

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
AGENDA  
October 17, 2022  
7:00 PM**

**APPLICATION FOR AN AREA VARIANCE**

- 38 Old Farm Circle, Tax # 164.19-2-40, Applicant is requesting relief from Town Code §185-113 B. (1) for a proposed oversized accessory structure, pavilion. This property is zoned Residential Neighborhood – (RN).
- Lehigh Station Road Subdivision, Tax # 177.01-2-8.1, Applicant is requesting relief from Code Section 185-120 A, to allow for a front setback less than what is required for Lots 1, 3, & 4; Code Section 185-121 A, to allow for fencing taller than what is required along road frontage for Lots 1, 3, & 4; Code Section 185-17 I, to allow for a rear buffer less than what is required for Lots 1 & 2. This property is zoned Residential Neighborhood – (RN).
- 1 Morningside Park, Tax # 191.01-1-7, Applicant is requesting relief from Town Code §185 - 17 E for a proposed addition located less than the required minimum side setback. This property is zoned Residential Neighborhood – (RN).
- 165 French Road, Tax # 151.13-1-8, Applicant is requesting relief from Town Code §185 - 17 E and §185 - 113 B. (3), for a proposed garden shed located less than the required minimum side setback and forward of the rear wall of the house. This property is zoned Residential Neighborhood – (RN).
- 37 Devonwood Lane, Tax # 164.17-2-12, Applicant is requesting relief from Town Code §185- 113 B. (1), (2) for a proposed oversized and over height accessory structure, pavilion. Property is zoned RN - Residential Neighborhood.

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
DRAFT MINUTES  
September 19, 2022**

**PRESENT**

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, James Pergolizzi, Phil Castleberry, Jennifer Iacobucci

**ALSO PRESENT**

Kate Munzinger, Town Board liaison; Bill Zink, Building Inspector; Susan Donnelly, Secretary to the Board

**ABSENT**

Barbara Servé, Vice Chair; Tom Kidera

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, September 19, 2022 at 7:00 PM 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**

- 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).

George Dounce opened the public hearing.

The homeowner, Courtney Marinz, was present. She stated that the need for the proposed shed is for more storage space and the timeline was to build in Spring of 2023.

There was no public comment.

Mary Ellen moved to close the public hearing.

Phil Castleberry seconded.

All Ayes.

- 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).

George Dounce opened the public hearing.

The homeowner, Jeff Kline, was present.

Mr. Kline stated the need for the size of the accessory structure was to store trailers/tractor. The timeframe is before winter 2022.

The Board had no further questions.

There was no public comment.

Jennifer Iacobucci moved to close the public hearing.

Jim Pergolizzi seconded.

All Ayes.

- 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).

George Dounce opened the public hearing.

Rafal Gan, the homeowner, was present.

Mr. Gan stated that the most affected neighbor had no issue with the project. The timeline will be the fall of 2022 or spring of 2023.

There was no public comment.

Phil Castleberry moved to close the public hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- 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).

George Dounce opened the public hearing.

The architect, Mark Mueller, was present.

The timeframe is September or October of 2023.

Jennifer Iacobucci inquired if any neighbors objected. There was no comment received by the Town.

There was no public comment.

Jim Pergolizzi moved to close the public hearing.

Jennifer Iacobucci seconded.

All Ayes.

**DECISION FOR 23 SADDLE BROOK – AREA VARIANCE**

A written Resolution to grant the area variance for 23 Saddle Brook was moved by Phil Castleberry and seconded by Board Member Jim Pergolizzi.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	Aye
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 August 4, 2022.
2. All construction is to be completed by December 31, 2023.

**DECISION FOR 289 TOBIN ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 289 Tobin Road was moved by George Dounce 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
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 August 10, 2022.
2. All construction is to be completed by December 31, 2023.

**DECISION FOR 101 COUNTRY CLUB DRIVE – AREA VARIANCE**

A written Resolution to grant the area variance for 101 Country Club Drive was moved by Jennifer Iacobucci 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
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 August 11, 2022.
2. All construction is to be completed by December 31, 2023.

**DECISION FOR 4035 EAST AVENUE – AREA VARIANCE**

A written Resolution to grant the area variance for 4035 East Avenue was moved by Mary Ellen Spennacchio-Wagner and seconded by Board Member Phil Castleberry.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	Aye
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 August 11, 2022.
2. All construction is to be completed by December 31, 2023.

**POINT PERSONS FOR September 19 MEETING**

**1 Morningside Drive – Jim Pergolizzi**

**37 Devonwood Lane – George Dounce**

**165 French Road – Phil Castleberry**

**38 Old Farm Circle – Jennifer Iacobucci**

Chairman George Dounce motioned to approve the minutes of August 15, 2022, as written.

All Ayes.

The meeting was adjourned at 7:35 pm.

Respectfully submitted,

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Susan Donnelly  
Secretary to the Zoning Board of Appeals

DRAFT

# Zoning Board of Appeals Referral Form Information

**Property Address:**

38 Old Farm Circle PITTSFORD, NY 14534

**Property Owner:**

Madden, Lucas H  
38 Old Farm Cir  
Pittsford, NY 14534

**Applicant or Agent:**

Madden, Lucas H  
38 Old 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: 180 SF

**Proposed Conditions:**

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

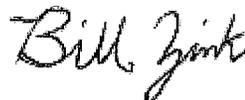
**Resulting in the Following Variance:**

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

**Code Section(s):**

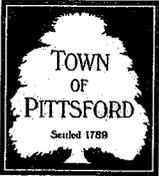
Description: Applicant is requesting relief from Town Code §185-113 B. (1) for a proposed oversized accessory structure, pavilion. Property is zoned Residential Neighborhood - (RN).

October 04, 2022



Date

Bill Zink -



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

Submission Date: September 12, 2022 Hearing Date: \_\_\_\_\_

Applicant: Chelsea Madden

Address: 38 Old Farm Circ Pittsford, NY 14534

Phone: (518) 424-9686 E-Mail: camadden27@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: 38 Old Farm Circ, Pittsford Current Zoning: RN

Tax Map Number: 164.19-2-40

Application For:  Residential  Commercial  Other

Please describe, in detail, the proposed project:

We are proposing a 12x20 pavilion on the north side of our pool which exceeds the 180 sq/ft max by 30%. The pavilion will be used to create shade from the western sun that beats down on the pool area in the afternoon hours. We are adding a rear and side wall to contain noise and create privacy for ourselves and neighbors. We have offered to plant bushes on our property on the other sides of the walls to create a nice view for our neighbors. We would like to use this space for our family of 5 and felt a 10x18 was too small for a family of this size with extended family/friends over and wanted something slightly bigger to help mitigate noise.

**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.

Chelsea Madden

*(Owner or Applicant Signature)*

9/19/22

*(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:

We are requesting to build a 12'x20' pavilion to the north side of our pool. That is only a 30% increase in size of the allowed 10'x18'. It will be under (11'2") the allotted 12' height. We will be placing bushes around the structure to help with privacy and to blend the structure into our property. We have spoken to all of our neighbors, and they have no issue with this area variance.

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 western setting sun makes it incredibly hard to create shade based on where our pool is located. We've tried umbrellas and other items, but it still doesn't create the shade and space necessary. Additionally, we would like to use the pavilion for our family meals and movie night. We have mapped out smaller versions of the pavilion and with a family of our size it felt cramped. Additionally, the larger size will mean more people will be within the pavilion and walls mitigating noise to the neighbors.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

I feel this a minimal area variance as it is only a 30% increase from the allotted size.

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 structure aesthetically fits into the area. It is nicely made and will create an inviting space that will be blended in with greenery, plants, bushes, and shrubs. We've already consulted with our neighbors to the north, west, and south on having it installed and they do not have an issue with it.

- **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 location near the pool will have a minimal effect on the surrounding properties.



Pavilion Pic - 38 Old Farm Circle



# Zoning Board of Appeals Referral Form Information

**Property Address:**

2490 Lehigh Station Road PITTSFORD, NY 14534

**Property Owner:**

Young Family Trust  
2490 Lehigh Station Rd  
Pittsford, NY 14534

**Applicant or Agent:**

BME Associates  
10 Lift Bridge Lane East  
Fairport, NY 14450

**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:		Left Lot Line:		Left Lot Line:
Front Setback:	70'	Front Setback:	30'	Front Setback: 40'
Rear Setback:	20'	Rear Setback:	10'	Rear Setback: 10'
Fence Height:	3'	Height:	4'	Height: 1'
Size:		Size:		Size:

**Code Section(s):**

Description: Applicant is requesting relief from Code Section 185-120 (A), to allow for a front setback less than what is required for Lots 1, 3, & 4, specifically thirty (30) feet where seventy (70) feet is required; Code Section 185-121 (A), to allow for fencing taller than what is required along road frontage for Lots 1, 3, & 4, specifically four (4) feet in height where the maximum is three (3) feet; Code Section 185-17 (I), to allow for a rear buffer less than what is required for Lots 1 & 2, specifically ten (10) feet where twenty (20) feet is required. This property is zoned Residential Neighborhood – (RN).

October 04, 2022



Date

Bill Zink -



# BME ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

September 15, 2022

Zoning Board of Appeals  
 Town of Pittsford  
 11 South Main Street  
 Pittsford, NY 14534

**Re: Young-Lehigh Station Road Subdivision  
 2490 Lehigh Station Road  
 Application for Area Variances**

**2821**

Dear Board Members:

On behalf of the applicant and property owner, Kody Young, we submit the enclosed Application for Area Variances for the Young – Lehigh Station Road property. We request to appear at the Zoning Board’s October 17, 2022, meeting to present this application. For your consideration and review, we have included twelve (12) copies of the following application materials:

- Letter of Intent
- Preliminary Subdivision and Site Plan (BME Drawing #s 2821-04 through 2821-05)
- RN vs Variance Setback Maps prepared by Town Staff
- Area Variance Application Form Checklist
- Application for Area variance
- Area Variance Authorization to Make Application
- Tests for Granting Area Variances
- Disclosure Form E
- Application Fee – \$84.00 (\$60 – First Variance, \$12.00 - Each additional Variance)

The site is 2.97-acres (Tax Account #177.01-2-8.1) and is located at the northeast corner of the Lehigh Station Road (NYS Route 253) and Pittsford Henrietta Town Line Road intersection in the Town of Pittsford. The project received Preliminary Subdivision approval by the Planning Board on September 12, 2022.

The project is defined a minor subdivision and proposes one (1) lot with the existing single-family house at 2490 Lehigh Station Road to remain, and three (3) new single-family residential home sites to be served by a private road extended from Pittsford Henrietta Town Line Road. The proposed lots range in size from ±32,000 square feet to ±32,800 square feet. The site is located within the Town’s RN – Residential Neighborhood District and the proposed development is an allowed use within the district.

The applicant is requesting **area variances** from the Town of Pittsford Code for:

	Required (RN)	Code Chapter	Lot 1	Lot 2	Lot 3	Lot 4
Front Setback:	70' (Dedicated Road)	§185-120.A.	30'	N/A	30'	30'
Rear Setback/Buffer:	20'	§185-17.J.	10'	10'	20'	20'
Maximum Fence						
Height in Front Yard	3' Maximum	§185-121.A.	4'	3'	4'	4'



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

Submission Date: September 16, 2022 Hearing Date: \_\_\_\_\_

Applicant: Kody Young

Address: 2490 Lehigh Station Road, Pittsford, NY 14534

Phone: (435) 229-9090 E-Mail: kody.young@yahoo.com

Agent: BME Associates (J. Lincoln Swedrock, P.E.)  
*(if different than Applicant)*

Address: 10 Liftbridge Lane East

Phone: (585) 377-7360 E-Mail: lswedrock@bmepc.com

Property Owner: The Kody and Nichole Young Family Trust  
*(if different than Applicant)*

Address: 2490 Lehigh Station Road, Pittsford, NY 14534

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

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

Property Location: 2490 Lehigh Station Road Current Zoning: RN - Residential Neighborhood

Tax Map Number: 177.01-2-8.1

Application For:  Residential  Commercial  Other

Please describe, in detail, the proposed project:

Proposed project is to subdivide an existing residential lot (+/-3.4 acres to CL and +/-3.0 acres to ROW) into 4 single family residential lots with a proposed private road with access off of Pittsford-Henrietta Townline Road.

**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)* 09-12-22 *(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:

A) 30' Front Setback From Public ROW for Lots 1, 3, 4 - Town Code Chapter 185-120.A.

The requested variance will not create an undesirable change in the character of the neighborhood. The proposed house locations on Lot 3 & 4 are set back farther Pittsford Henrietta Townline Road and Lehigh Station Road than the existing house location on Lot 1. The lot standards proposed are consistent with other setbacks established in the area using clustering provisions.

B) 10' Rear Setback from North Property Line for Lots 1 and 2 - Town Code Chapter 185-17.J.

The requested variance will not create an undesirable change in the character of the neighborhood. This variance will allow for more usable rear yard space for Lots 1 and 2. The requested setback is consistent with other existing setbacks established in the area.

C) 4' Maximum Front Yard Fence Height for Lots 1, 3, 4 - Town Code Chapter 185-121.A.

The requested variance will not create an undesirable change in the character of the neighborhood. The maximum fence height proposed is consistent with other maximum fence height regulations established in the area using clustering provisions.

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

A) 30' Front Setback From Public ROW for Lots 1, 3, 4

This front setback variance is consistent with existing front setbacks within the area. The proposed lots and house setbacks are similar to the existing developments in the neighborhood. Considering the proposed private drive location and that the property fronts two public roads, we are requesting to reduce the front setback off of Lehigh Station Road to allow for more usable rear yards. The proposed lots meet the required side yard setbacks between each other.

B) 10' Rear Setback from North Property Line for Lots 1 and 2

This variance will allow for more usable backyard space for Lots 1 and 2. This cannot be achieved without a variance to either the front (private road) or rear setbacks on these lots, and a rear yard variance is preferable as it is consistent with other existing setbacks established in the area.

C) 4' Maximum Front Yard Fence Height for Lots 1, 3, 4

With the proposed private drive and the properties also fronting Lehigh Station and Pittsford-Henrietta Townline Roads, we are requesting to increase the maximum front yard fence height from 3' to 4' to allow for potential future pool fences, which must be 4' or greater per NYS Code.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

A) 30' Front Setback From Public ROW for Lots 1, 3, 4

The requested variance is minimal. It is farther back than the existing home on the site. The requested front setback is also consistent with other existing front setbacks established in adjacent development.

B) 10' Rear Setback from North Property Line for Lots 1 and 2

The requested variance is minimal. A 10' rear yard setback is consistent with other rear yard setbacks established in adjacent developments.

C) 4' Maximum Front Yard Fence Height for Lots 1, 3, 4

The requested fence height variance is minimal. It is consistent with other existing fence requirements established in adjacent developments.

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:

A) 30' Front Setback From Public ROW for Lots 1, 3, 4

B) 10' Rear Setback from North Property Line for Lots 1 and 2

C) 4' Maximum Front Yard Fence Height for Lots 1, 3, 4

These variances will not have an adverse physical impact on the neighborhood as the proposed lots and houses are consistent with the lot sizes and setbacks in the area. The lot sizes and setbacks have been reviewed and compared to other lots in the neighborhood by the Town and the requested variances have been supported by the Planning Board.

- **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?

A) 30' Front Setback From Public ROW for Lots 1, 3, 4

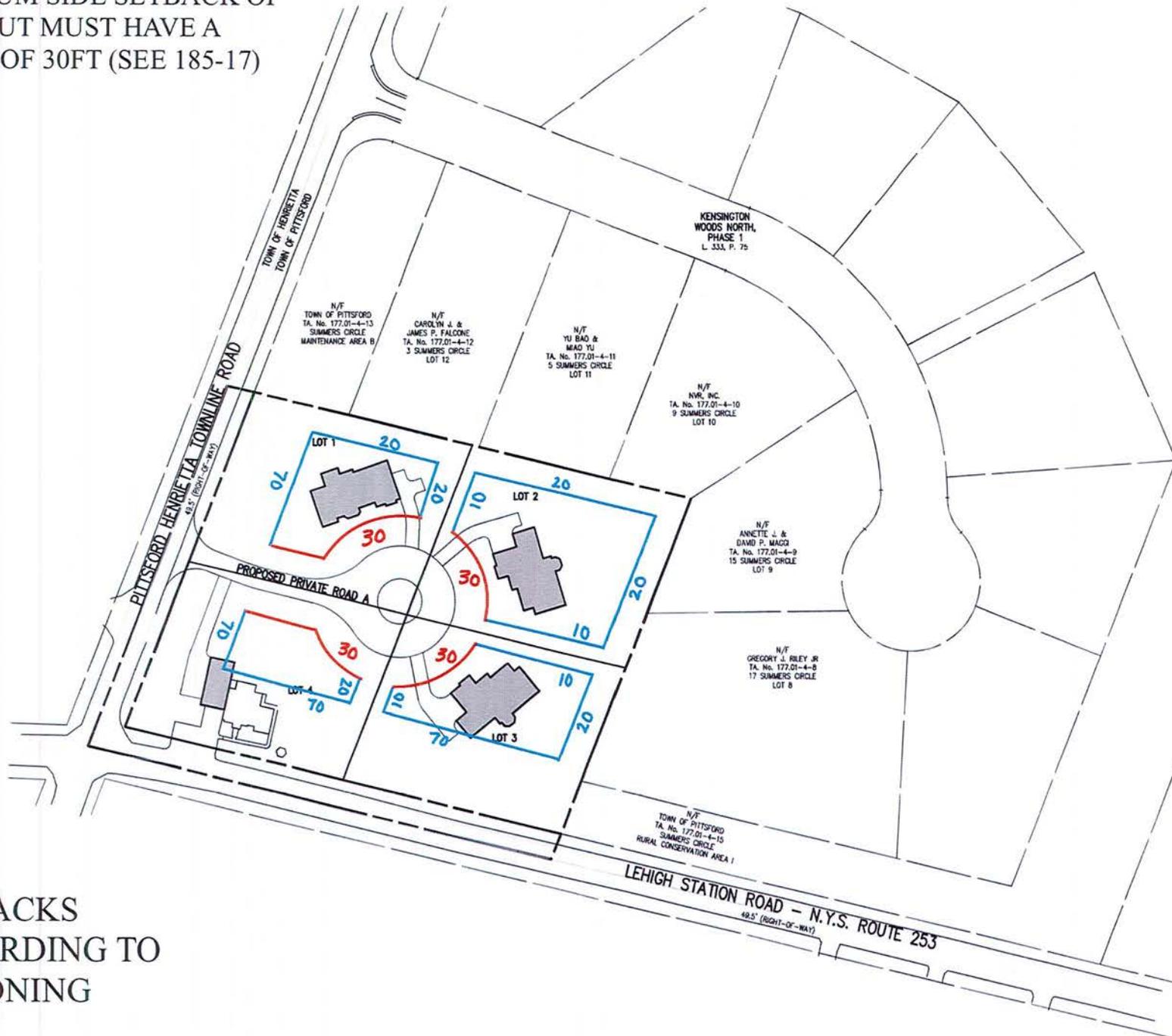
B) 10' Rear Setback from North Property Line for Lots 1 and 2

C) 4' Maximum Front Yard Fence Height for Lots 1, 3, 4

While the need for any variance may be considered self created, we believe that the requested variances will allow the applicant to maximize usable yard areas, and the proposed lots and houses will still meet the lot area, lot coverage, private road frontage setbacks, and side setbacks between one another.

Granting of the variances will not have an adverse impact on the neighborhood as the proposed lots and houses are consistent with the lot sizes and setbacks in adjacent developments. The lot sizes and setbacks have been reviewed and compared to other lots in the neighborhood by the Town and the requested variances have been supported by the Planning Board.

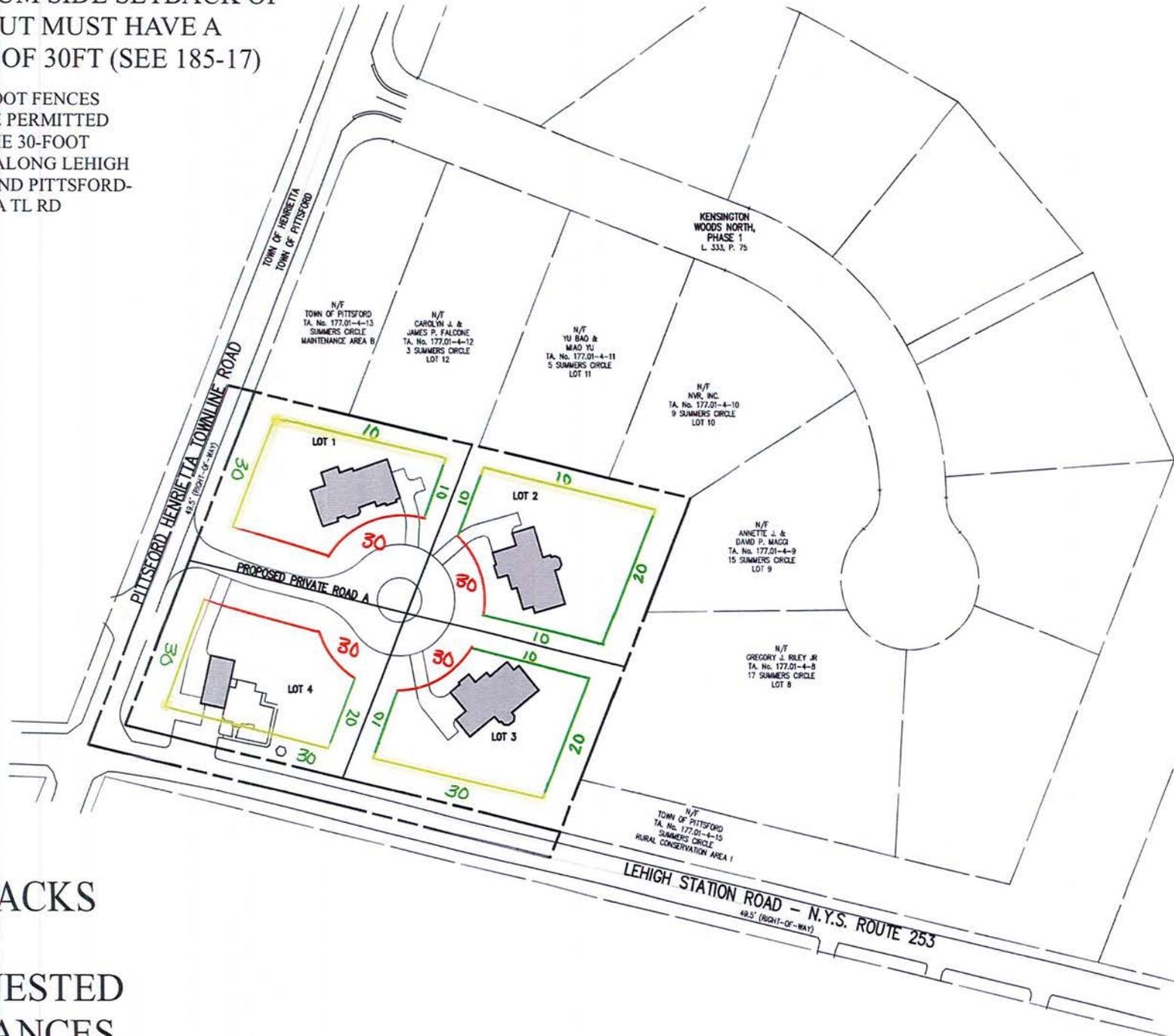
NOTE: LOTS 2 & 3 SHOW A  
MINIMUM SIDE SETBACK OF  
10FT, BUT MUST HAVE A  
TOTAL OF 30FT (SEE 185-17)



SETBACKS  
ACCORDING TO  
RN ZONING

NOTE: LOTS 2 & 3 SHOW A  
MINIMUM SIDE SETBACK OF  
10FT, BUT MUST HAVE A  
TOTAL OF 30FT (SEE 185-17)

NOTE: 4-FOOT FENCES  
WOULD BE PERMITTED  
WITHIN THE 30-FOOT  
SETBACK ALONG LEHIGH  
STATION AND PITTSFORD-  
HENRIETTA TL RD



SETBACKS  
WITH  
REQUESTED  
VARIANCES

# Zoning Board of Appeals Referral Form Information

**Property Address:**

1 Morningside PITTSFORD, NY 14534

**Property Owner:**

Bellenger, Neil W  
1 Morningside Park (Pvt)  
Pittsford, NY 14534

**Applicant or Agent:**

Bellenger, Neil W  
1 Morningside Park (Pvt)  
Pittsford, NY 14534

**Present Zoning of Property:** RRSP Rural Residential South Pittsford  
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:  
Rear Setback:  
Height:  
Size:

**Resulting in the Following Variance:**

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

**Code Section(s):**

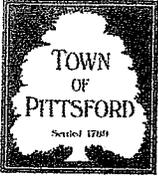
Description: Applicant is requesting relief from Town Code §185 – 33.5 B. (3) for a proposed garage addition encroaching into the front setback. Property is zoned Rural Residential South Pittsford – (RRSP).

October 06, 2022



Date

Bill Zink -



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

Submission Date: August 4, 2022

Hearing Date: August 11, 2022

Applicant: Neil Bellenger

Address: 1 Morningside Park Pittsford NY 14534

Phone: (585) 451-0021

E-Mail: neil624@rochester.rr.com

Agent: Kris Oaks Construction

*(if different than Applicant)*

Address: 147 S Union St Spencerport Ny 14559

Phone: (585) 645-8182

E-Mail: csodoma@oaks-construction.com

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: 1 Morningside Park

Current Zoning: Residential

Tax Map Number: 191.01-1-7

Application For:



Residential



Commercial



Other

Please describe, in detail, the proposed project:

Garage Addition: Remove existing rake, window, and 6' of left hand wall on existing garage, Dig and pour footers 42" below grade, backfill. remove drainge tile and install new down spouts, pour new concrete floor frame new garage per prints, roofing, siding, window and new garage door. install outlets and gutters

**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)

AUGUST 8, 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:

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The appearance of the garage addition will match the character and style of the house and will be in keeping with the existing residential character of the neighborhood and not a detriment to nearby properties.

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

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The requested area variance will allow the appearance of the additional, third bay to match the existing garage. Keeping the width of the third bay equal to each of the two existing bays allows the overhead door of the addition to be of equal width, matching the existing doors, and keeping a consistent appearance to that area of the house.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

---

The requested area variance will be minimal. One rear corner of the garage addition may be close to or on the side setback.

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 addition will enhance the character and value of the house and will have a positive effect or impact on the condition of the neighborhood. Once construction is completed, the siding and rooflines will match the existing house and all vehicles in the household will be parked inside rather than having one vehicle parked outside in the driveway seasonally.

• **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 can be considered self-created in that adding to the existing garage in a manner that compliments the house and provides sufficient width for another vehicle, places the rear corner of the new addition at or near the RRSP side setback location.

# INSTRUMENT LOCATION MAP

## NO. 1 MORNINGSIDE PARK

KNOWN AS LOT R-2 OF A RESUBDIVISION OF LOT NOS. 1 & 2 OF THE  
FRANK SUBDIVISION

TOWN OF PITTSFORD

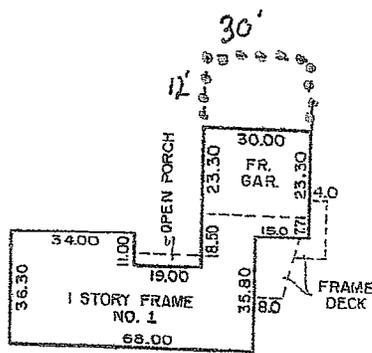
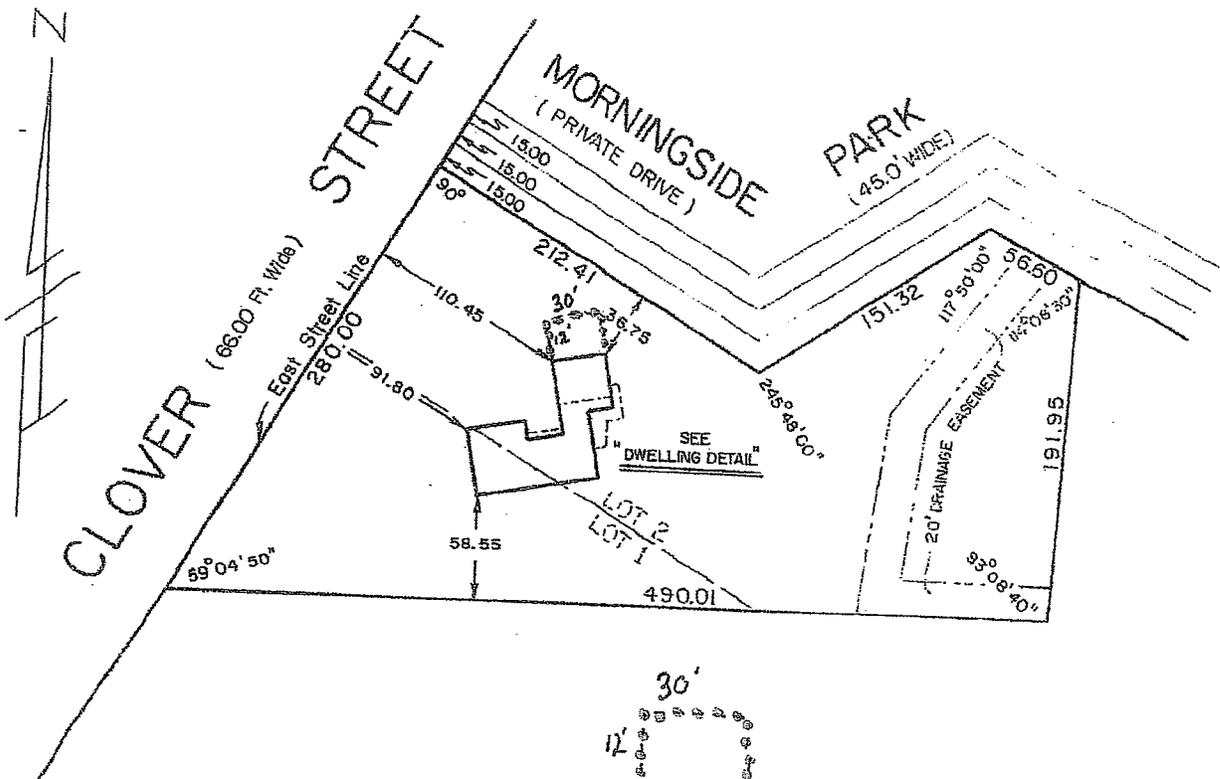
COUNTY OF MONROE

STATE OF NEW YORK

Scale 1" = 100'

March 12, 1985

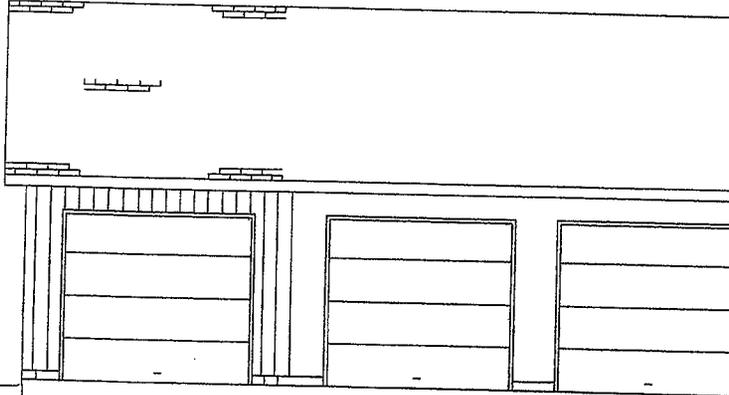
**EDWARD H. BARG**  
PROFESSIONAL LAND SURVEYOR  
165 HIGH POINT TRAIL  
ROCHESTER, NEW YORK 14609  
(716) 288-2584



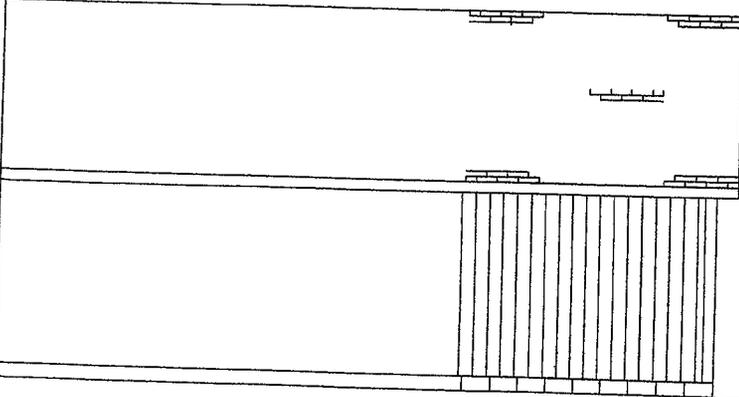
"DWELLING DETAIL"

Scale 1" = 50'

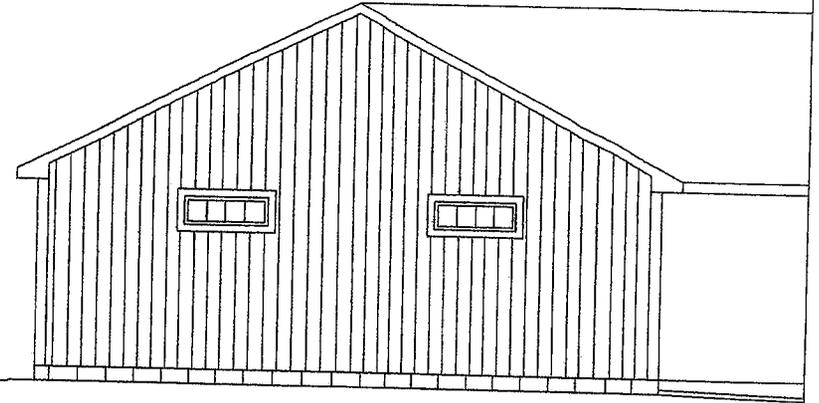
FRONT ELEVATION



REAR ELEVATION



EAST ELEVATION



THOMAS M. LANEY, PE  
 304 WASHINGTON ST.  
 SPENCERPORT, NY 14559  
 (585) 319 - 9032

ELEVATION VIEWS

SCALE: 1/4" = 1'	APPROVED: T.M. LANEY	DRAWN BY: T.M. LANEY
DATE: 7/11/22	REVISD:	

GARAGE ADDITION FOR NEIL BELLENGER

1 MORNINGSID PARK, PITTSFORD, NY

A1  
4

# Zoning Board of Appeals Referral Form Information

**Property Address:**

165 French Road ROCHESTER, NY 14618

**Property Owner:**

Crough, Meghan  
165 French Rd  
Rochester, NY 14618

**Applicant or Agent:**

Crough, Meghan  
165 French Rd  
Rochester, NY 14618

**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:	10'	Right Lot Line:	4'	Right Lot Line:	6'
Left Lot Line:		Left Lot Line:		Left Lot Line:	
Front Setback:		Front Setback:		Front Setback:	
Rear Setback:		Rear Setback:		Rear Setback:	
Height:		Height:		Height:	
Size:		Size:		Size:	

**Code Section(s):**

Description: Applicant is requesting relief from Town Code §185 - 17 E and §185 - 113 B. (3), for a proposed garden shed located less than the required minimum side setback and forward of the rear wall of the house. This property is zoned Residential Neighborhood – (RN).

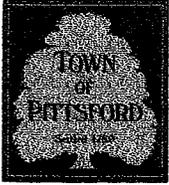
October 04, 2022



---

Date

Bill Zink -



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

Submission Date: 9.15.22 Hearing Date: \_\_\_\_\_

Applicant: Meghan Crough

Address: 165 French Rd.

Phone: 5854859999 E-Mail: mcrough9999@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: 165 French Rd. Current Zoning: \_\_\_\_\_

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

Application For:  Residential  Commercial  Other

Please describe, in detail, the proposed project:

A small shed next to the driveway and adjacent to the house. The shed will back to the neighbor's existing garage.

**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)

9/15/22  
(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:

The proposed shed will fit in seamlessly with the current lots at my property and my neighbor's adjoining one. Essentially my shed and her garage will sit back to back with no disruption of any function and my shed will be invisible to the neighbor's view as it will sit behind her garage and out of her eye line.

Currently, the area proposed for the shed is a gravel pad where my trash and recycling bins sit out (unsightly I know, hence the shed) in front of my house. The shed will be an improvement in both form and function for my property and my neighbor's.

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

My house is located at the back of the property, built into a hill, with an apartment complex behind my property. The only possibility for a shed is in the front of the house. The proposed location makes perfect sense when you see its proximity to the driveway and garage. The shed will add both utility and be esthetically pleasing and nondescript. The shed will be barely visible from the road and set back approximately 100 ft. from the road.

### TESTS FOR GRANTING AREA VARIANCES (Continued)

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

I've been told my request qualifies as 'substantial'.

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:

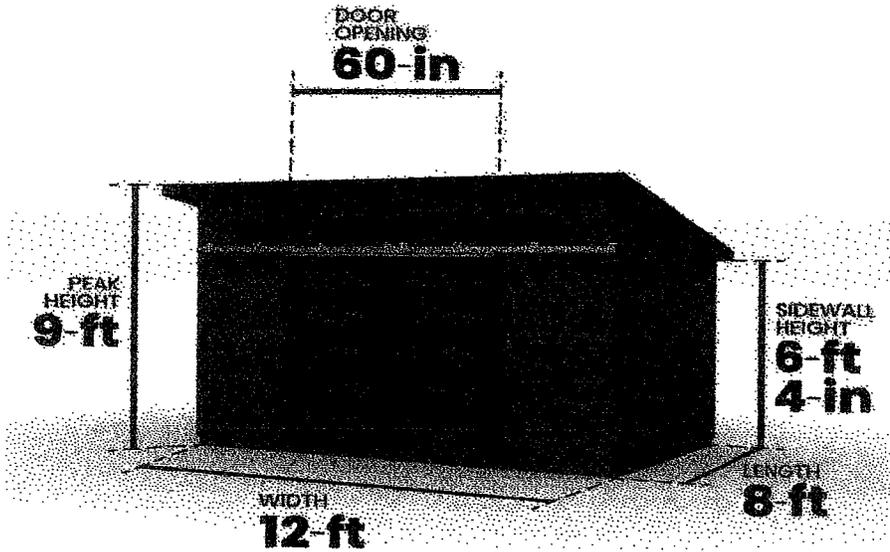
The shed will have zero impact on the physical or environmental condition in the neighborhood. The shed will sit on my side of the property line on what is now a wild grassy patch between the side of my neighbor's garage and my driveway.

● **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. My house was built at the very back of the property, which is unusual, and makes building anything behind the structure impossible.

Close X



Hover Image to Zoom

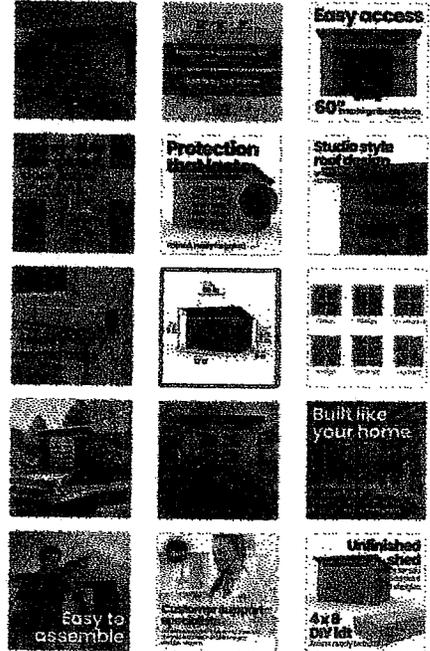
Do-it Yourself Palisade 12 ft. x 8 ft. Multi-purpose Wood Shed with Smartside, fixed windows and Barn door (96 sq. ft.)

by Handy Home Products

Related Videos & 360° View

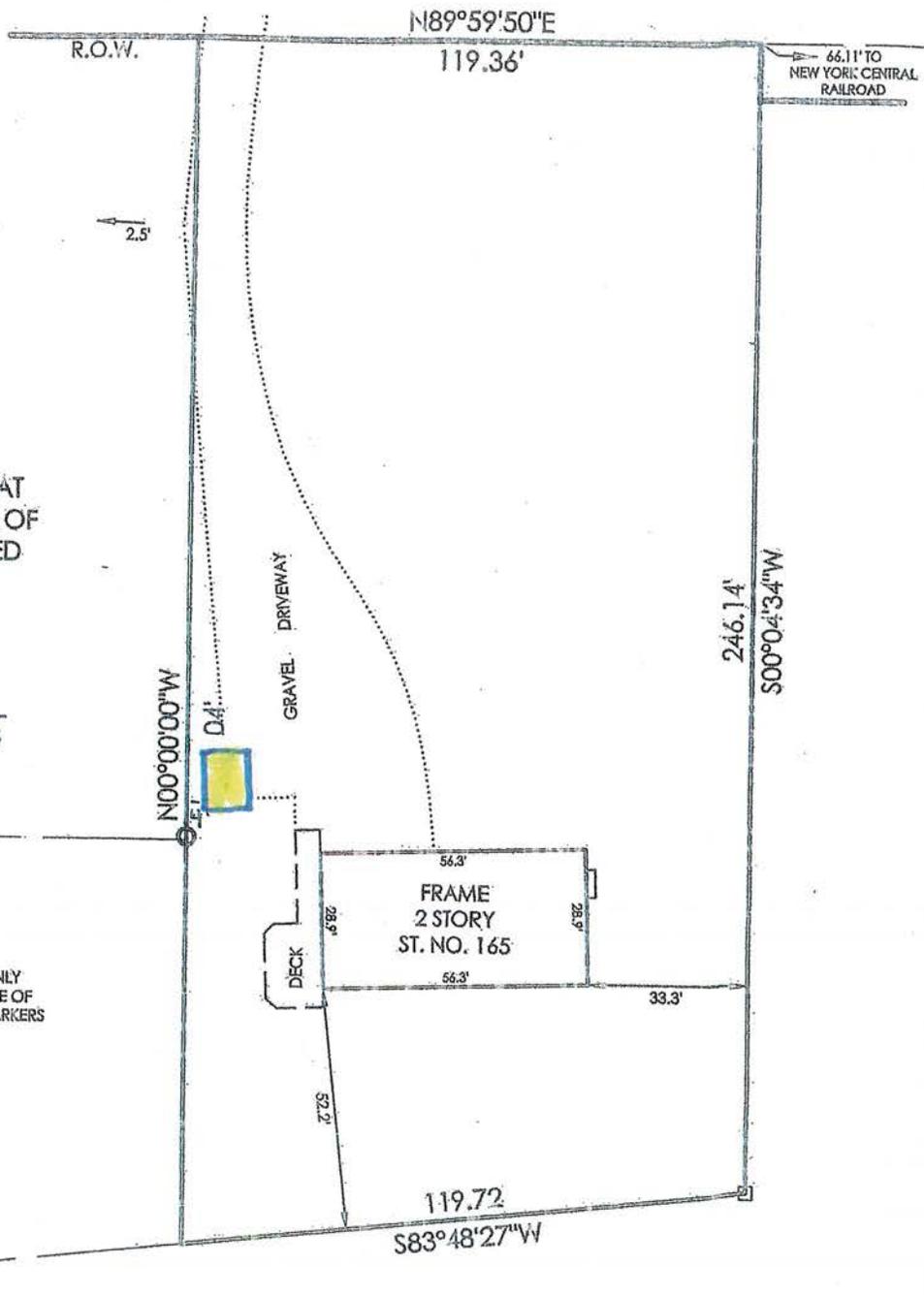


Product Images





# FRENCH ROAD



### REFERENCENCES:

LIBER 7189 OF DEEDS, PAGE 249  
 LIBER 10466 OF DEEDS, PAGE 17

I, WARREN R. McGRAIL, CERTIFY THAT THIS MAP WAS MADE FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED SEPTEMBER 22, 2016.

*Warren R. McGrail*

BY: WARREN R. McGRAIL, L.S. 42513

### CERTIFY TO:

MEGHAN CROUGH

STEVEN J. PHETERSON, ESQ.

Sue Donnelly

---

**From:** Bill Zink  
**Sent:** Thursday, October 6, 2022 6:14 AM  
**To:** Sue Donnelly  
**Subject:** Fw: Shed for Meghan Crough

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

See below for neighbor in favor.

Thanks

Bill

---

**From:** linda saba <sabalinda92@yahoo.com>  
**Sent:** Monday, October 3, 2022 2:39 PM  
**To:** Bill Zink <BZink@townofpittsford.org>  
**Subject:** Shed for Meghan Crough

[EXTERNAL]

Good afternoon, I Linda Saba 169 French rd would like to inform you that I do not have any objections for the shed going up along side of my property/home and or close to my property line.

Thank you  
Linda Saba

Sent from my iPhone

CAUTION: THIS EMAIL CAME FROM AN EXTERNAL SENDER. Don't click links or open attachments unless you recognize the sender and know the content is safe.

# Zoning Board of Appeals Referral Form Information

**Property Address:**

37 Devonwood Lane PITTSFORD, NY 14534

**Property Owner:**

Maguire, Dennis P  
37 Devonwood Ln  
Pittsford, NY 14534

**Applicant or Agent:**

Maguire, Dennis P  
37 Devonwood Ln  
Pittsford, NY 14534

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

**Town Code Requirement is:**

Right Lot Line:  
Left Lot Line:  
Front Setback:  
Rear Setback:  
Height:  
Size: 180 SF

**Proposed Conditions:**

Right Lot Line:  
Left Lot Line:  
Front Setback:  
Rear Setback:  
Height:  
Size: 545 SF

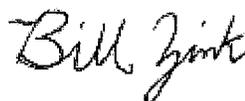
**Resulting in the Following Variance:**

Right Lot Line:  
Left Lot Line:  
Front Setback:  
Rear Setback:  
Height:  
Size: 365 SF

**Code Section(s):**

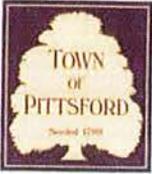
Description: Applicant is requesting relief from Town Code §185- 113 B. (1) for a proposed oversized accessory structure, multiuse structure. This property is zoned Residential Neighborhood – (RN).

October 04, 2022



Date

Bill Zink -



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

Submission Date: September 9, 2022 Hearing Date: \_\_\_\_\_

Applicant: Michael Volpe - Josh Landscape Co.

Address: 106 W. Main St. Honeoye Falls, NY 14472

Phone: (585) 582-1212 E-Mail: MikeV@Joshlandscape.com

Agent: \_\_\_\_\_  
*(if different than Applicant)*

Address: \_\_\_\_\_

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

Property Owner: Dennis Maguire  
*(if different than Applicant)*

Address: 37 Devonwood Lane, Pittsford, NY 14534

Phone: (585) 747-3839 E-Mail: dext@rochester.rr.com

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

Property Location: \_\_\_\_\_ Current Zoning: 1 Family Res (210)

Tax Map Number: 164.17-2-12

Application For:       Residential       Commercial       Other

Please describe, in detail, the proposed project:

To construct a 16x34 accessory structure to be used as covered patio space, a enclosed storage room for pool utilities, and a bathroom. Primary focus of request is for personal enjoyment of the backyard space and a future pool and paver patio installation.

**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.

M. Volpe  
*(Owner or Applicant Signature)*

9/9/2022

*(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:

Granting this variance will not produce an undesirable change in neighborhood character or the nearby properties because we are locating the structure in the backyard and within the side and rear setbacks. More importantly we are matching the architectural character of the primary residence. A key element of the proposed structure is a storage space so that the adjacent property owners will not see the proposed pool utilities.

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

It could not be achieved in any other way due to the physical layout of the site and so that the proposed structure architecturally relates to the primary residence and could be set at a proper elevation that relates to the topography of the site.

One of the primary objectives is to gain covered space that relates to the patio space and the only way to do this in a refined manner in our opinion, is to construct a permanent structure that is built to the same architectural character of the neighborhood.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

We believe the requested area variance is minimal due to our ability to meet the side and rear setbacks and that it wont be highly visible from the street.

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 variance will not have adverse effect or impact on the physical / environmental conditions of the neighborhood due to the placement as it relates to the existing elevation of the backyard. A drainage easement will remain intact behind the structure and function as it does currently.

- **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;*

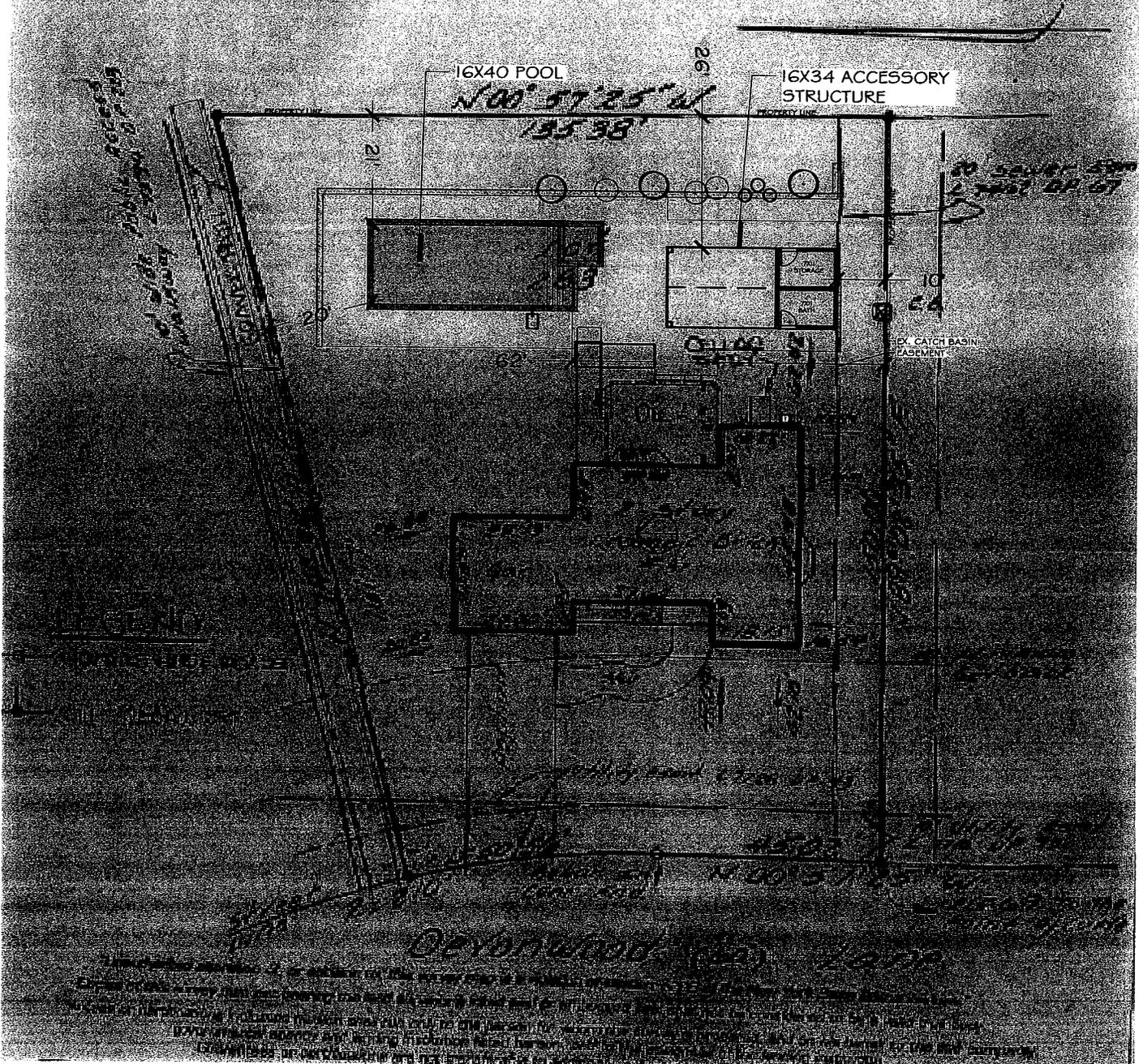
5. Is the alleged difficulty self-created?

Yes it is due to the intent of extending usable time outdoors so that the property can be best utilized.

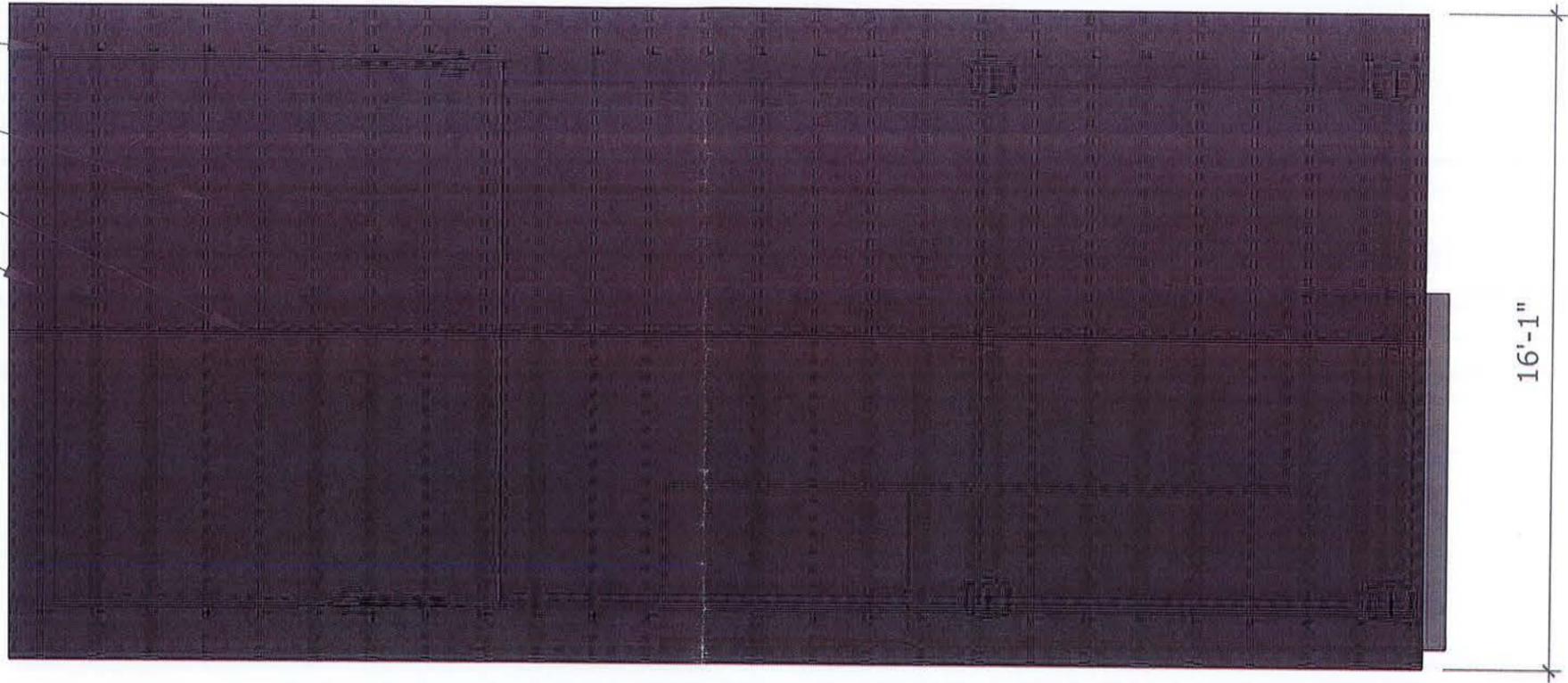
37 DEVONWOOD LANE PITTSFORD 14534 - SURVEY SKETCH

DEWLUCK-O'NEILL, P.C., CERTIFY TO M & T MORTGAGE CORPORATION, ITS SUCCESSORS AND/OR  
 HEIRS, AS THEIR INTEREST MAY APPEAR; FOSYTH, HOWE, O'DWYER, KALB & MURPHY, P.C.; THE  
 TITLE INSURANCE COMPANY INSURING THE MORTGAGE; JOHN J. CONSIDINE, JR., ESQ.; DENNIS C.  
 GUTRE; SHELLY MAGUIRE AND BUCKLE G. COLUCCI, P.C. THAT THIS MAP WAS PREPARED FROM NOTES  
 OF AN INSTRUMENT SURVEY COMPLETED MAY 28, 1997.

*Michael D. O'Neill*  
 MICHAEL D. O'NEILL, P.L.S. 049662



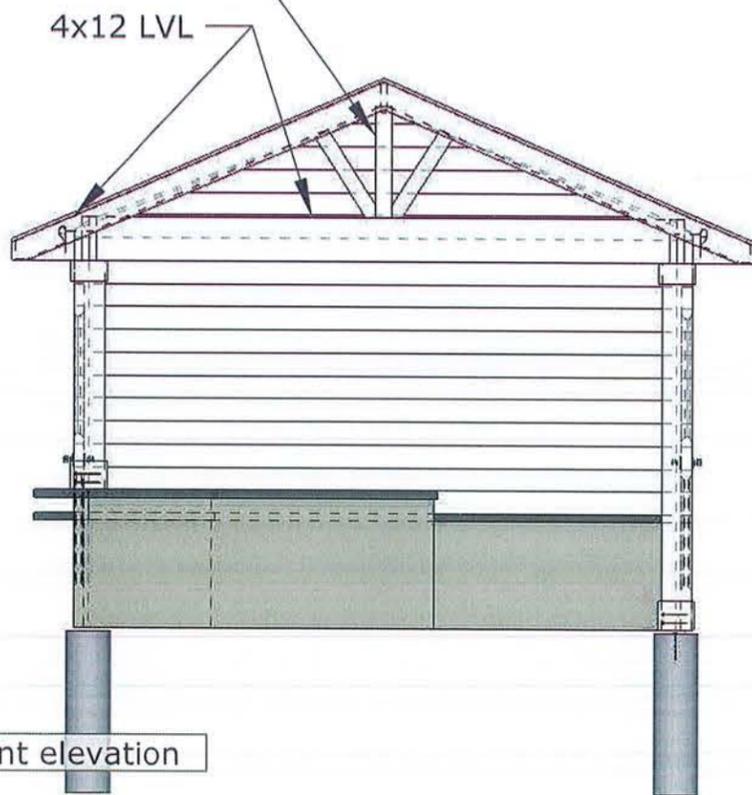
- hurricane ties
- 2x6 roof rafters
- 2x8 ridge beam
- 2x4 wall studs



Structure-plan

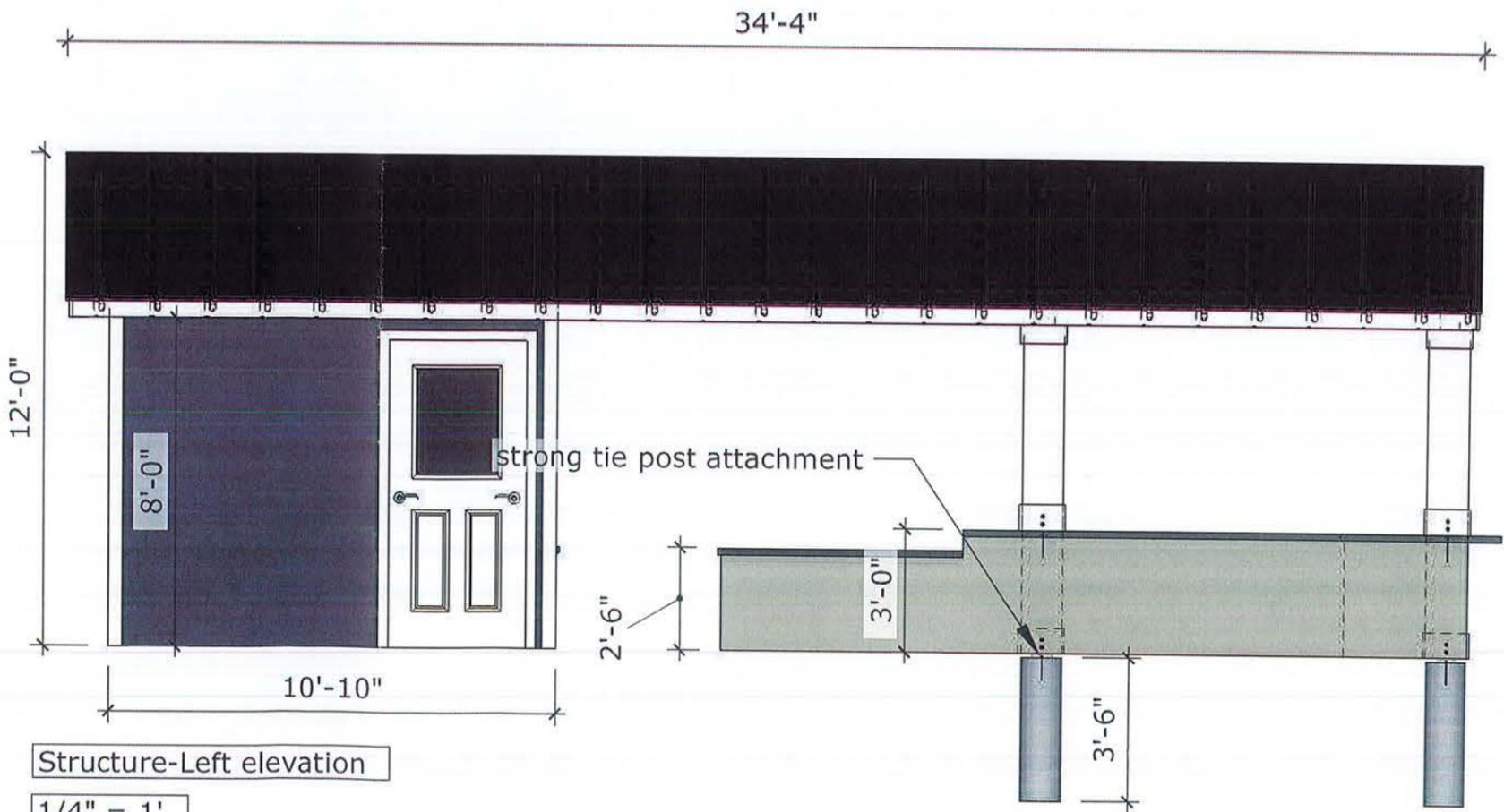
1/4" = 1'

decorative, non- structural truss webbing



Structure-Front elevation

1/4" = 1'



Structure-Left elevation

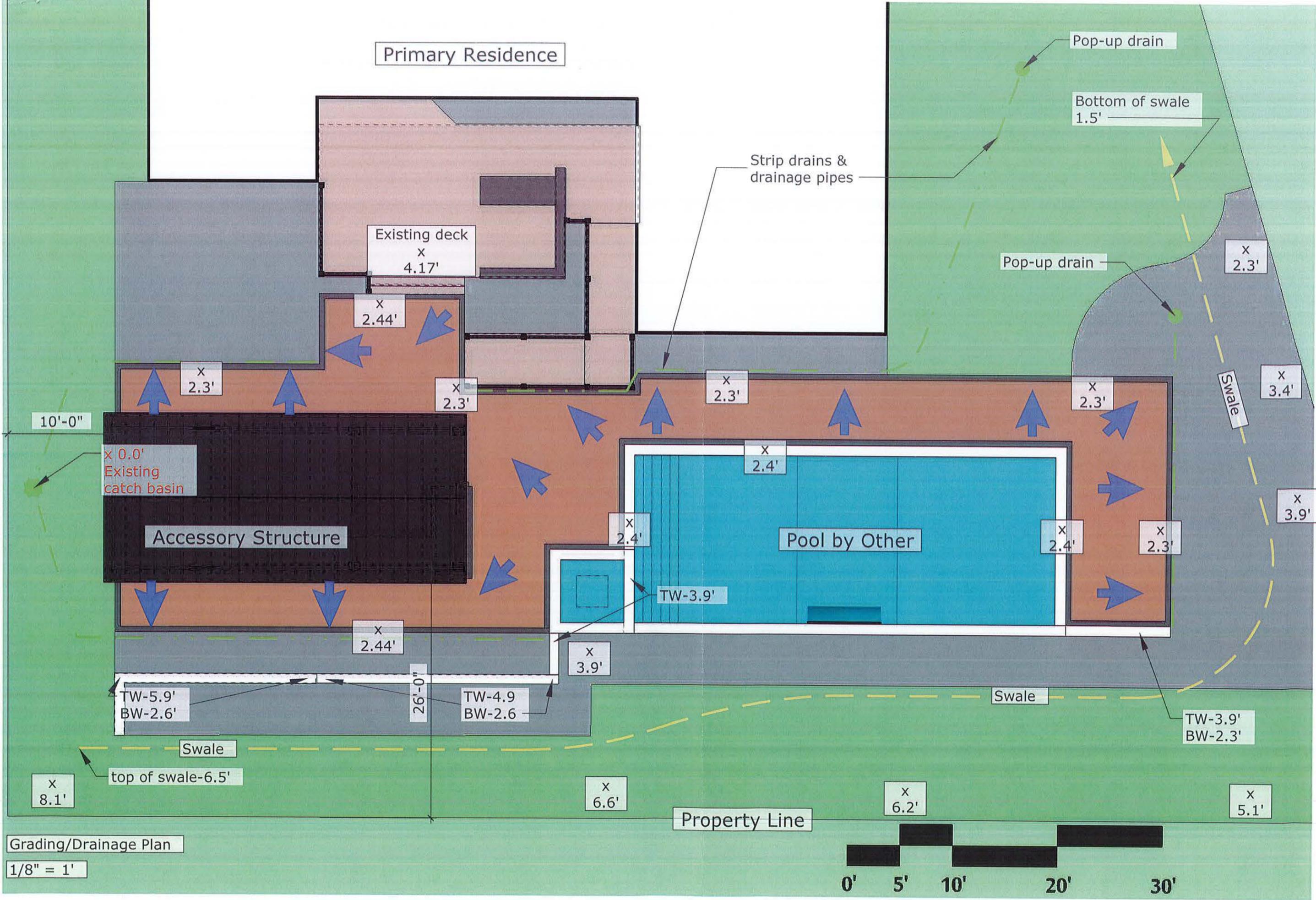
1/4" = 1'



MM/DD/YY	REVISIONS	REMARKS
08/26/22	1	PMG
09/07/22	2	PMG
09/13/22	3	PMG
	4	

Josh Landscape Co.

Maguire Residence



Grading/Drainage Plan  
 1/8" = 1'



REVISIONS	MM/DD/YY	REMARKS
1	08/26/22	PMG
2	09/07/22	PMG
3	09/13/22	PMG
4		
5		

Josh Landscape Co.

Maguire Residence