

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
February 20, 2023
7:00 PM**

APPLICATION FOR AN AREA VARIANCE - RETURNING

- 108 Stoneleigh Court, Tax # 138.18-1-13, Applicant is requesting relief from Town Code §185-17 E. for an addition (garage) encroaching into and not meeting the total required side yard setbacks. This property is zoned Residential Neighborhood – (RN).

APPLICATION FOR AN AREA VARIANCE - NEW

- 31 Brickston Drive, Tax # 178.19-1-8, Applicant is requesting relief from Town Code §185-121 A. for a fence more than six feet in height. This property is zoned Residential Neighborhood – (RN).
- 5637 Palmyra Road, Tax # 164.16-1-14, Applicant is requesting relief from Town Code §185-113 B. (1) (2) (3) and §185-17, L for a proposed 288 square foot, 17 foot tall oversized and over height accessory structure, shed located forward of the rear wall and less than the required minimum side setback. This property is zoned Residential Neighborhood – (RN).

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
JANUARY 16, 2023**

PRESENT

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

ALSO PRESENT

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

ABSENT

Phil Castleberry

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on
Monday, January 16, 2023, at 7:00 PM local time.

George Dounce, Chairperson called the regularly scheduled meeting of the Zoning Board of
Appeals to order.

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 - RETURNING

- 108 Stoneleigh Court, Tax # 138.18-1-13, Applicant is requesting relief from Town Code
§185-17 E. for an addition (garage) encroaching into and not meeting the total required
side yard setbacks. This property is zoned Residential Neighborhood – (RN).

This public hearing is open.

No representative was present to discuss this application with the Board.

There was no public comment.

Town staff discussed with the Board that a neighbor had come to Town Hall to review a
conversation she had with the applicant.

Citing the absence of the applicant to further discuss the application, the Board close to
keep this application open for another month.

APPLICATION FOR AN AREA VARIANCE - NEW

- 8 Arbor Creek Drive, Tax # 192.12-2-2, Applicant is requesting relief from Town Code §185- 113 B. (1), (2) for a proposed oversized and over height accessory structure, pavilion/storage space. This property is zoned Residential Neighborhood – (RN).

George Dounce opened the public hearing.

Mike Volpe, representing Josh Landscape and the homeowner, was present.

Mr. Volpe viewed the need of the applicant for the oversized, over height accessory structure. He indicated that the applicant would like to complete the project in Spring of 2023. The applicant does not want to have more than one structure on site, so they combined the storage and covered entertaining space into one structure. Mr. Volpe indicated that the neighbors are in support of the project.

Barb Servé noted there is a farm field behind the residence.

There was no one present to give public comment.

George Dounce moved to close the public hearing.

All Ayes.

DECISION FOR 8 ARBOR CREEK DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for 8 Arbor Creek Drive was moved by Mary Ellen Spennacchio-Wagner and seconded by Board Member Barbara Servé.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Absent
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 December 9, 2022.
2. All construction is to be completed by December 31, 2024.

POINT PERSONS FOR FEBRUARY 20, 2023, MEETING

31 Brickston Drive – Jim Pergolizzi

5637 Palmyra Road – Jennifer Iacobucci

MINUTES AND ADJOURNMENT

Chairman George Dounce motioned to approve the minutes of December 19, 2022, as written.

All Ayes.

The meeting was adjourned at 7:28 pm.

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals

DRAFT

Zoning Board of Appeals Referral Form Information

Property Address:

31 Brickston Drive PITTSFORD, NY 14534

Property Owner:

Porosoff, Geoffrey
31 Brickston Dr
Pittsford, NY 14534

Applicant or Agent:

Porosoff, Geoffrey
31 Brickston Dr
Pittsford, NY 14534

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

Town Code Requirement is:

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

6'

Proposed Conditions:

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

11'

Resulting in the Following Variance:

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

5.0'

Code Section(s):

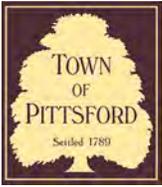
Description: Applicant is requesting relief from Town Code §185-121 A. for a fence more than six feet in height. This property is zoned Residential Neighborhood – (RN).

January 10, 2023



Date

Bill Zink - Building Inspector



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: January 13, 2023 **Hearing Date:** February 20, 2023

Applicant: Geoffrey and Carol Porosoff

Address: 31 Brickston Drive Pittsford, NY 14534

Phone: (585) 205-4665 **E-Mail:** CNoble8@me.com

Agent: Bryan White, PLS (McMahon LaRue Associates, P.C.)
(if different than Applicant)

Address: 822 Holt Road Webster, NY 14580

Phone: (585) 436-1080 **E-Mail:** bwhite@mcmahon-larue.com

Property Owner: (Same as Applicant)
(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: 31 Brickston Drive **Current Zoning:** [RN] Residential Neighborhood

Tax Map Number: 178.19-01-08

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

Please describe, in detail, the proposed project:

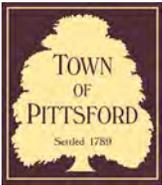
The landowners have contracted with McMahon LaRue Associates, PC to address a failing timer retaining wall adjacent to their residence. The retaining wall is responsible for stabilizing the northerly portion of lawn area and critical in the stability of soil adjacent to their attached garage.

The redesigned wall is proposed to be six (6) feet tall at it's highest point, which poses a potential falling hazard. The Porosoff's would like to install a five (5) feet tall highland ornamental fence running parallel with the top of the retaining wall.

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)

(Date)



TOWN OF PITTSFORD

AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals – 11 S. Main Street – Pittsford, 14534 – 248-6260

If the applicant is not the owner of the subject property, this form must be completed and signed by the owner.

I, Geoffrey and Carol Porosoff, the owner of the property located at:
31 Brickston Drive Pittsford 14534
(Street) *(Town)* *(Zip)*

Tax Parcel # 178.19-01-08 do hereby authorize
McMahon LaRue Associates, PC to make application to the
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of _____
petitioning for an area variance to install a 6-foot tall retaining wall with a 5-foot tall fence (11' Total)

(Signature of Owner)

(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 retaining wall and fence would replace the existing timber retaining wall and composite patio decking. Between the existing and proposed design, there are no significant changes in position.

The proposed wall and safety fencing run perpendicular to the northeasterly property line, posing no limitation on visibility to adjoining property.

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 has explored alternative options instead of the retaining wall, but the engineer's recommendation was to install the wall for the best long-term slope stabilization. Landscape screening was discussed, but found to be less effective than a perimeter fence.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The area variance is substantial, but the minimum necessary to provide the landowners with a sense of safety when maintaining their property in proximity to the wall.

The intention is to replace the failing timber wall with an engineered long-lasting solution.

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 proposed wall and fencing will be placed in the same location as the decking and timer wall exist today. Only minor grading will be required to install the wall & fence, where disturbance areas will be replanted back to lawn area after installation.

- **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 was not self-created. The failing timber wall prompted the engagement of an engineer to design a solution to maintain the slope stability adjacent to the residence. Design constraints and safety considerations primarily dictated the location and size of the proposed wall.



CERTIFICATION:

I HEREBY CERTIFY TO THE PARTIES LISTED HERE UNDER THAT THIS MAP WAS MADE USING THE REFERENCE MATERIAL LISTED HEREON AND THE NOTES OF AN INSTRUMENT SURVEY PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS COMPLETED ON AUGUST 2, 2022.

- GEOFFREY POROSOFF
- CAROL POROSOFF

Alfred I. LaRue N.Y.S.P.L.S # 046558



PITTSFORD

LOCATION SKETCH
N.T.S

SURVEY CONTROL NOTES:

-BEARINGS SHOWN HEREON ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM; NAD1983 (2011)-NY WEST ZONE.

*DISTANCES ARE SHOWN AT GROUND
*NORTH ARROW REFERENCED TO GRID NORTH

REFERENCES:

- 1. LIBER 192 OF MAPS, PAGE 45
- 2. LIBER 206 OF MAPS, PAGE 63
- 3. LIBER 10776 OF DEEDS, PAGE 458

FLOODPLAIN:

THE SURVEYED PARCEL IS SHOWN WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA MAP NO. 36055C0367G; EFFECTIVE AUGUST 8, 2006. (BASE FLOOD ELEVATION = 440.70 NAVD83)

WETLANDS:

A PORTION OF THE SURVEYED PARCEL IS SHOWN WITHIN A REGULATED WETLAND HABITAT PER INVENTORY MAPS PROVIDED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND U.S. FISH AND WILDLIFE SERVICES.

ABSTRACT OF TITLE:

THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES THAT AN UPDATED ABSTRACT OF TITLE MAY SHOW.



DRAWING ALTERATION

THE FOLLOWING IS AN EXCERPT FROM THE NEW YORK STATE EDUCATION LAW, ARTICLE 145, SECTION 7209 AND APPLIES TO THIS DRAWING:

"IT IS A VIOLATION OF THIS LAW FOR ANY PERSON UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED ENGINEER OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF A LICENSED ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE WORDS 'ALTERED BY' FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION AND A SPECIFIC DESCRIPTION OF THE ALTERATION."

McMahon LaRue Associates, P. C.

ENGINEERS AND SURVEYORS

822 HOLT ROAD
WEBSTER, NY 14580
(585)-436-1080
WWW.MCMAHON-LARUE.COM

CLIENT:

GEOFFREY & CAROL POROSOFF
31 BRICKSTON DRIVE
PITTSFORD
NEW YORK 14534

PROJECT:

31 BRICKSTON
PITTSFORD, NEW YORK

DRAWING:

INSTRUMENT SURVEY

PART OF TOWN LOT 7
TOWNSHIP 12 - RANGE 5
PHELPS AND GORHAM PURCHASE
TOWN OF PITTSFORD, MONROE COUNTY
STATE OF NEW YORK

DESIGNED BY: ADB

DRAWN BY: ADB

CHECKED BY: AIL, BJW

S.B.L. #: 178.19-1-8

PROJ. NO.: 1449-00

DATE: NOVEMBER 30, 2022

SCALE: 1 INCH = 10 FEET

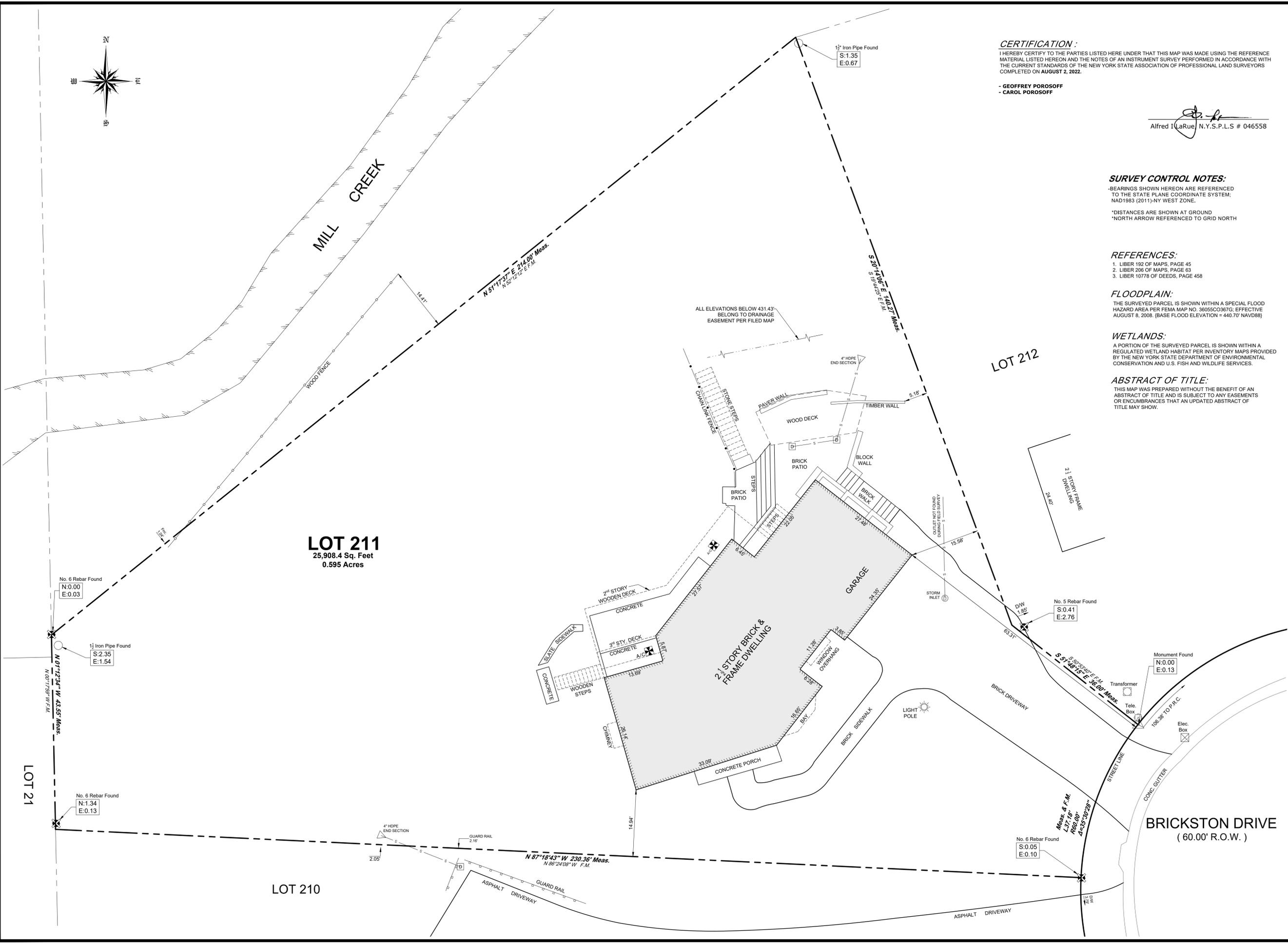
SHEET OF 1 OF 5 **CADD FILE:** 1449-00

LOT 211
25,908.4 Sq. Feet
0.595 Acres

LOT 212

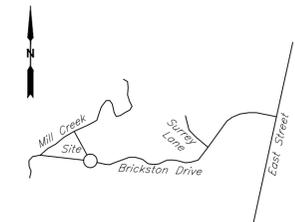
LOT 210

LOT 21



RECOMMENDED SCOPE OF DEMOLITION WORK:

1. CONTRACTOR TO COORDINATE WITH CLIENT ON DEMOLITION WORK.
2. REMOVE THE WOOD DECK.
3. REMOVE THE TIMBER AND PAVER WALLS.
4. REMOVE THE STORM SEWER SYSTEM.
5. REMOVE THE BRICK PATIO, SIDEWALK, AND STEPS. [SALVAGE SOME STEPS AS NOTED]
6. REMOVE RAISED GARDENS AND PLANTERS.
7. REMOVE DEMOLISHED MATERIALS FROM THE SITE AND DISPOSE OF PROPERLY.
8. CONTRACTOR TO ADHERE TO ALL FEDERAL, STATE AND LOCAL RULES AND REGULATIONS DURING DEMOLITION.



LOCATION SKETCH
N.T.S.

DATE	REVISIONS	BY:
12-14-22	ADDED STONE STEP SALVAGE NOTE	BJW

McMahon LaRue Associates, P. C.
ENGINEERS AND SURVEYORS

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WEBSTER, NY 14580
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CLIENT:
GEOFFREY & CAROL POROSOFF
31 BRICKSTON DRIVE
PITTSFORD
NEW YORK 14534

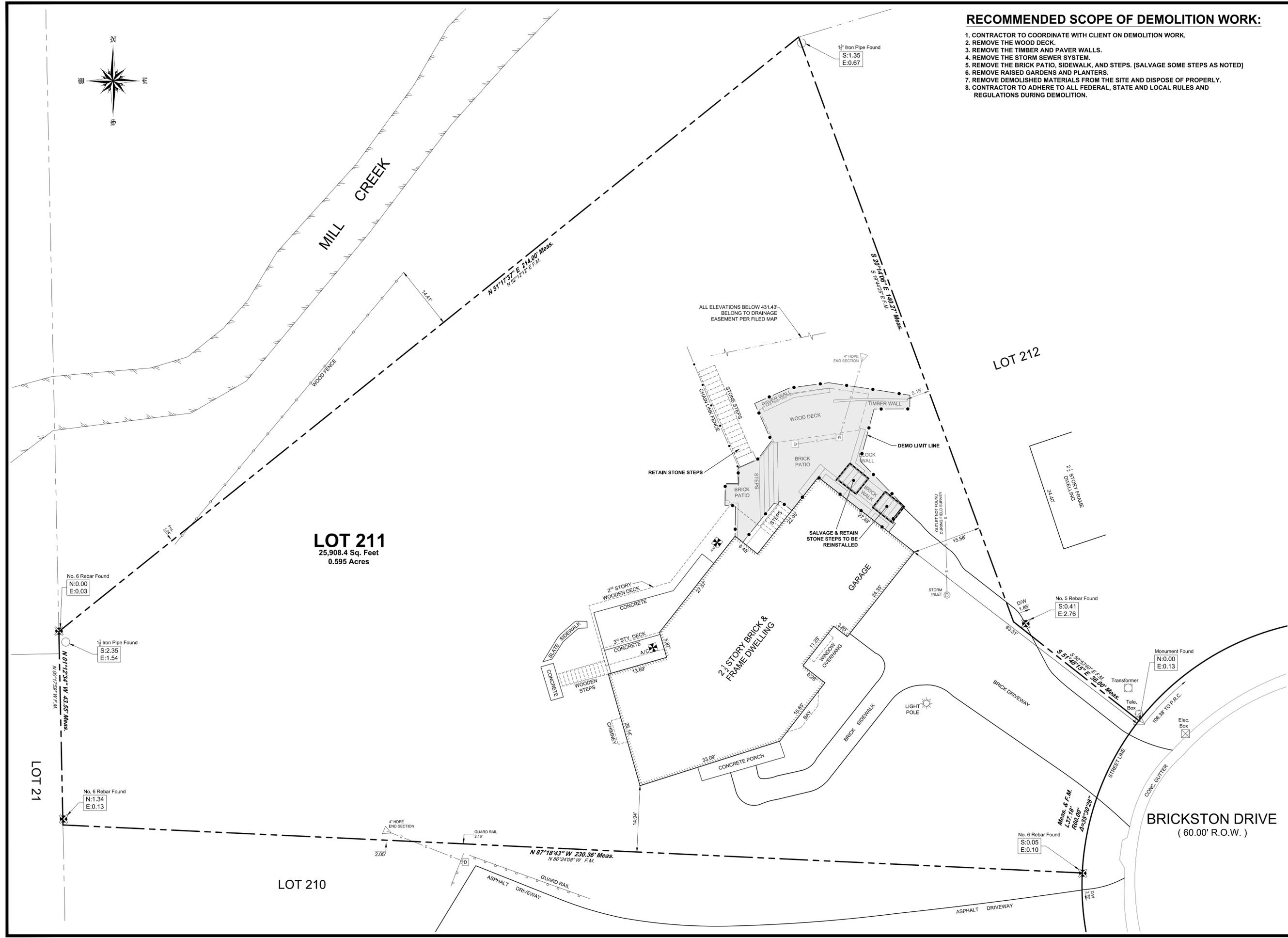
PROJECT:
31 BRICKSTON DRIVE
PITTSFORD, NEW YORK

DRAWING:
DEMOLITION PLAN

PART OF TOWN LOT 7
TOWNSHIP 12 - RANGE 5
PHELPS AND GORHAM PURCHASE
TOWN OF PITTSFORD, MONROE COUNTY
STATE OF NEW YORK

DESIGNED BY: BJW
DRAWN BY: BJW
CHECKED BY: GWM
SBL #: 178.19-1-8
PROJ. NO.: 1449-00
DATE: NOVEMBER 30, 2022
SCALE: 1 INCH = 10 FEET

SHEET OF 2 OF 5 **CADD FILE:** 1449-00



LOT 211
25,908.4 Sq. Feet
0.595 Acres

LOT 212

LOT 210

LOT 21

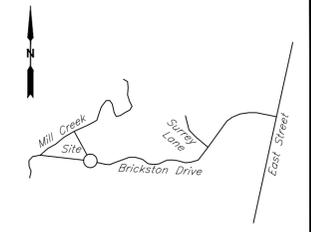
BRICKSTON DRIVE
(60.00' R.O.W.)

PROPERTY LINE
 N 51°17'37" E 214.00' Meas.
 N 52°12'12" E F.M.

REGULATED FLOODWAY LIMIT PER FLOOD
 INSURANCE RATE MAPPING (FIRM) 8/28/2008

FEDERAL WETLAND: PEM1A
 PER INVENTORY MAPS (TYP)

S 20°14'06" E 140.27' Meas.
 S 19°44'25" E F.M.



PITTSFORD
 LOCATION SKETCH
 N.T.S.

LOT 211

LOT 212

ALL ELEVATIONS BELOW
 431.43' BELONG TO DRAINAGE
 EASEMENT PER FILED MAP

100-YR. FLOODPLAIN LIMIT LINE. (ELEV. = 440.7 FEET)
 NO FILLING TO OCCUR BELOW LIMIT LINE.

DATE	REVISIONS	BY
01-05-23	ADDED FENCING TO TOP OF WALL	BJW
12-14-22	NOTE REVISION PER TOWN COMMENT	BJW

**McMahon LaRue
 Associates, P. C.**
 ENGINEERS AND SURVEYORS

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 THE SEAL OF A LICENSED ENGINEER OR LAND SURVEYOR IS ALTERED,
 THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE
 ITEM HIS SEAL AND THE WORDS "ALTERED BY" FOLLOWED BY HIS
 SIGNATURE AND THE DATE OF SUCH ALTERATION AND A SPECIFIC
 DESCRIPTION OF THE ALTERATION."

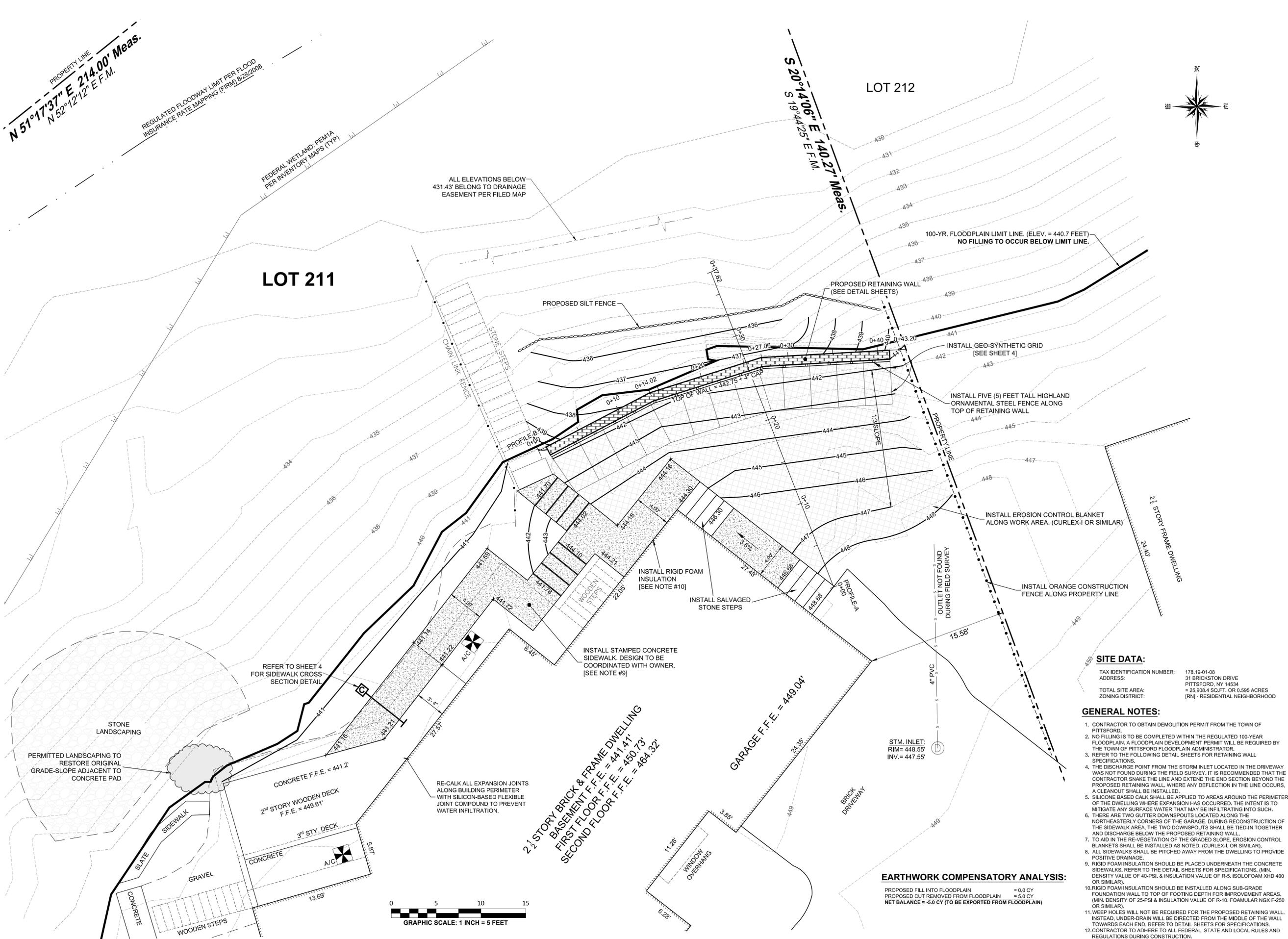


CLIENT:
 GEOFFREY & CAROL POROSOFF
 31 BRICKSTON DRIVE
 PITTSFORD
 NEW YORK 14534

PROJECT:
 31 BRICKSTON DRIVE
 PITTSFORD, NEW YORK

DRAWING
 SITE PLAN
 PART OF TOWN LOT 7
 TOWNSHIP 12 - RANGE 5
 PHELPS AND GORHAM PURCHASE
 TOWN OF PITTSFORD, MONROE COUNTY
 STATE OF NEW YORK

DESIGNED BY: BJW
 DRAWN BY: BJW
 CHECKED BY: MAK
 SBL #: 178.19-1-B
 PROJ. NO: 1449-00
 DATE: NOVEMBER 30, 2022
 SCALE: 1 INCH = 5 FEET
 SHEET 3 OF 5
 CADD FILE: 1449-00



SITE DATA:
 TAX IDENTIFICATION NUMBER: 178.19-01-08
 ADDRESS: 31 BRICKSTON DRIVE
 PITTSFORD, NY 14534
 TOTAL SITE AREA: = 25,908.4 SQ.FT. OR 0.595 ACRES
 ZONING DISTRICT: [R]N - RESIDENTIAL NEIGHBORHOOD

- GENERAL NOTES:**
- CONTRACTOR TO OBTAIN DEMOLITION PERMIT FROM THE TOWN OF PITTSFORD.
 - NO FILLING IS TO BE COMPLETED WITHIN THE REGULATED 100-YEAR FLOODPLAIN. A FLOODPLAIN DEVELOPMENT PERMIT WILL BE REQUIRED BY THE TOWN OF PITTSFORD FLOODPLAIN ADMINISTRATOR.
 - REFER TO THE FOLLOWING DETAIL SHEETS FOR RETAINING WALL SPECIFICATIONS.
 - THE DISCHARGE POINT FROM THE STORM INLET LOCATED IN THE DRIVEWAY WAS NOT FOUND DURING THE FIELD SURVEY. IT IS RECOMMENDED THAT THE CONTRACTOR SNAKE THE LINE AND EXTEND THE END SECTION BEYOND THE PROPOSED RETAINING WALL, WHERE ANY DEFLECTION IN THE LINE OCCURS, A CLEANOUT SHALL BE INSTALLED.
 - SILICONE BASED CALK SHALL BE APPLIED TO AREAS AROUND THE PERIMETER OF THE DWELLING WHERE EXPANSION HAS OCCURRED. THE INTENT IS TO MITIGATE ANY SURFACE WATER THAT MAY BE INFILTRATING INTO SUCH.
 - THERE ARE TWO CUTTER DOWNSPOUTS LOCATED ALONG THE NORTHEASTERLY CORNERS OF THE GARAGE. DURING RECONSTRUCTION OF THE SIDEWALK AREA, THE TWO DOWNSPOUTS SHALL BE TIED-IN TOGETHER AND DISCHARGE BELOW THE PROPOSED RETAINING WALL.
 - TO AID IN THE RE-VEGETATION OF THE GRADED SLOPE, EROSION CONTROL BLANKETS SHALL BE INSTALLED AS NOTED. (CURLX-1 OR SIMILAR).
 - ALL SIDEWALKS SHALL BE PITCHED AWAY FROM THE DWELLING TO PROVIDE POSITIVE DRAINAGE.
 - RIGID FOAM INSULATION SHOULD BE PLACED UNDERNEATH THE CONCRETE SIDEWALKS. REFER TO THE DETAIL SHEETS FOR SPECIFICATIONS. (MIN. DENSITY VALUE OF 40-PSI & INSULATION VALUE OF R-5. ISOLOFOAM XHD 400 OR SIMILAR).
 - RIGID FOAM INSULATION SHOULD BE INSTALLED ALONG SUB-GRADE FOUNDATION WALL TO TOP OF FOOTING DEPTH FOR IMPROVEMENT AREAS. (MIN. DENSITY OF 25-PSI & INSULATION VALUE OF R-10. FOAMULAR NGX F-250 OR SIMILAR).
 - WEEP HOLES WILL NOT BE REQUIRED FOR THE PROPOSED RETAINING WALL. INSTEAD, UNDER-DRAIN WILL BE DIRECTED FROM THE MIDDLE OF THE WALL TOWARDS EACH END. REFER TO DETAIL SHEETS FOR SPECIFICATIONS.
 - CONTRACTOR TO ADHERE TO ALL FEDERAL, STATE AND LOCAL RULES AND REGULATIONS DURING CONSTRUCTION.

EARTHWORK COMPENSATORY ANALYSIS:
 PROPOSED FILL INTO FLOODPLAIN = 0.0 CY
 PROPOSED CUT REMOVED FROM FLOODPLAIN = 5.0 CY
 NET BALANCE = -5.0 CY (TO BE EXPORTED FROM FLOODPLAIN)



2 1/2 STORY BRICK & FRAME DWELLING
 BASEMENT F.F.E. = 441.41'
 FIRST FLOOR F.F.E. = 450.73'
 SECOND FLOOR F.F.E. = 464.32'

GARAGE F.F.E. = 449.04'

STM. INLET:
 RIM = 448.55'
 INV. = 447.55'

STONE LANDSCAPING

PERMITTED LANDSCAPING TO RESTORE ORIGINAL GRADE-SLOPE ADJACENT TO CONCRETE PAD

CONCRETE F.F.E. = 441.2

2ND STORY WOODEN DECK
 F.F.E. = 449.61'

3RD STY. DECK

RE-CALK ALL EXPANSION JOINTS ALONG BUILDING PERIMETER WITH SILICON-BASED FLEXIBLE JOINT COMPOUND TO PREVENT WATER INFILTRATION.

CONCRETE
 SIDEWALK
 SLATE
 GRAVEL
 WOODEN STEPS

WINDOW OVERHANG

BRICK DRIVEWAY

2 1/2 STORY FRAME DWELLING

OUTLET NOT FOUND DURING FIELD SURVEY

4" PVC

PROFILE-A

15.58'

1.3 SLOPE

0+43.20

0+40.00

0+30.00

0+27.06

0+14.02

0+10.00

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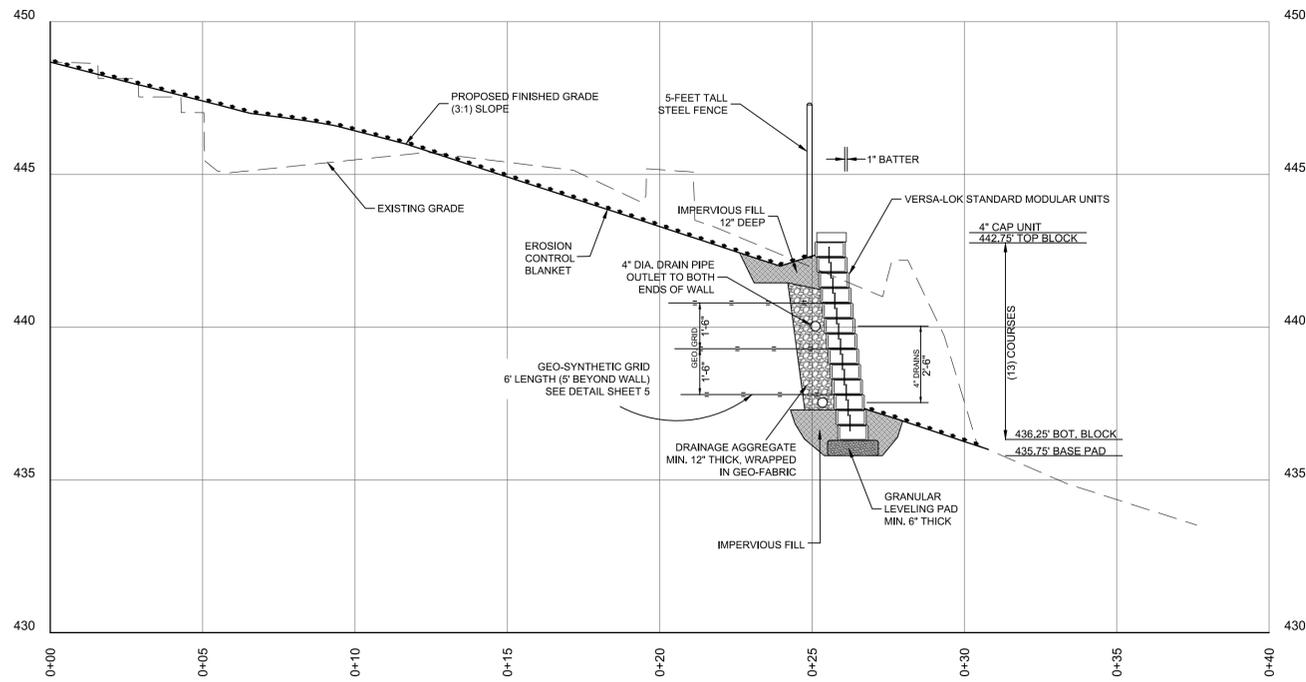
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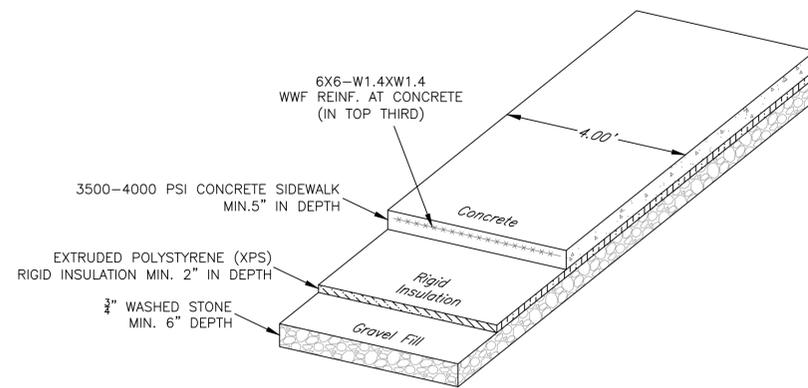
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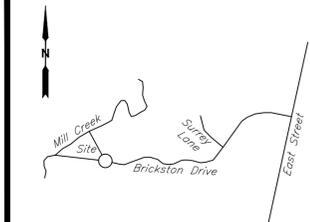
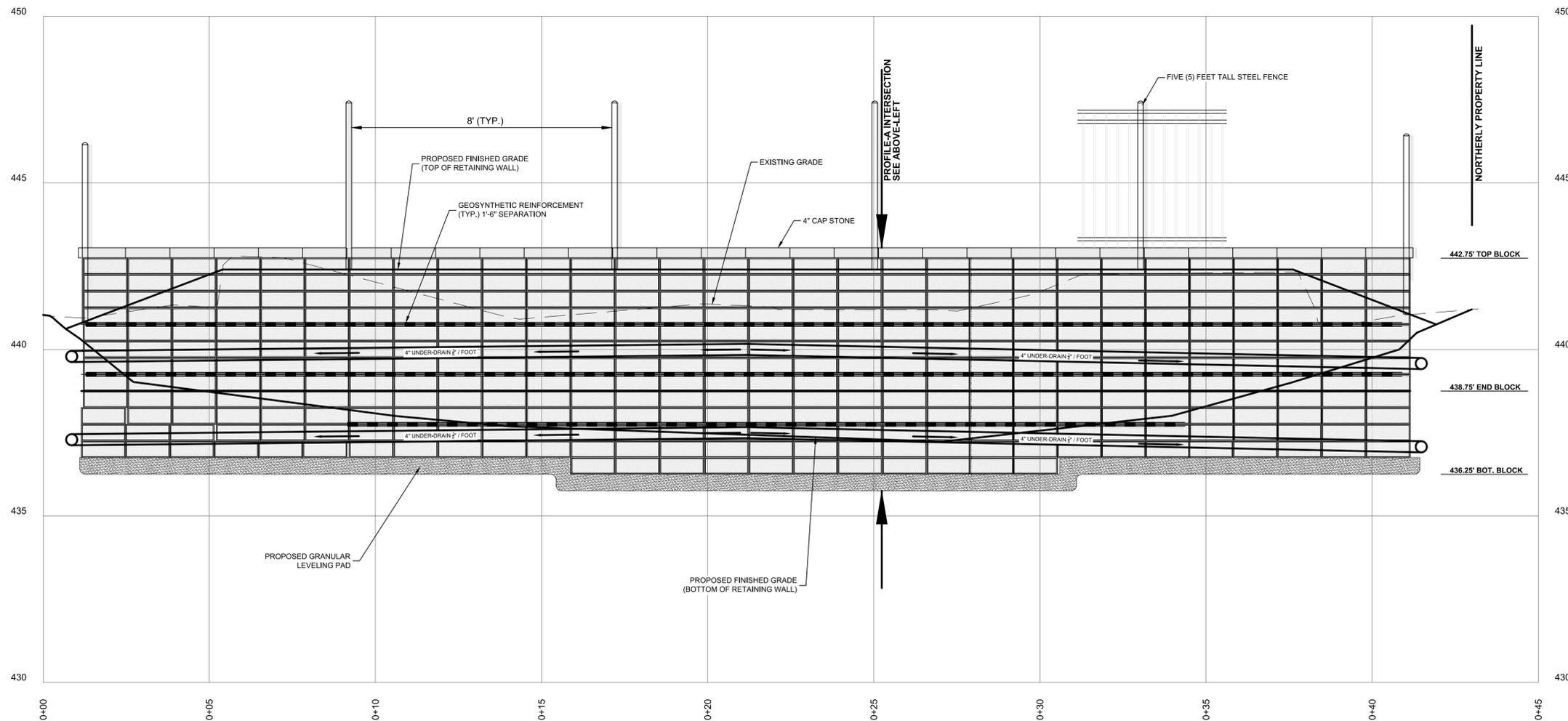


PROFILE-A
SCALE: 1 INCH = 3 FEET



ISOMETRIC PROFILE-C
SCALE: 1 INCH = 2 FEET

PROFILE-B
SCALE: 1 INCH = 2 FEET



LOCATION SKETCH
N.T.S.

DATE	REVISIONS	BY
01-05-23	ADDED FENCING TO TOP OF WALL	BJW

McMahon LaRue Associates, P. C.
ENGINEERS AND SURVEYORS

822 HOLT ROAD
WEBSTER, NY 14580
(585)-436-1080
WWW.MCMAHON-LARUE.COM

DRAWING ALTERATION

THE FOLLOWING IS AN EXCERPT FROM THE NEW YORK STATE EDUCATION LAW, ARTICLE 145, SECTION 7209 AND APPLIES TO THIS DRAWING:
"IT IS A VIOLATION OF THIS LAW FOR ANY PERSON UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED ENGINEER OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF A LICENSED ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION AND A SPECIFIC DESCRIPTION OF THE ALTERATION."



CLIENT:

GEOFFREY & CAROL POROSOFF
31 BRICKSTON DRIVE
PITTSFORD
NEW YORK 14534

PROJECT:

31 BRICKSTON DRIVE
PITTSFORD, NEW YORK

DRAWING:

PROFILES

PART OF TOWN LOT 7
TOWNSHIP 12 - RANGE 5
PHELPS AND GORHAM PURCHASE
TOWN OF PITTSFORD, MONROE COUNTY
STATE OF NEW YORK

DESIGNED BY:

BJW

DRAWN BY:

BJW

CHECKED BY:

MAK

S.B.L. #:

178.19-1-8

PROJ. NO.:

1449-00

DATE:

NOVEMBER 30, 2022

SCALE:

AS NOTED

4 SHEET OF 5

CADD FILE:
1449-00



15 YEAR LIMITED WARRANTY

Highland Steel Ornamental Fence products are produced with the highest quality material and handled with the utmost respect. Our team of professionals can cater to most demands and customizations that may be requested by the industry.

This limited warranty is only valid to the original purchaser, and is not transferable to any other party. This limited warranty begins its validity starting from the date of fence installation.

This 15 Year Limited Warranty is a promise that we give to our customers to secure and protect them from issues that may arise with the product. This limited warranty covers specific defects in material and workmanship of the product only. Master Halco warrants its Highland Steel Ornamental Fence products against the paint cracking, peeling, chipping, corroding, or blistering. This warranty does not apply in marine, salty, or harsh environmental conditions. This warranty becomes invalid if the product is improperly installed, altered, or misused; damaged by negligence, abuse, or accident; damaged in transit or mishandled; exposed to corrosive elements; or damaged by acts of god. This warranty does not cover the appearance associated with normal weathering. Furthermore, it does not cover damage caused by surface mold, mildew, and oxidation caused by airborne chemicals or by air pollution. This warranty is void if the product is exposed to the application of paint, varnish, chemicals, or chemical cleaning agents not approved by Master Halco.

Under this warranty, Master Halco is limited to crediting any damaged product that has:

- 1 Damage deemed to have originated during the manufacturing period.
- 2 Faulty installation issues caused by defective product originating from the manufacturing period.
- 3 Paint issues deemed to have originated during the manufacturing period.
- 4 Mechanism issues deemed to have originated during the manufacturing period.
- 5 Damage caused from packaging materials deemed to originate from the manufacturing period.

If the material appears to have a defect, the original end user must advise the contractor who installed the material. Return of this warranty form is not a condition of warranty coverage. The end user must adequately prove that the material installed is Highland Steel Ornamental. If a claim is made against this warranty, Master Halco will first require pictures, and a written summary of the issue. If a determination cannot be made using the submitted material, Master Halco will present an agent at its expense and time frame to inspect the product.

This limited warranty is also limited to the distance of the product being stored/installed to Saltwater Coasts
0 - 1 mile from coast line: 2 years
2 - 20 miles from coast line: 8 years
>20 miles from coast line: 15 years

REGISTRATION INFORMATION

Thank you for your purchase of your Highland Steel Fencing product. Please take a moment to register your product to ensure your receipt of all the associated Master Halco warranty benefits.

Save yourself the postage and register your warranty online at: MasterHalco.com/Warranty

Or, please save the original information, print and complete all lines of required information below, and mail a legible copy to MASTER HALCO • ATTN: WARRANTY REGISTRATION • 3010 LBJ FREEWAY SUITE 800 • DALLAS, TEXAS 75234

NAME _____

ADDRESS _____

PHONE _____ DATE PURCHASED _____

EMAIL _____ DATE INSTALLED _____

PRODUCT STYLE PURCHASED _____

INSTALLER'S COMPANY NAME _____



MasterHalco.com | 888-MH-Fence
Branch service centers are located throughout North America.



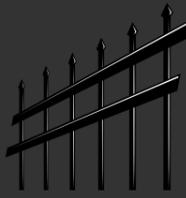
Scan me!
Find your local Master Halco branch and contact us today!

MH - N02742



MasterHalco.com • 888-643-3623 • Contact@MasterHalco.com





HIGHLAND

STEEL FENCING

Highland Steel Fencing by Master Halco is the ideal steel fencing solution that offers strength, security, and clear views of your property. The design of the fence adapts effortlessly to the rolling terrain to enhance the beauty of your landscaping.

With a wide selection of the most popular styles, heights, and accessories, Highland Steel Fencing provides an affordable solution for security for your property, children, and pets.

The strength of steel and the high-quality, durable powder coat finish will provide years of long-lasting beauty and maintenance-free performance; all backed by a 15 year limited warranty.



PRODUCT DETAILS

- 1.06" x 1.18" 14 gauge rails
- 5/8" x 5/8" 18 gauge square pickets
- 2" x 2" Posts - 16 gauge and 14 gauge available
- Universal, Line and Flat Mount brackets
- Patented hidden fastener eliminates rivets in each picket for cleaner lines
- 8' wide panels can rack up to 30", allowing the fence to flow with the terrain and blend into the landscape.
- 8 stage durable powder coat finish for a long lasting, low-maintenance finish

STYLES & HEIGHTS

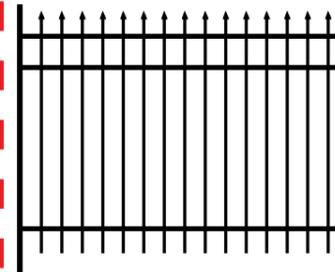
Four different panel styles are available in a wide assortment of sizes. All fence styles in Highland include matching welded walking gates and options for custom gates.

SPEAR TOP

The classic wrought iron styling that provides an extra level of security.

Rail Designs Available:
3-rail

Heights Available:
4', 5', 6'

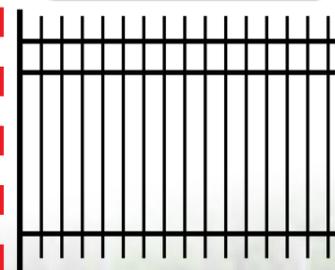


PICKET TOP

Simple, classic, and timeless styling providing security and clean views.

Rail Designs Available:
3-rail

Heights Available:
4', 5', 6'

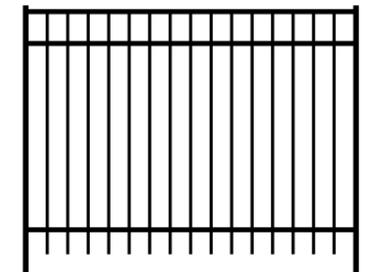


UNIVERSAL TOP

Modern styling of steel fencing that provides security and elegance in a simple design.

Rail Designs Available:
3-rail

Heights Available:
4', 5', 6'

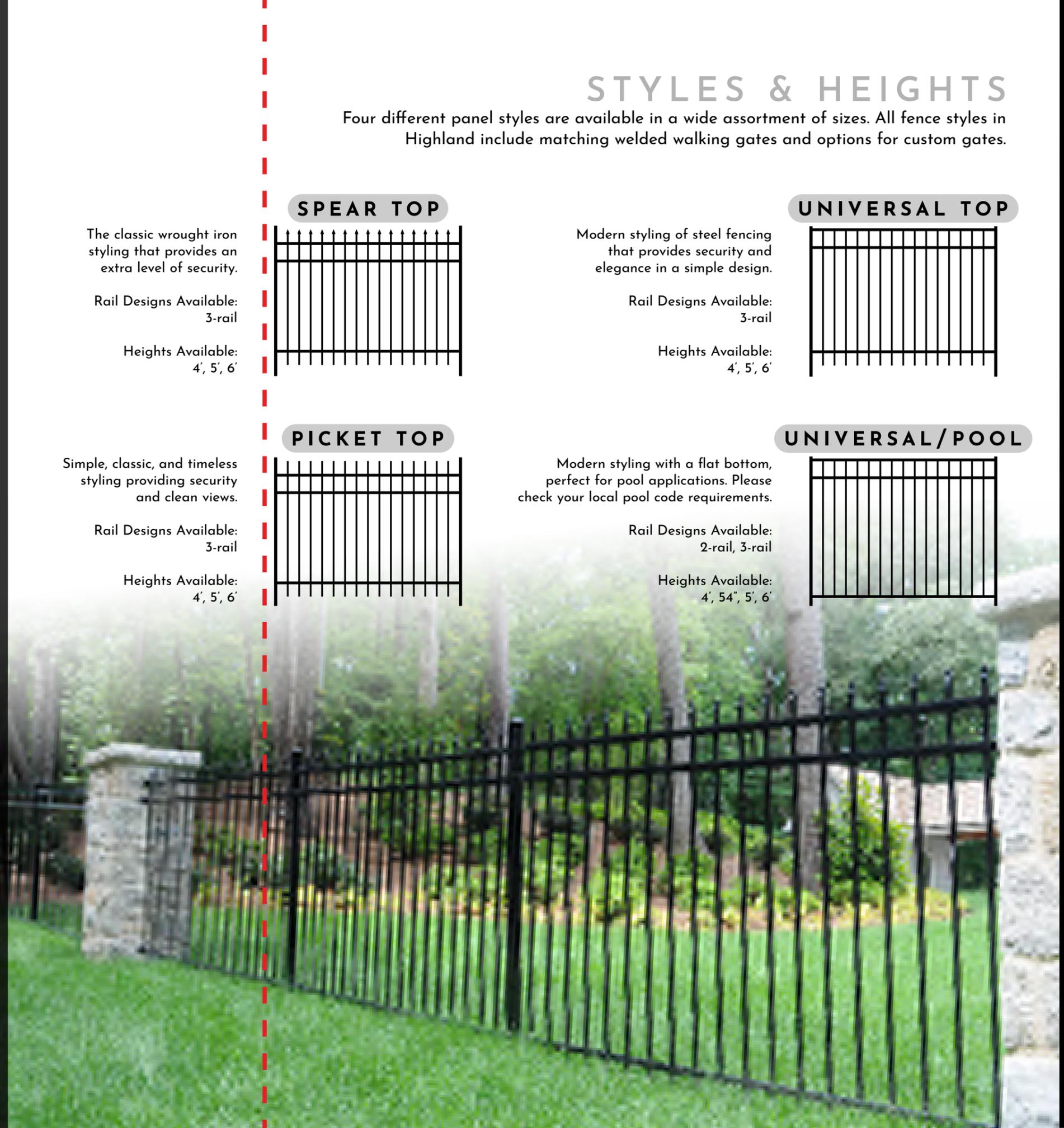


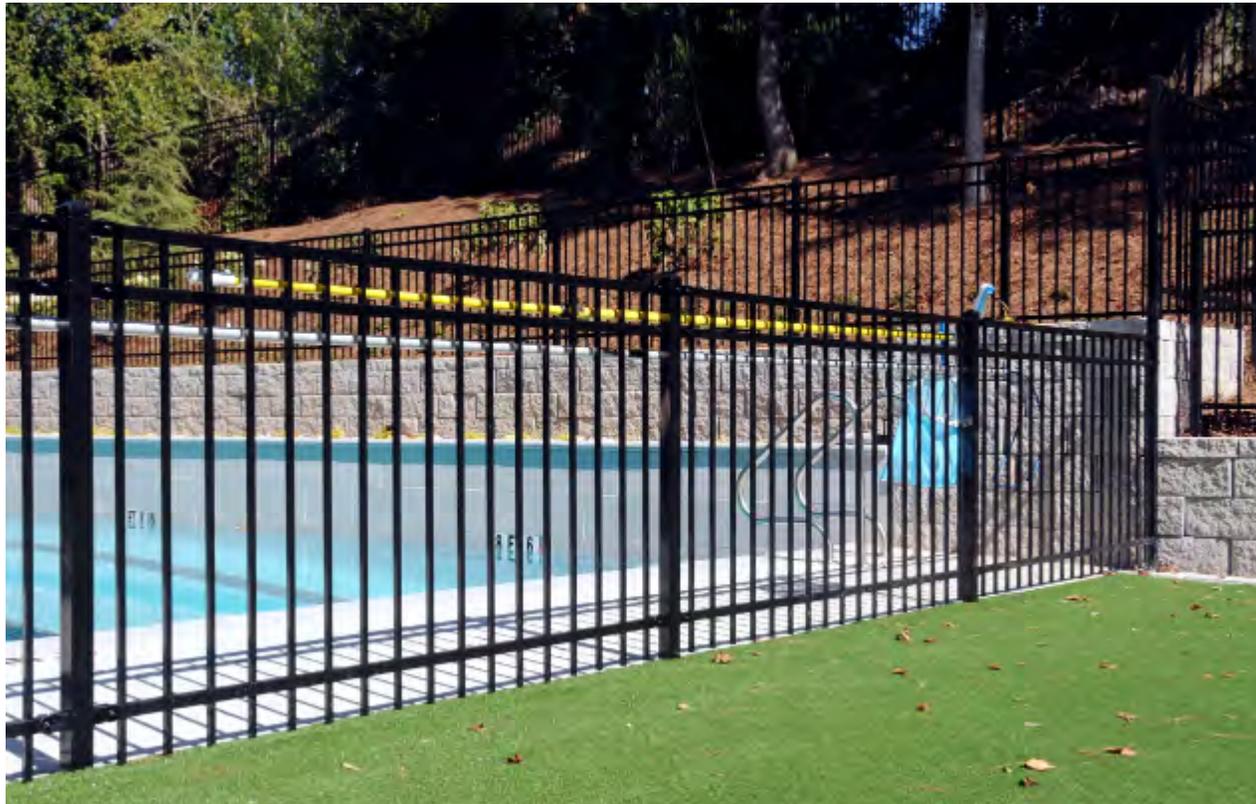
UNIVERSAL/POOL

Modern styling with a flat bottom, perfect for pool applications. Please check your local pool code requirements.

Rail Designs Available:
2-rail, 3-rail

Heights Available:
4', 54", 5', 6'









Standard - Weathered

Depth (in):	12
Depth (mm):	304.8
Height (in):	6
Height (mm):	152.4
Face width (wide) (in):	16
Face width (wide) (mm):	406.4
Face width (narrow) (in):	14
Face width (narrow) (mm):	355.6
Face area (sq. ft.):	0.667
Face area (sq. m.):	0.062
Minimum radius(ft.):	8
Maximum unreinforced height(ft.) :	4
Maximum geogrid reinforced height:	50+
Setback:	3/4" per unit
Batter/Cant:	7.1
Weight (lbs):	82
Weight (kg):	37.19
Versa-Tuff Pins per unit:	2

Zoning Board of Appeals Referral Form Information

Property Address:

5637 Palmyra Road PITTSFORD, NY 14534

Property Owner:

Simpson, Elba Alicia
5637 Palmyra Rd
Pittsford, NY 14534

Applicant or Agent:

James Donsbach

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

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	60'	Right Lot Line:	28'	Right Lot Line:	32.0'
Left Lot Line:		Left Lot Line:		Left Lot Line:	
Front Setback:	60'	Front Setback:	54'	Front Setback:	6.0'
Rear Setback:	60'	Rear Setback:	28'	Rear Setback:	32.0'
Height:	12'	Height:	17'	Height:	5.0'
Size:	180 Sf	Size:	288 SF	Size:	108 SF

Code Section(s):

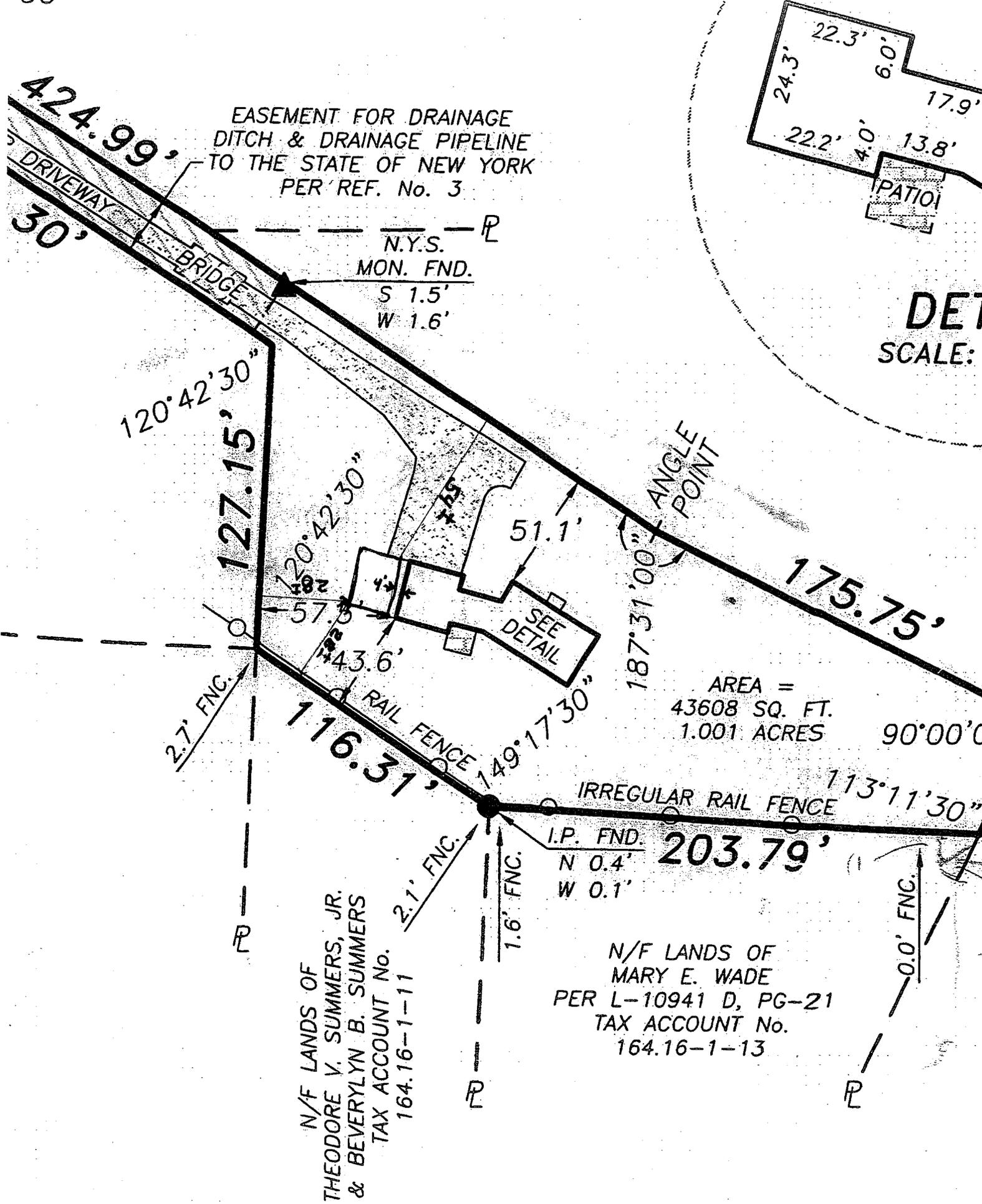
Description: Applicant is requesting relief from Town Code §185-113 B. (1) (2) (3) and §185-17, L for a proposed 288 square foot, 17 foot tall oversized and over height accessory structure, shed located forward of the rear wall and less than the required minimum side setback. This property is zoned Residential Neighborhood – (RN).

February 09, 2023

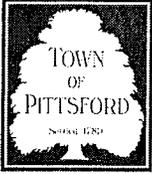


Date

Bill Zink - Building Inspector



NOTE: PREMISES SUBJECT TO ALL EASEMENTS, RES



TOWN OF PITTSFORD

AREA VARIANCE APPLICATION FORM CHECK LIST

Zoning Board of Appeals – 11 S. Main Street – Pittsford, 14534 – 248-6260

CHECKLIST: Please check your paperwork against the following list prior to submitting it to the Zoning Board of Appeals Secretary. These documents should be collated into packets no larger than 8 ½" by 11" in size so they are readily mailable.

- 1. Zoning Board of Appeals application form (pg. 5) **12 copies**
- 2. Authorization to make application (pg. 6) **12 copies (when applicable)**
- 3. Instrument survey map, **12 copies**
- 4. Scaled sketch, **12 copies**
- 5. Elevations, **12 copies**
- 6. Any other materials, such as photographs, maps, landscape plans, specifications, details, etc. which would further clarify the application, **12 copies**
- 7. Tests (written response to each) for granting area variances (pg. 7) **12 copies**
- 8. Disclosure Form E (pg. 8) **12 copies**
- 9. Check made out to "Town of Pittsford" for application fee.

GIVEN TO APPLICANT:

- Referral form
- Applicable Code Sections
- Application Packet

RECEIVED FROM APPLICANT:

- 12 complete sets of application materials
- Fee Payment

Date of Public Hearing: _____

NOTE: All application materials will be available for public review.



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: January 13, 2023 Hearing Date: _____

Applicant: James A. Donsbach

Address: 5637 Palmyra Road, Pittsford, NY 14534

Phone: (518) 813-2142 E-Mail: jamesdonsbach@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: _____ Current Zoning: _____

Tax Map Number: _____

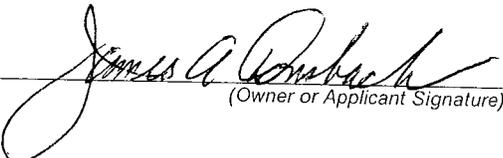
Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

Approval of the SINGLE residential area variance will resolve a hardship for the present property owner by permitting placement of an outside storage structure for landscaping equipment and tools, which are presently kept outside and visible across the property. The proposed location of the storage structure violates setback distance requirements for this "flag property." Approval of the ADDITIONAL residential variance request will permit the proposed storage structure to exceed designated square footage requirements. The proposed structure will be in line with current measurements of an existing garage on the property. The proposed storage structure will be 24' long and 10' high, matching the dimensions of the existing adjacent garage. The proposed storage structure will be 12' wide, with a 4' space between the existing garage and propose storage structure for access. The total 16' width is consistent with the width of a portion of the existing adjoining driveway.

The proposed placement of the storage structure provides access to the existing property driveway. The placement is not visible from neighboring homes. There will be no external lighting on this proposed storage structure. No excavation will occur since the placement site is at level grade.

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) 1/13/2023 (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 storage structure will not produce an undesirable change in the character of the neighborhood since the property is a "flag property" surrounded by trees, with limited visibility from neighboring homes of the placement site. The proposed storage structure will be free-standing, adjacent to an existing garage, which is attached to the owner's single-family home. The completed storage structure will match the dimensions of the existing garage, painted in an identical neutral green color. There will be no undesirable change in the character of the existing single-family home.

Approval of the storage structure will resolve a hardship condition for the property owner. The property is slightly over one acre in size. The owned property and surrounding property is heavily wooded, needing ongoing maintenance from landscaping equipment and tools, which are currently stored loosely on the property. The proposed storage structure will provide an organized setting to improve property maintenance efficiency and will improve the character of the property.

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 owned property has no present storage option for landscaping equipment and tools. The existing garage attached to the single-family home is used to store the property owner's two vehicles, with limited space for additional storage. The size (over one acre) of the treed property requires ongoing maintenance. Currently equipment and tools are stored on the grounds in a disorganized and unsightly manner.

The proposed placement site for the storage structure offers the best access to the property driveway and is least visible to neighboring homes. Any of the placement options on the property would violate one of the setback requirements, requiring an area variance.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The requested area variance is minimal because approval will not alter the character of the existing use of the property and will have no negative impact on the character of neighboring properties. Also, since this is a "flag property" there is no consistent pattern of setbacks on nearby properties for which the character of nearby properties would be compromised.

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

The requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district because there will be no use change to the existing single-family home and there will be no alteration of ground, soil, shrubbery or trees, or lighting. The proposed storage structure will be placed at level grade, with no change to existing ground elevation. A small amount of gravel will be added as a level base. The ground does not slope away from the proposed placement. Shrubs will be added along the outside of the structure. Furthermore, the proposed variance will not alter the existing minimal view of the property by neighboring homes.

- **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 hardship or difficulty is self-created. The need for an environmentally friendly storage structure addressing landscape equipment and tools for this property has existed since the single family home was built, well before the current ownership. With no option to modify or construct a storage structure given setback and square footage designations, the current property owner is leaving landscape equipment and tools loose and unprotected on the property. The proposed variance will correct the existing unsightly storage characteristic that has a negative impact on the physical and environmental condition of the property and neighboring properties.

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

Storage of Landscape Equipment and Tools: 5637 Palmyra Road

(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)

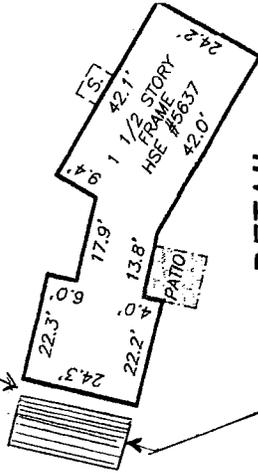

(Signature of Applicant)

1/13/2023
(Dated)

5637 Palmyra Road
(Street Address)

Pittsford, NY 14534
(City/Town, State, Zip Code)

4' access between structures



Proposed structure
12' wide
24' long
17' high
288 sq. ft

5637 Palmyra Road
Pittsford, NY 14534

*Storage Solutions
that fit your lifestyle*











