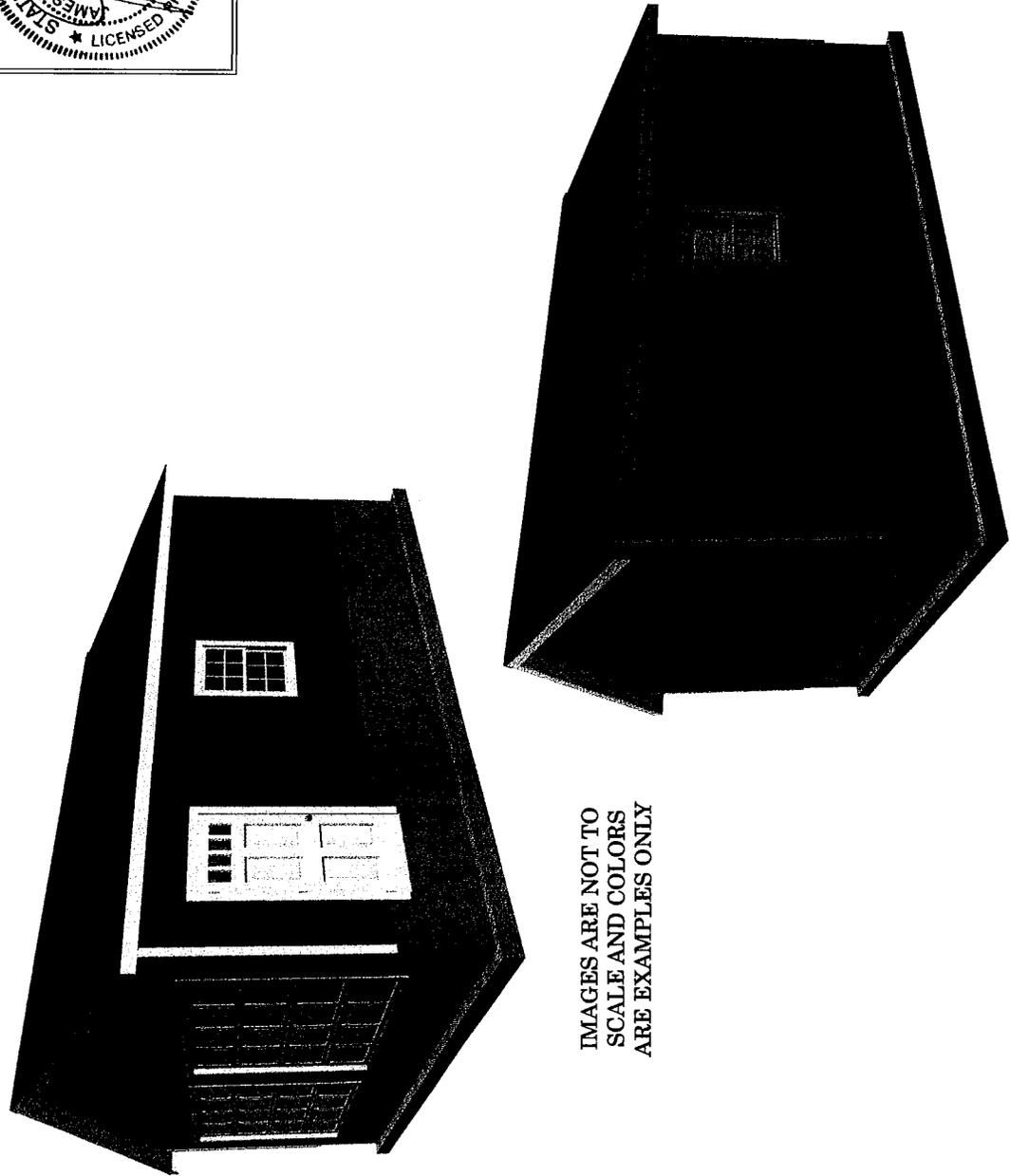
DATE: 5/18/2022  
SCALE: 1/8"=1'  
SHEET: A2.1



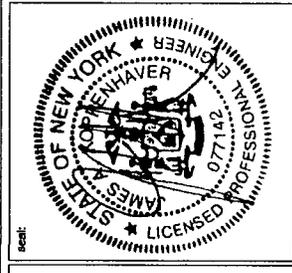


seal:

REVISIONS:	6/26/22	6/1/22		
Job Name:	Michael Kelly			
Job #:	1004731			
Pittsford, NY 14534				
Sheds Unlimited LLC				
2025 Valley Road				
Morgantown, PA 19543				
Drawn By:	Japheth Beller			
Sales Rep:	Cleon Kemp			
DATE:	5/18/2022			
SCALE:	NTS			
SHEET:	A2.2			



IMAGES ARE NOT TO  
SCALE AND COLORS  
ARE EXAMPLES ONLY



see:

REVISIONS:	
	6/1/22
	5/26/22

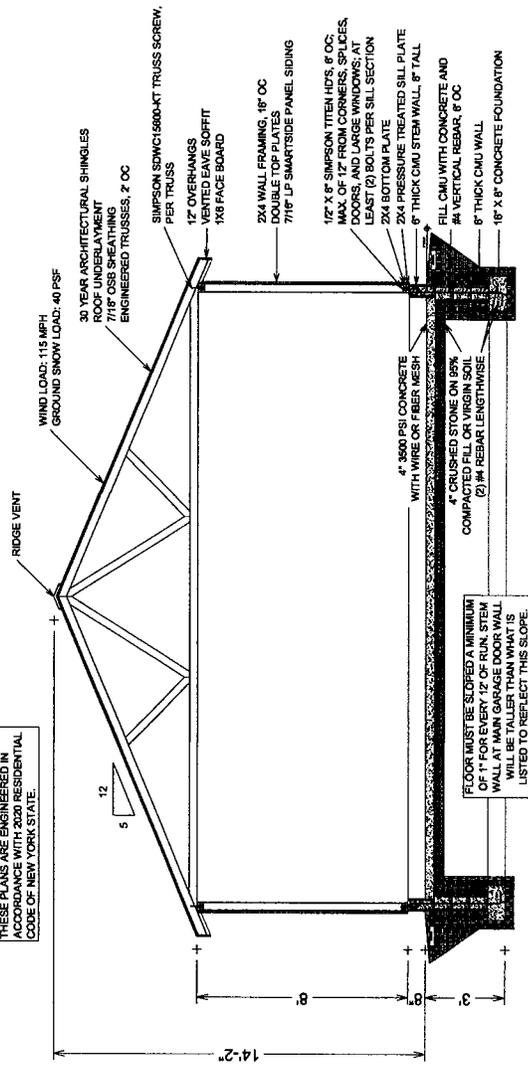
Job Name: Michael Kelly  
 263 East Street  
 Pittsford, NY 14534

Sheds Unlimited LLC  
 2025 Valley Road  
 Morgantown, PA 19543

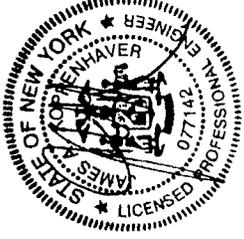
Drawn By: Japheth Beller  
 Sales Rep: Cleon Kemp

DATE: 5/18/2022  
 SCALE: 3/16"=1'  
 SHEET: A3.1

THE FASTENING SCHEDULE TO BE IN ACCORDANCE WITH 2021 RESIDENTIAL CODE OF NEW YORK STATE, UNLESS OTHERWISE NOTED.  
 THESE PLANS ARE ENGINEERED IN ACCORDANCE WITH 2021 RESIDENTIAL CODE OF NEW YORK STATE.



FLOOR MUST BE SLOPED A MINIMUM OF 1" FOR EVERY 12" OF RUN. STEM WALL AT MAIN GARAGE DOOR WALL WILL BE TALLER THAN WHAT IS LISTED TO REFLECT THIS SLOPE.



seal:

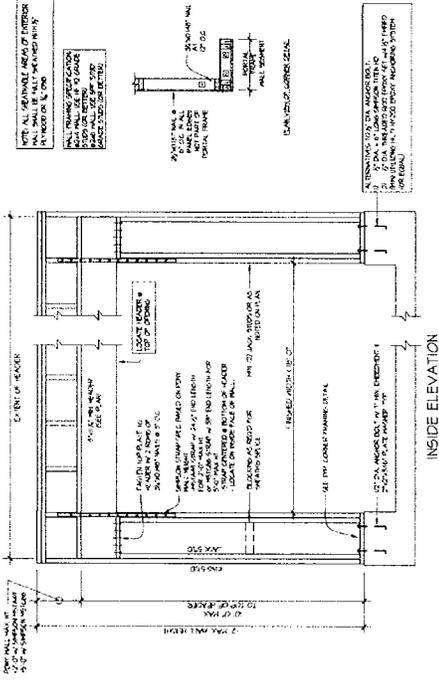
REVISIONS:	5/26/22	6/1/22

Job Name: Michael Kelly  
 263 East Street  
 Pittsford, NY 14534

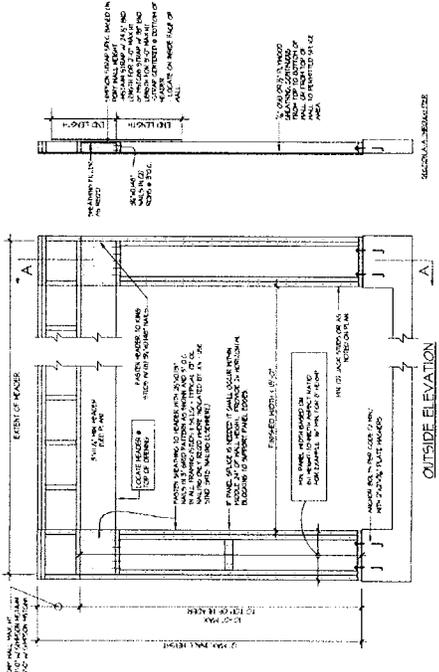
Sheds Unlimited LLC  
 2025 Valley Road  
 Morgantown, PA 19543

Drawn By: Japheth Beller  
 Sales Rep: Cleon Kemp

DATE: 5/18/2022  
 SCALE: NTS  
 SHEET: A4.1



SCALE: NTS  
 BOTH SIDES OF GARAGE DOOR  
 5'-0" WIDE AND 8'-0" HIGH



SECTIONAL IDENTIFIER

Front/Side View



Along Existing Garage – New Garage at Driveway – 24' x 24'



Open clean space – from corner of fence – 24' wide Garage leaves 13.5 feet to lot line.



Open area – start at left corner of fence, inline with house – 10 feet back from house..



Space is clear.



# Zoning Board of Appeals Referral Form Information

**Property Address:**

7 Lusk Farm Circle PITTSFORD, NY 14534

**Property Owner:**

Dziorny, Adam  
7 Lusk Farm Cir  
Pittsford, NY 14534

**Applicant or Agent:**

Dziorny, Adam  
7 Lusk Farm Cir  
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 §185-119 A. (1) to place the pool filter and or heater equipment on the side of the home. This property is zoned Residential Neighborhood – (RN).

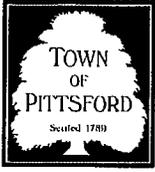
June 28, 2022



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Date

Bill Zink -



# TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: June 3, 2022 Hearing Date: 7/18/22 @ 7:00 pm

Applicant: Jake Johnson (Oasis Pools)

Address: 7285 Heath Markham Road, Lima, NY

Phone: (585) 991-3848 E-Mail: jake@oasispoolspany.com

Agent: NA  
*(if different than Applicant)*

Address: NA

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Property Owner: Adam Dziorny  
*(if different than Applicant)*

Address: 7 Lusk Farm Circle, Pittsford, NY

Phone: (267) 253-1478 E-Mail: \_\_\_\_\_

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

Property Location: 7 Lusk Farm Circle Current Zoning: RN

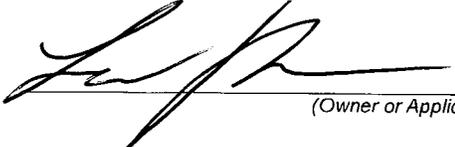
Tax Map Number: 164.15-1-86

Application For:  Residential  Commercial  Other

Please describe, in detail, the proposed project:

Install of inground pool to the back yard of the main building, with mechanical equipment (pump, filter, heater) to the south side of the main building. See scaled drawing with markups of install.

**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)*

6/15/22  
*(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:

- Equipment is barely visible from the street.
- Neighbors do not have direct view of equipment.
- Noise will not be a concern for neighbors
- 

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

Walkout basement doors and windows would not allow for install of equipment to the back side of the house. See photos attached.

## **TESTS FOR GRANTING AREA VARIANCES (Continued)**

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

Minimal - barely visible from the road.

Out of direct view from neighbors, and no known complaints from the neighbors.

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:

Does not impact any property setbacks, utility easements.

- **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?

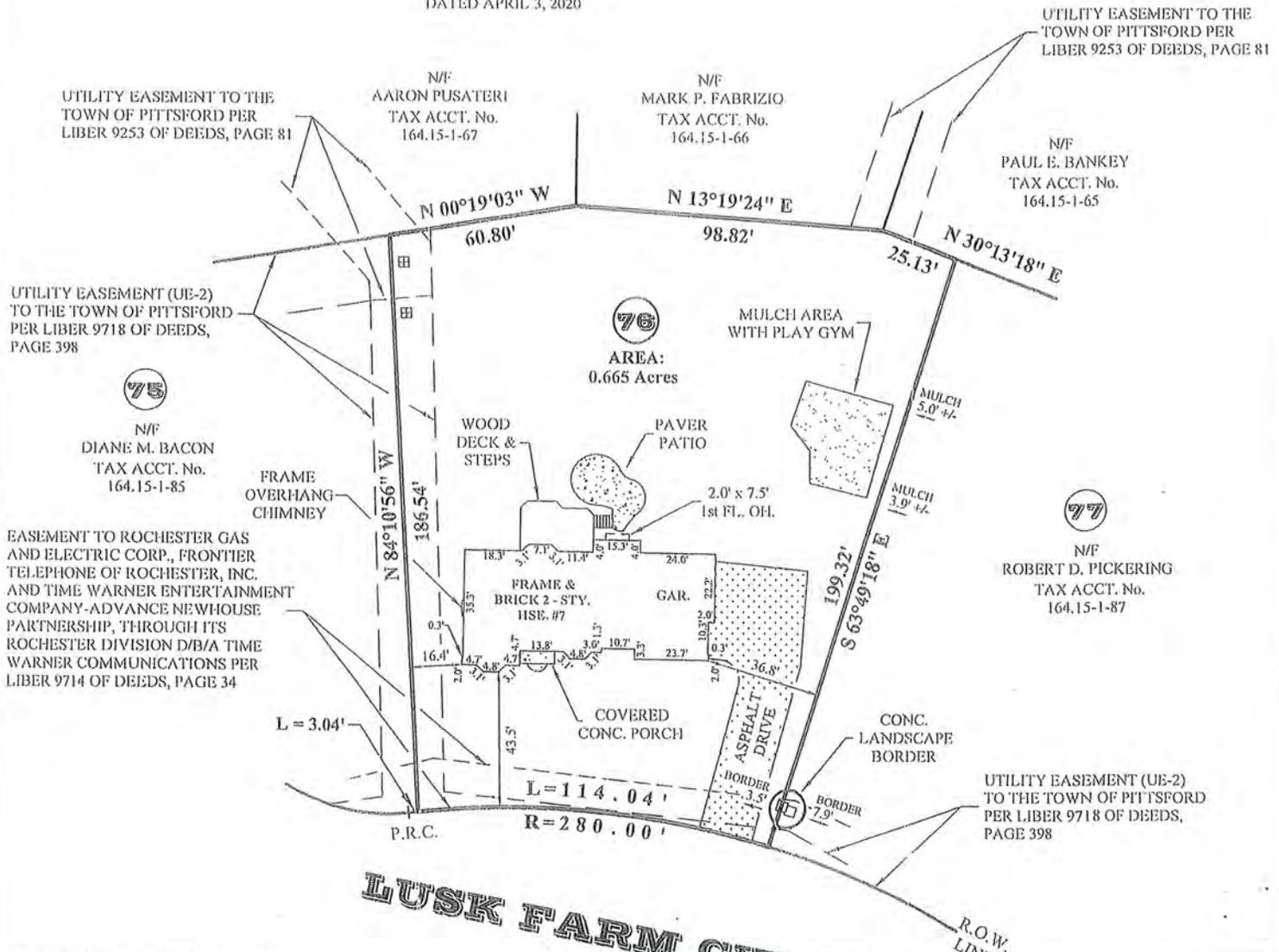
Yes but working with existing layout of home, windows & doors, this is the only realistic location.

### LEGEND:

- - UTILITY PEDESTAL
- ⊞ - CATCH BASIN

### REFERENCES:

1. LIBER 10051 OF DEEDS, PAGE 548
2. LIBER 313 OF MAPS, PAGE 48
3. ABSTRACT BY NETWORK TITLE AGENCY OF NEW YORK SEARCH NO: 112617-57-55 DATED APRIL 3, 2020



**PROPERTY SUBJECT TO:**  
 1. DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS PER LIBER 9677 OF DEEDS, PAGE 116

**PROPERTY OWNER:**  
 NOW OR FORMERLY  
 ROGELIO V. SOBERS AND  
 SHARON D. LEGETTE-SOBERS  
 TAX ACCT. No. 164.15-1-86

## SURVEY MAP OF: #7 LUSK FARM CIRCLE

BEING LOT 76 OF THE STONETOWN SUBDIVISION, PHASE 6  
 SITUATE IN  
 TOWN OF PITTSFORD

MONROE COUNTY  
 SCALE: 1"=40'

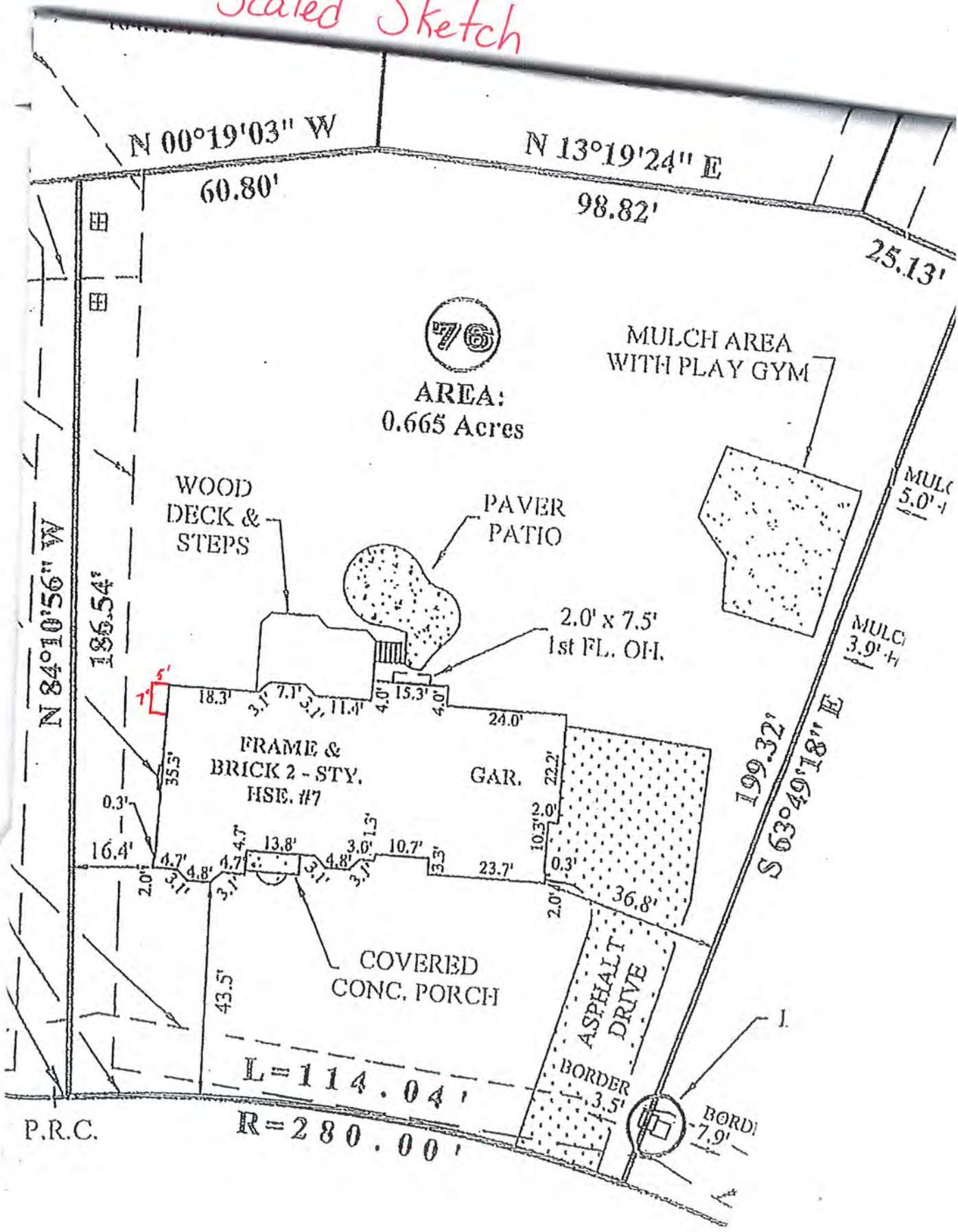
NEW YORK  
 MAY 15, 2020

I HEREBY CERTIFY THAT THIS SURVEY MAP WAS PREPARED FROM NOTES OF A LAND SURVEY COMPLETED BY JCW LAND SURVEYING, PLLC ON     MAY 7, 2020    , AND FROM THE REFERENCES NOTED HEREON.

"The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the government agency, and to the lending institution listed on this survey map. The certifications herein are not transferable."  
 "Only boundary survey maps with the surveyors embossed seal are genuine true and valid copies of the surveyors original work."  
 "Any unauthorized alteration or addition to this survey map bearing a licensed land surveyors seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

**CERTIFIED TO:**  
 1. Dollinger Associates, P.C.  
 2. CNR Mortgage Company, its successors and/or assigns

# Scaled Sketch



N 00°19'03" W

N 13°19'24" E

60.80'

98.82'

25.13'



AREA:  
0.665 Acres

MULCH AREA  
WITH PLAY GYM

WOOD  
DECK &  
STEPS

PAVER  
PATIO

2.0' x 7.5'  
1st FL. OH.

MULC  
5.0' x 1'

MULC  
3.9' x 1'

N 84°10'56" W

186.54'

FRAME &  
BRICK 2-STY.  
HSE. #7

GAR.

199.32'  
S 63°49'18" E

COVERED  
CONC. PORCH

ASPHALT  
DRIVE

L=114.04'

R=280.00'

P.R.C.

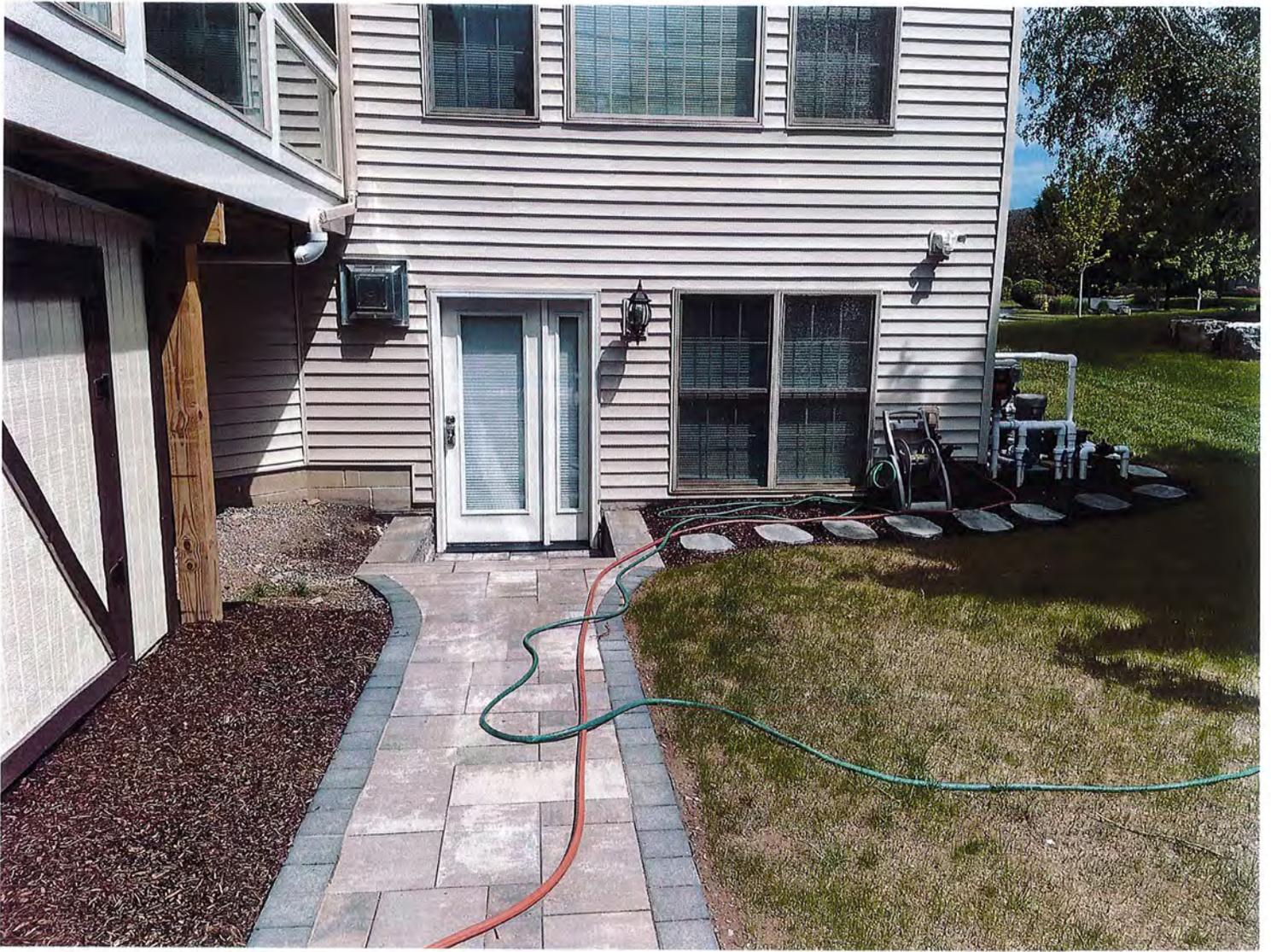
BORDER  
3.5'

BORD  
7.9'









# Zoning Board of Appeals Referral Form Information

**Property Address:**

4 Millstone Court PITTSFORD, NY 14534

**Property Owner:**

Kose, Selcuk  
4 Millstone Ct  
Pittsford, NY 14534

**Applicant or Agent:**

Kose, Selcuk  
4 Millstone Ct  
Pittsford, NY 14534

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

<b>Town Code Requirement is:</b>		<b>Proposed Conditions:</b>		<b>Resulting in the Following Variance:</b>	
Right Lot Line:	15	Right Lot Line:	15	Right Lot Line:	0.0
Left Lot Line:	10	Left Lot Line:	6	Left Lot Line:	4.0
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 - 17 E for a proposed garden shed located less than the required minimum side setback. This property is zoned Residential Neighborhood – (RN).

June 28, 2022

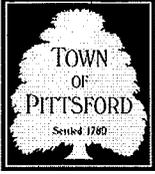


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Date

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Bill Zink -



# TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: June 2, 2022 Hearing Date: July 18, 2022

Applicant: Selcuk Kose

Address: 4 Millstone Ct. Pittsford NY, 14534

Phone: (585) 360-6181 E-Mail: selcukkose@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: 4 Millstone Court Current Zoning: RN

Tax Map Number: 178.11-2-36

Application For:  Residential  Commercial  Other

Please describe, in detail, the proposed project:

I would like to put a shed in my backyard. Since there is some kind of easement in my backyard, I was told to go through this area variance application process to put the shed four feet from the property line with my neighbor.

**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)*

6/2/2022  
\_\_\_\_\_  
*(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 shed I plan to put in my backyard will be four feet from the side property line with my neighbor. Based on my recent discussion with my neighbor regarding putting a shed at the location specified in my application, my neighbor was very welcoming to the idea of putting a shed. Actually, when I showed him the proposed location of the shed, my neighbor agreed that the location is good and he verbally confirmed that putting a shed would not cause any disturbance to him.

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

I was told by the town of Pittsford that the only way I can put a shed in the proposed location is to apply for an area variance. Actually, that location seems to be the most appropriate location to put a shed.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The requested area variance is minimal. The shed will be four feet from the property line. Also, the neighbor recently put some kind of fence to the property line. So the shed will not have any impact on my neighbor.

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:

As explained above, the shed will be four feet from the property line which already have some kind of fence to potentially grow flowering ivy plants. So the shed will not cause any adverse effect neither to the neighbor nor the zoning district.

- **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 but this is the best location for the shed based on the layout of the backyard and the Monroe County Water Authority easement along the back of the property.

# Disclosure Form E

STATE OF NEW YORK  
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

Shed in 4 millstone ct.

(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)

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(Signature of Applicant)

June 2, 2022

(Dated)

4 Millstone Ct.

(Street Address)

Pittsford, New York, 14534

(City/Town, State, Zip Code)

LANDS OF R.G.&E CORP. →

R=2753.75

99.92



20' WIDE EASEMENT TO THE M.C.W.A. (L:4099 PAGE 44)

201

203

204

N 80° 00' 44" W

S 77° 56' 00" E

N 89° 19' 00" E

NOTE:

30' FRONT SETBACK

● IROK PIN FOUND

0.70 ASPH

202

S 80° 30' 00" W

LIBER 5476 PAGE 237 EASEMENT TO R.G.E & R.T.C. (10'±)

MILLSTONE COURT

CERTIFY TO:

SELÇUK & LEMAN KOSE  
VINCENT E. MERANTE, ESQ.  
REGIONAL TITLE COMPANY  
WEI MORTGAGE LLC, ITS  
SUCCESSORS AND/OR ASSIGNS  
AS THEIR INTEREST MAY  
APPEAR

REFERENCES:

- 1) FIRST AMERICAN TITLE SEARCH NO. 421975 DATED 10-29-18
- 2) LIBER 267 OF MAPS PAGE 55

This survey is certified to those named above during the period that the currently issued title insurance policy is in effect only. Certifications are not transferable to additional institution or subsequent owners. Copies of this survey map not bearing the land surveyors inked seal or embossed seal are not considered to be a true and valid copy. Unauthorized alteration or addition to this survey map is in violation of section 7206 of the New York State Education Law.

This map is subject to any easements or encumbrances that an updated abstract of title may show. The word 'certify' or 'certification' as shown and used herein means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee expressed or implied.

CERTIFICATION:

I GREGORY T. PAULY HEREBY CERTIFY THAT THIS MAP WAS MADE FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED 11-8-18 AND FROM REFERENCES LISTED ABOVE.

*Gregory T. Pauly*

GREGORY T. PAULY, L.S. # 50373

GREGORY T. PAULY  
LICENSED LAND SURVEYOR

71 BUTCHER ROAD  
HILTON, NEW YORK 14468  
(585) 392-4999

TITLE: INSTRUMENT SURVEY OF LOT 203 OF THE BROOKSIDE MEADOWS SUBDIVISION SECTION 2 TOWN OF PITTSFORD MONROE COUNTY NEW YORK



DATE: 11-10-18

SCALE: 1" = 30'(in feet)

FILE: 7038-18

