

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
September 19, 2022
7:00 PM**

APPLICATION FOR AN AREA VARIANCE

- 23 Saddle Brook, Tax # 164.03-1-68, Applicant is requesting relief from Town Code §185 - 17 I for a proposed garden shed located less than the required minimum rear setback. This property is zoned Residential Neighborhood – (RN).
- 289 Tobin Road, Tax # 190.04-3-1.1, Applicant is requesting relief from Town Code §185- 113 B. (1), (2), (3) for a proposed oversized and over height accessory structure, garage. Property is zoned Rural Residential South Pittsford – (RRSP).
- 101 Country Club Drive, Tax # 150.05-1-40, Applicant is requesting relief from Town Code §185-113 B. (3) and §185-17 E. (1) to place a garden shed forward of the rear wall and within the minimum side setback. This property is zoned Residential Neighborhood – (RN).
- 4035 East Avenue, Tax # 151.06-1-21, 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).

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
DRAFT MINUTES
August 15, 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; Bill Zink, Building Inspector

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, August 15, 2022 at 7:00PM local time.

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

The applications before the Board this evening are Type II Actions under 6-NYCRR §617.5 (c) 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 AN AREA VARIANCE - NEW

George Dounce opened the Public Hearing.

Ron Fogarty was present to discuss the application with the Board.

Mr. Fogarty discussed that the need for this area is the most feasible location for the shed due to the swale and placement of utility poles on the property.

There was no public comment.

Mary Ellen Spennacchio-Wagner moved to close the public hearing.

Jim Pergolizzi seconded.

All Ayes.

DECISION FOR 7 BUCHANAN ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 7 Buchanan Road was moved by Barbara Servé 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
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 July 14, 2022.
2. All construction is to be completed by December 31, 2023.

POINT PERSONS FOR September 19 MEETING

289 Tobin Road – George Dounce

4035 East Avenue – Mary Ellen Spennacchio-Wagner

23 Saddle Brook – Phil Castleberry

101 Country Club Drive – Jennifer Iacobucci

ADJOURNMENT/MINUTES APPROVAL

Chairman George Dounce motioned to approve the minutes of July 18, 2022 with a correction.

All Ayes.

The meeting was adjourned at 7:15 pm.

Respectfully submitted,

Bill Zink
Building Inspector

Zoning Board of Appeals Referral Form Information

Property Address:

23 Saddle Brook PITTSFORD, NY 14534

Property Owner:

Mariuz, Robert M
23 Saddle Brk
Pittsford, NY 14534

Applicant or Agent:

Mariuz, Robert M
23 Saddle Brk
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: 20'
Height:
Size:

Proposed Conditions:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback: 8'
Height:
Size:

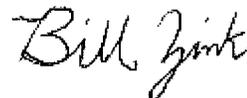
Resulting in the Following Variance:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback: 12'
Height:
Size:

Code Section(s):

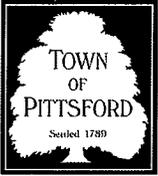
Description: Applicant is requesting relief from Town Code §185 - 17 I for a proposed garden shed located less than the required minimum rear setback. This property is zoned Residential Neighborhood – (RN).

August 22, 2022



Date

Bill Zink -



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: August 4, 2022 Hearing Date: September 29, 2022

Applicant: Robert Mariuz

Address: 23 Saddle Brook

Phone: (585) 645-3709 E-Mail: rmariuz@u.rochester.edu

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: 23 Saddle Brook Current Zoning: RN

Tax Map Number: 164.03-1-68

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

We would like to install a prebuilt 10' x 12' shed, 8' from our property line with 17 Saddle Brook. We have discussed with our neighbor at 17 Saddle Brook and they are fully in support of us installing this shed.

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.

 8/4/2022
(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 be placed along side an existing row of pine trees that add a layer of privacy between our house and 17 Saddle Brook.
- The shed will not be visible from the street as it will sit behind the row of pine trees.
- We have discussed this with our neighbor at 17 Saddle Brook and they are fully in support of the installation of this shed.
- This is a high quality shed w/ style and color similar to our home.
- A number of our neighbors have sheds in their backyard, including our Neighbor at 25 Saddle Brook.

Its location will in no way be a detriment to nearby properties or produce an undesirable change in the character of our neighborhood.

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

Placing the shed along the row of pine trees will give a aesthetically pleasing look, and the shed will not seem out of place. It will leave plenty of room to maintain the lawn in our backyard.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

This is a minimal area variance. As opposed to placing the shed 20' off our property line we would like to place it 8' from our property line. The current setback calls for 20', which is only a 12' difference.

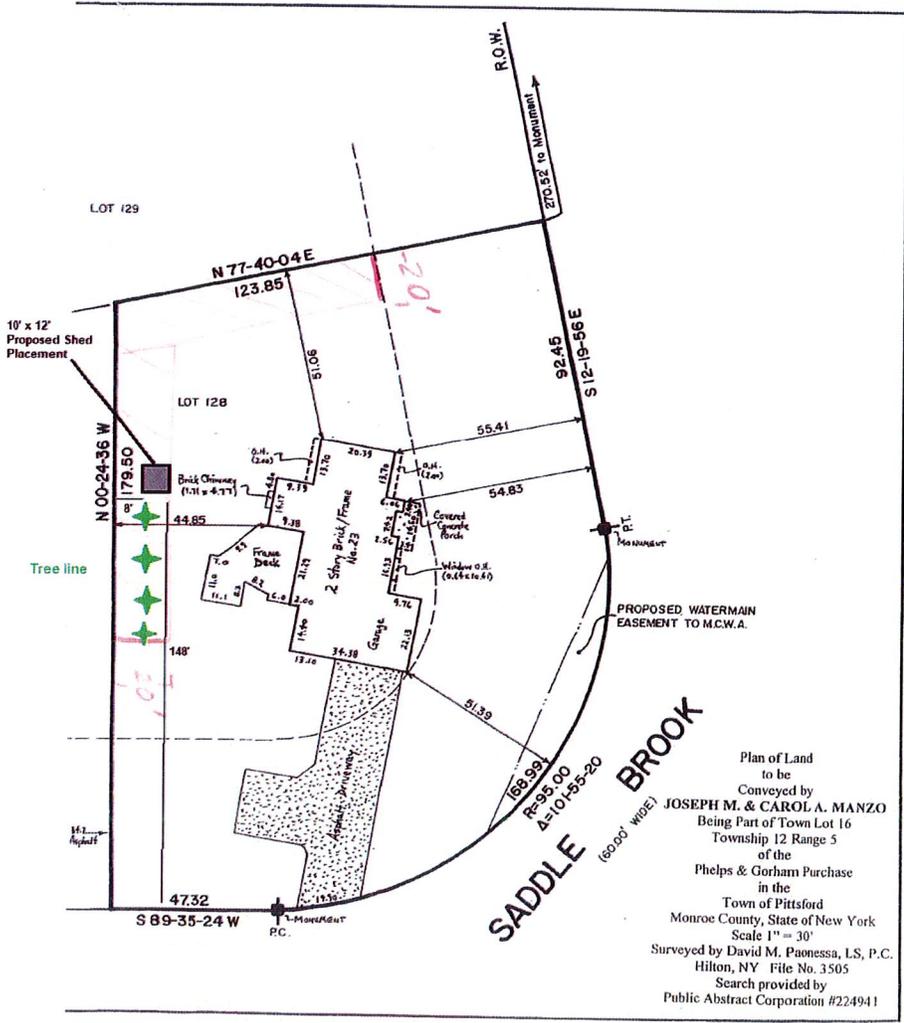
4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

It will not affect the physical/environmental condition of our neighborhood. We're simply placing the shed 12' closer to our property line than current setback regulations call for. We are not changing any landscaping or trees.

- **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 the proposed location will fit our yard better and our next door neighbor is fully in support of its proposed placement.



Plan of Land
to be
Conveyed by
JOSEPH M. & CAROL A. MANZO
Being Part of Town Lot 16
Township 12 Range 5
of the
Phelps & Gorham Purchase
in the
Town of Pittsford
Monroe County, State of New York
Scale 1" = 30'
Surveyed by David M. Paonessa, L.S., P.C.
Hilton, NY File No. 3505
Search provided by
Public Abstract Corporation #224941

8/25/2008

Zoning Board of Appeals Referral Form Information

Property Address:

289 Tobin Road HENRIETTA, NY 14467

Property Owner:

Driver, Robin
289 Tobin Rd
Henrietta, NY 14467

Applicant or Agent:

Driver, Robin
289 Tobin Rd
Henrietta, NY 14467

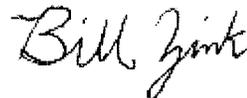
Present Zoning of Property: RRSP Rural Residential South Pittsford
Area Variance - Residential and Non-Profit

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:	12'	Height:	27.5'	Height:	15.5'
Size:	180 SF	Size:	1440 SF	Size:	1260 SF

Code Section(s):

Description: Applicant is requesting relief from Town Code §185- 113 B. (1), (2), (3) for a proposed oversized and over height accessory structure, garage. Property is zoned RRSP – Rural Residential South Pittsford.

August 22, 2022



Date

Bill Zink -



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

TESTS FOR GRANTING AREA VARIANCES

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

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

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

We are on a street with many other properties that have similiar strutures, we will fit right in

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

Would rather have one nice larger structure then a bunch of small unsightly ones

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

I feel this is a minimal request as there are many other properties with such a 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:

We live in a farm community

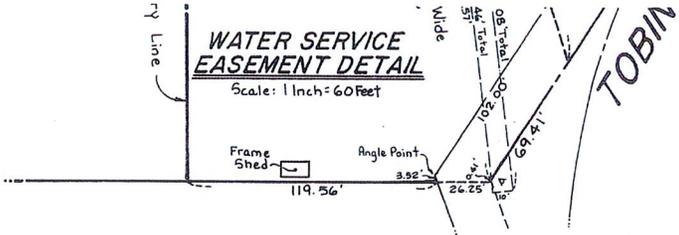
- **NOTE:** *Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;*

5. Is the alleged difficulty self-created?

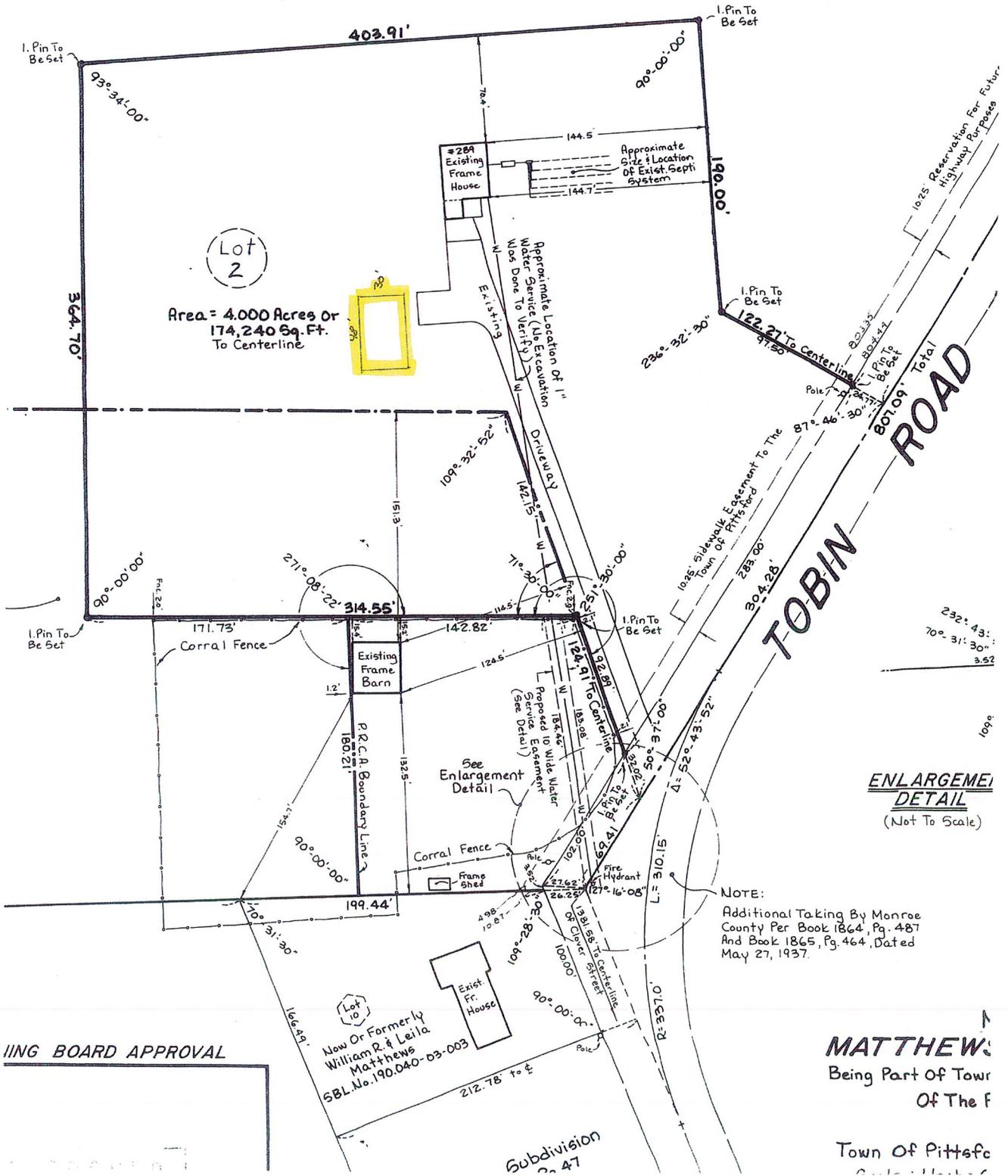
Yes but with several vehicles and the need for storage, this is the size we need

Frank J. Duda 3-1-91
 Surveyor

WATER SERVICE EASEMENT DETAIL
 Scale: 1 Inch = 60 Feet



Town Lot 28
 Town Lot 40



ENLARGEMENT DETAIL
 (Not To Scale)

NOTE:
 Additional Taking By Monroe County Per Book 1864, Pg. 487 And Book 1865, Pg. 464, Dated May 27, 1937.

BOARD APPROVAL

MATTHEWS
 Being Part Of Town Of The F

Town Of Pittsford

Zoning Board of Appeals Referral Form Information

Property Address:

101 Country Club Drive ROCHESTER, NY 14618

Property Owner:

Gan, Rafal C
101 Country Club Dr
Rochester, NY 14618

Applicant or Agent:

Gan, Rafal C
101 Country Club Dr
Rochester, NY 14618

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

Town Code Requirement is:

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

Proposed Conditions:

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

Resulting in the Following Variance:

Right Lot Line: 6.0'
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size:

Code Section(s):

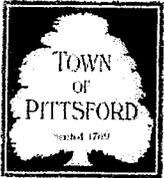
Description: Applicant is requesting relief from Town Code §185-113 B. (3) and §185-17 E. (1) to place a garden shed forward of the rear wall and within the minimum side setback. This property is zoned Residential Neighborhood – (RN).

August 22, 2022



Date

Bill Zink -



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: _____ Hearing Date: _____

Applicant: RAFAEL GAN

Address: 101 COUNTRY CLUB DR.

Phone: 917 609 7532 E-Mail: _____

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: 101 COUNTRY CLUB DR Current Zoning: RN

Tax Map Number: 151.05-1-40

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

Install free standing garden / tool shed. size is 8 x 12 ft, on the side of 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.

Rafael Gan
(Owner or Applicant Signature)

8/11/2022
(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 garden shed will be behind the house, over 20 ft from the front of the house so it will not be visible from the street. You will only see it if you are in front of the house. The landscaping of the property further obstruct the view of the proposed shed. The shed would produce undesirable change in the character of the neighborhood.

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 am unable to locate the shed due to frequent flooding of the back yard from the water runs off when it rains. East branch of Allen creek that runs through Oak Hills golf club does not allow enough water to pass there causing flooding of Irondequoit golf club which the property borders, and properties at the end of the street get their back yard flooded often with few feet of water. Having shed in the back yard would cause damage to the shed and equipment in there.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The requested area variance is minimal. It does not change the characteristics of the neighborhood and it does not impact neighbors.

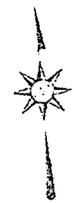
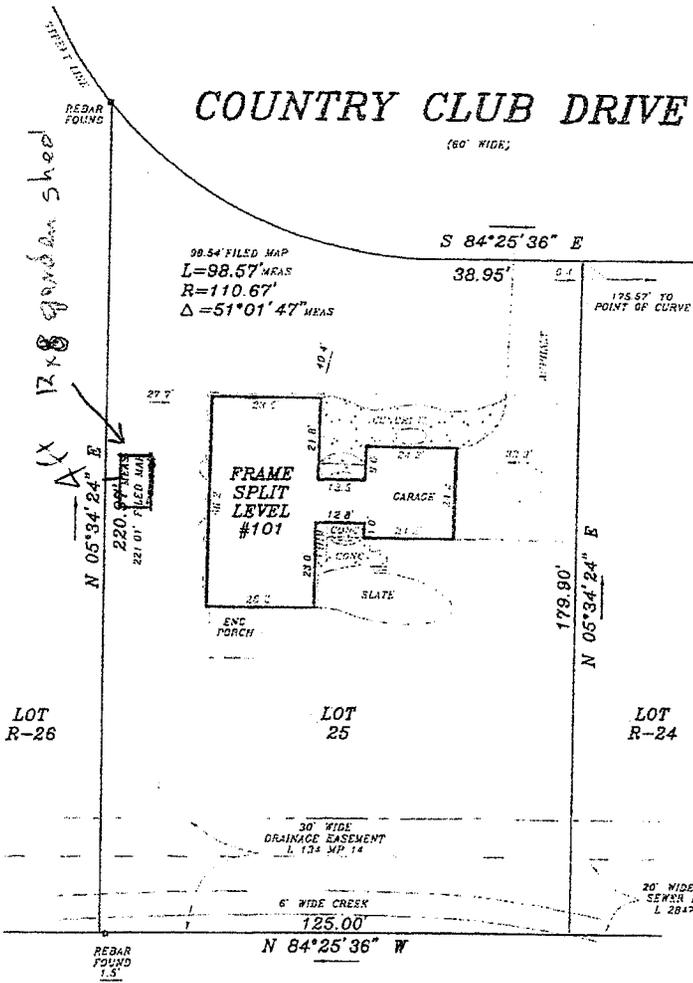
4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

There is no environmental impact, the structure does not generate any waste. The location would be behind and on the side of the house, so its not visible from the street. The existing trees would also partially obstruct the view of the shed.

• **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 not self created. The issue is with high volume of water run offs from areas of higher elevation which causes the back yard to flood. This makes the backyard unsuitable for any free standing structure.



REFERENCES:

METRO REAL ESTATE SERVICES OF WESTERN NEW YORK, LLC #MRE-A-17587
DATED OCTOBER 19, 2018
LIBER 11993 OF DEEDS, PAGE 459
LIBER 134 OF MAPS, PAGE 14

NOTES:

REFERENCE IS MADE TO AN EASEMENT GRANTED TO ROCH. GAS & ELEC. CORP. AND ROCH. TELEPHONE CORP. FOR FIXTURES AS SET FORTH IN LIBER 2857 OF DEEDS, PAGE 418.

REFERENCE IS MADE TO A GAS MAIN EASEMENT GRANTED TO ROCH. GAS & ELEC. CORP. AS SET FORTH IN LIBER 2836 OF DEEDS, PAGE 407.

PARCEL IS SUBJECT TO RESTRICTIONS SET FORTH IN LIBER 3243 OF DEEDS, PAGE 136.

PARCEL TAX ID #151.05-1-10

WE, O'NEILL-RODAK LAND SURVEYING ASSOCIATES, P.C., CERTIFY TO SANTANDER BANK, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTEREST MAY APPEAR; EVANS FOX LLP; WEBTITLE AGENCY; RAFAL C. GAN AND D'AUORIZIO LAW OFFICES, PLLC THAT THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED NOV. 26, 2018.

SCOTT E. MEASDAY, P.L.S. #050910

"Unauthorized alteration of, or addition to, this survey map is a violation of section 7209 of the New York State Education Law"
Copies of this survey map not bearing the land surveyor's wilded or embossed seal shall not be considered to be a valid true copy.
"Guarantees or certifications indicated herein shall run only to the person for whom the survey is prepared, and to his behalf to the title company, governmental agency and lending institution listed herein, and to the ass (lines of the lending institution).
Guarantees or certifications are not transferable to the institutions or subsequent owners."

 <p>O'NEILL-RODAK LAND SURVEYING ASSOCIATES, P.C.</p> <p>LAND SURVEYORS - PLANNERS BOUNDARY CONSULTANTS FEMA ELEVATION CERTIFICATES ALTA/NSPS SURVEYS</p>	<p>MAP OF A SURVEY</p> <p>LOT 25</p> <p>COUNTRY CLUB ESTATES SUBDIVISION, SECTION 4</p> <p>TOWN OF PITTSFORD</p> <p>MONROE COUNTY, NEW YORK</p>		
	<p>5 SOUTH FITZHUGH STREET ROCHESTER, NY 14614</p> <p>PHONE (585) 325-7520 FAX (585) 325-1708 e-mail surveyors@oneillrodak.com</p>		<p>CLIENT D'AUORIZIO LAW OFFICES, PLLC</p>
<p>SCALE 1" = 30'</p>	<p>DATE 11/27/2018</p>	<p>PROJECT NO. 2018-1610</p>	

Zoning Board of Appeals Referral Form Information

Property Address:

4035 East Avenue ROCHESTER, NY 14618

Property Owner:

Atwood, Eileen L
4035 East Ave
Rochester, NY 14618

Applicant or Agent:

Mark Muller

(585) 657-6905

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: 70'
Rear Setback:
Height:
Size:

Proposed Conditions:

Right Lot Line:
Left Lot Line:
Front Setback: 51'3"
Rear Setback:
Height:
Size:

Resulting in the Following Variance:

Right Lot Line:
Left Lot Line:
Front Setback: 18'9"
Rear Setback:
Height:
Size:

Code Section(s):

Description: 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).

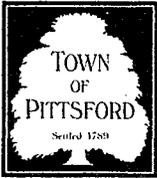
August 22, 2022



Date

Bill Zink -

2B22-000029



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: 8/12/22 Hearing Date: _____

Applicant: MARK P. MULLER

Address: 3509 TAFT ROAD, BLOOMFIELD, N.Y. 14469

Phone: 585-657-6905 E-Mail: MARKPMULLER@FRONTIERNET.NET

Agent: _____
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

Property Owner: MICHAEL DEVINE
(if different than Applicant)

Address: 4035 EAST AVE, PITTSFORD, NY 14618

Phone: 585-703-8666 E-Mail: MDEVINE1@GMAIL.COM

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

Property Location: 4035 EAST AVE Current Zoning: RH

Tax Map Number: 151,06-1-21

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

28' X 8' PORCH ADDITION TO FRONT (ROAD 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.

[Signature]
(Owner or Applicant Signature)

8/11/22
(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 proposed porch addition will present an appearance of the house which is not unusual for houses of this vintage in the area. The property to the South is the maintenance area for a golf course, and the house on there is much closer to the road than this proposed porch will be. Across East Ave. no houses are visible because of the dense tree growth, so those properties have no view of 4035. To the North is the side yard of a house that is on an intersecting road, it also is densely treed.

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 Owner wishes to improve the appearance of the house and have a porch area which is usable for sitting. Do to the fact that the house is already within the 70' front setback that has been imposed on the property, there is no way to achieve these goals without requesting a variance. The proposed porch will be beyond a 50' setback which is prevalent in other areas of the neighborhood.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Based on the 70' setback that is now in place, the request for an 18.7' variance seems substantial. Given that the existing house intrudes on the setback by 11.7' and the existing porch by 17.7', the expansion of nonconformance is minimal, 2'.

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

The construction allowed by the granting of this variance will have minimal impact on the physical or environmental condition of the neighborhood. It is small in scale and only an expansion of an existing element of the house.

- **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?

Because the owner desires to make this improvement, the difficulty can be seen as self-created. The fact that the 70' setback was imposed on this property, rather than the 50' setback prevalent in the zoning district is really at the heart of the matter.



EAST ELEVATION

1/4" = 1'-0"

4035 EAST AVE

