

**AGENDA
TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MARCH 18, 2024**

This agenda is subject to change.

Please take notice that the Town of Pittsford Zoning Board of Appeals will hold the following meeting on Monday, March 18, 2024, in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street, and beginning at 6:30PM local time.

NEW HEARING

85 Coventry Ridge – Tax ID 177.04-3-59

Applicant is requesting relief from Town Code Section 185-119 A. (1) for the installation of pool equipment forward of the rear wall of the main structure. This property is zoned Incentive Zoning (IZ).

OTHER BUSINESS

Approval of Minutes

The next scheduled meeting is for Monday, April 15, 2024.

Zoning Board of Appeals Referral Form Information

ZB24-000001

Property Address:

85 Coventry Ridge PITTSFORD, NY 14534

Property Owner:

Elshaar, Rami
85 Coventry Rdg
Pittsford, NY 14534

Applicant or Agent:

Elshaar, Rami
85 Coventry Rdg
Pittsford, NY 14534

Present Zoning of Property: IZ Incentive Zoning
Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0
Left Lot Line:	0	Left Lot Line:	0	Left Lot Line:	0.0
Front Setback:	0	Front Setback:	0	Front Setback:	0.0
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0
Height:	0	Height:	0	Height:	0.0
Size:	0	Size:	0	Size:	0.0

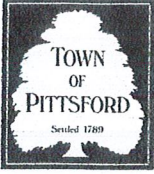
Code Section: Applicant is requesting relief from Town Code Section 185-119 A. (1) for the installation of **pool equipment forward of the rear wall of the main structure**. This property is zoned Incentive Zoning (IZ).

February 19, 2024

ARZ

Date

April Zurowski -



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: January 31, 2024 Hearing Date: March 18, 2024

Applicant: Rami Elshaar

Address: 85 Coventry Ridge, Pittsford NY 14534

Phone: (330) 819-3645 E-Mail: relshaar@gmail.com

Agent: _____
(if different than Applicant)

RECEIVED

Address: _____

Phone: _____ E-Mail: _____

JAN 31 2024

Property Owner: _____
(if different than Applicant)

TOWN OF PITTSFORD

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:

We would like to apply for an area variance to place our pool equipment at the right side of our home. Our property has an existing patio extending directly behind the home and the only way to place our equipment using current town guidelines is to place our equipment at the very back of our lot (behind the pool) where it is very visible to our neighbors. Our proposed variance will place the equipment just to the side of our house adjacent to the AC units where it is not visible to anyone on the main road as it is tucked away under a hill. This proposed variance will be significantly less visible and disruptive to our neighbors. In addition there are 3 other neighbors on our street with pool equipment at the side of their home which we can visibly see from our front yard. Thank you for your consideration.

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)

1/15/2024
(Date)



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

TESTS FOR GRANTING AREA VARIANCES

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

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

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

As you can see in the attached photos, the proposed change will place our equipment out of site from the main road as it will be tucked away under a hill. The equipment will be placed adjacent to the gas line from the home and next to the AC units as well. This will be less visible than placing our equipment behind our home as doing this would require us to place the equipment behind the pool at the back of our lot. The equipment would be very visible to multiple neighbors in this placement and it would require adding nearly 100ft gas line extending out to the back of the lot which is more dangerous in our opinion.

In addition, we do not believe this variance will produce any undesirable change of character to the neighborhood as there are already at least 3 other neighbors on our street with pool equipment at the side of their home which we can visibly see from our own front yard. In addition, we would further hide the equipment with shrubs/bushes.

Lastly, we have personally discussed this plan with our neighbors to the right at 83 Coventry Ridge (Michael and Angela Chihoski) who are aware and agree this is the best placement for the equipment. They have no concerns and approve of the placement of this equipment next to the AC units to the right side of the home. In fact, they voiced their concern and dissatisfaction of having the equipment in the back of the lot, behind the pool, as this will be in their direct line of view from their home.

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

This is the only location that would decrease visibility of the equipment among the majority of our neighbors and closest to the existing gas line.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Minimal

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

We do not believe this variance will produce any adverse change of environmental/physical condition to the neighborhood as the pool equipment will be safer as it will be closer to the main home gas line. Alternatively, equipment placed behind the house would require an underground tunnel to reach the back of our lot without this variance. In addition - as mentioned previously - there are at least 3 other homes on our street with pool equipment at the side of their home.

- **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

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

85 Coventry Ridge Pool Equipment Location Variance

(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

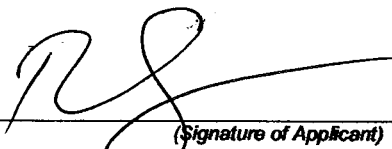
variance approval of a plat exemption from a plat or official map

...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)

January 15, 2024

(Dated)

85 Coventry Ridge

(Street Address)

Pittsford, NY, 14534

(City/Town, State, Zip Code)

85 Coventry Ridge Variance Application Pictures for Pool Equipment Location

Existing Patio/Backyard



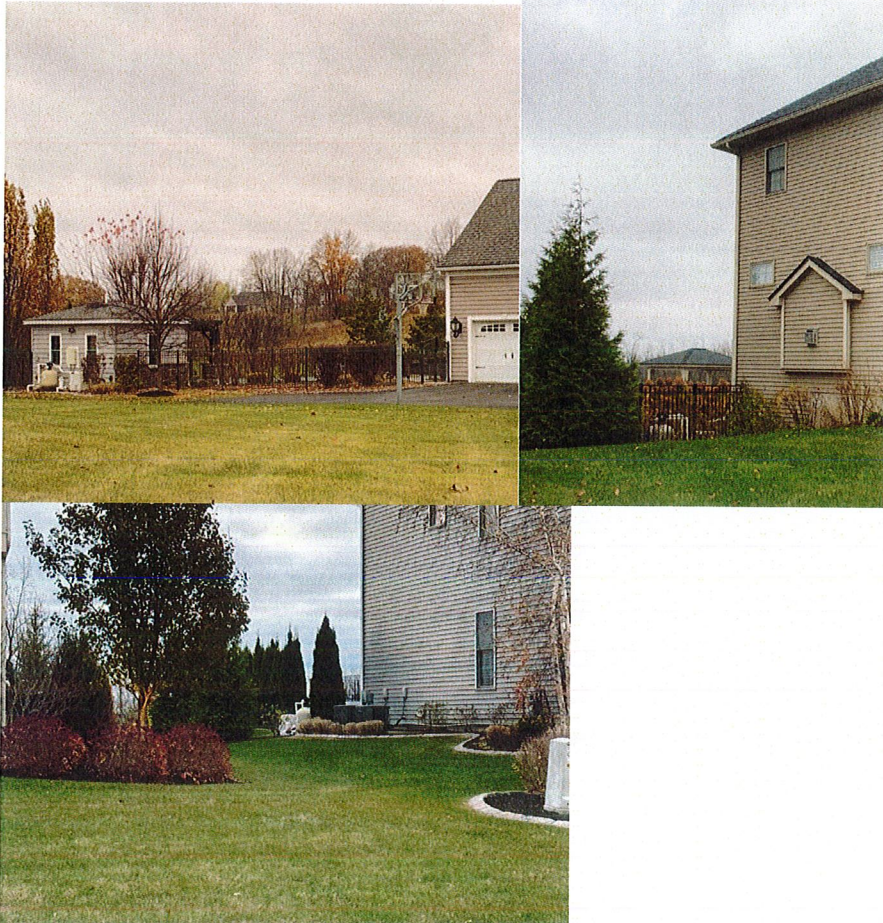
Pool Equipment if placed behind the house
(unable to place to right of pool given lot line location and angled pie lot)



View from 85 Coventry lot back towards road



Examples of neighbors on Coventry Ridge with Pool Equipment at side of home



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BME Associates

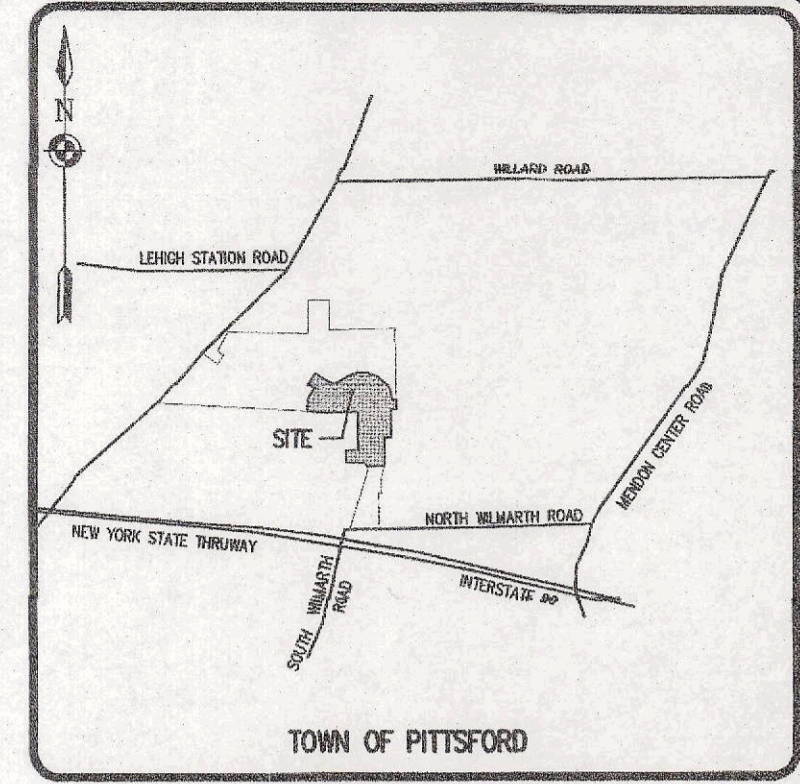
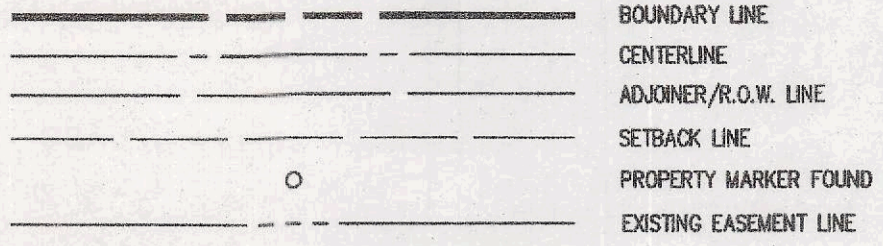
"CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

"THIS MAP AND THE INFORMATION SHOWN HEREON IS NOT TO BE USED WITH AN 'AFFIDAVIT OF NO CHANGE.' BME ASSOCIATES ASSUMES NO LIABILITY TO THE PARTIES NOTED HEREON OR TO ANY FUTURE OWNER, TITLE COMPANY, GOVERNMENTAL AGENCY, ATTORNEY OR LENDING INSTITUTION IN THE EVENT THAT THIS MAP IS USED WITH AN 'AFFIDAVIT OF NO CHANGE.' OR SIMILAR INSTRUMENT."

COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S ORIGINAL INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.

"UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209, OF THE NEW YORK STATE EDUCATION LAW."

LEGEND



LOCATION MAP
NOT TO SCALE

RECEIVED

JAN 31 2024

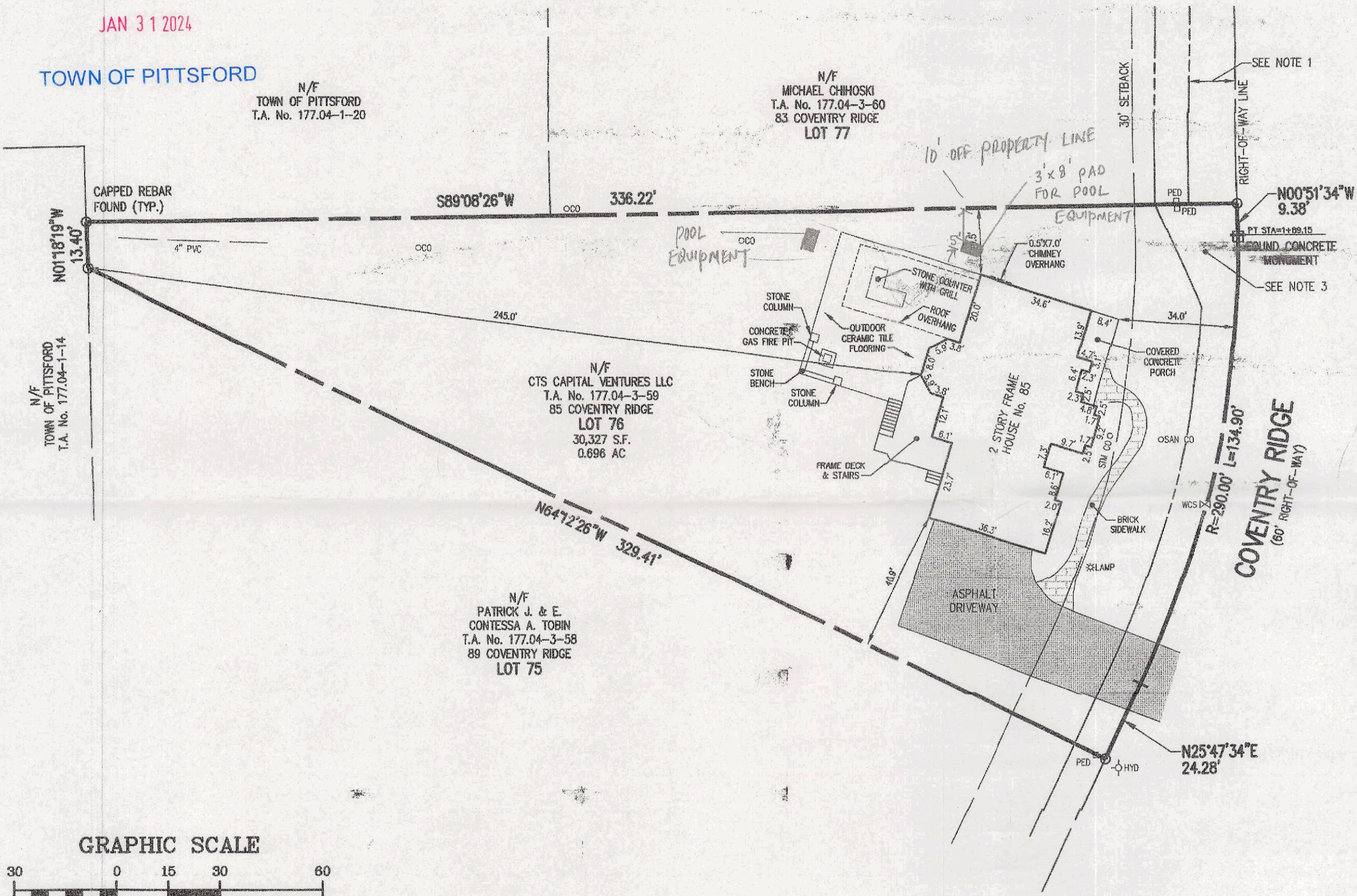
TOWN OF PITTSFORD

N/F
TOWN OF PITTSFORD
T.A. No. 177.04-1-20

N/F
MICHAEL CHIHOOSKI
T.A. No. 177.04-3-60
83 COVENTRY RIDGE
LOT 77

N/F
CTS CAPITAL VENTURES LLC
T.A. No. 177.04-3-59
85 COVENTRY RIDGE
LOT 76
30,327 S.F.
0.696 AC

N/F
PATRICK J. & E.
CONTESSA A. TOBIN
T.A. No. 177.04-3-58
89 COVENTRY RIDGE
LOT 75



REFERENCES:

1. A PLAN ENTITLED "COVENTRY RIDGE, SECTION 1, PHASE A, FINAL SUBDIVISION PLAT," PREPARED BY BME ASSOCIATES AND FILED AT THE MONROE COUNTY CLERK'S OFFICE IN LIBER 341 OF MAPS, PAGE 94.
2. ABSTRACT OF TITLE PREPARED BY STEWART TITLE INSURANCE COMPANY, ORDER No. 81205261, LAST DATED APRIL 13, 2022.

NOTES:

1. EASEMENT TO MONROE COUNTY WATER AUTHORITY PER LIBER 11021 OF DEEDS, PAGE 443.
2. PARCEL SUBJECT TO A DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS PER LIBER 11056 OF DEEDS, PAGE 245.
3. PARCEL SUBJECT TO A UTILITY EASEMENT TO ROCHESTER GAS & ELECTRIC CORP., FRONTIER TELEPHONE OF ROCHESTER, INC., TIME WARNER ENTERTAINMENT COMPANY - ADVANCE NEWHOUSE PARTNERSHIP, THROUGH ITS ROCHESTER DIVISION, DBA TIME WARNER CABLE PER LIBER 11079 OF DEEDS, PAGE 653.
4. LOT SETBACKS:
FRONT 30'
SIDE 10'
REAR 10'
5. THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM OF 1983, WESTERN ZONE, NAD 83 (2011)(EPOCH 2010) UTILIZING GPS OBSERVATIONS FROM THE NYS DOT REFERENCE NETWORK STATION (NYPF 0032). PERIMETER AND/OR TIES TO MONUMENTS WERE MADE USING PROCEDURES NECESSARY TO ACHIEVE A HORIZONTAL ACCURACY OF 1 PART IN 10,000 (1:10,000) OR BETTER.

BEARINGS SHOWN HEREON ARE GRID
DISTANCES SHOWN HEREON ARE GRID
COMBINED FACTOR = 0.9999915

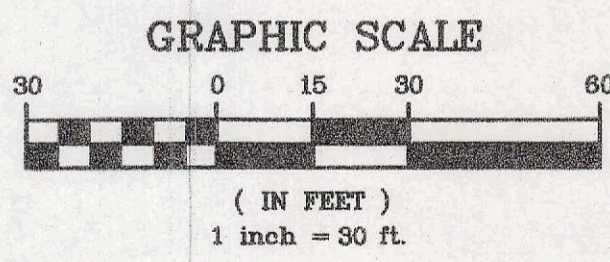
WE, BME ASSOCIATES, CERTIFY TO:

- RAM ELSHAAR AND JESSICA ELSHAAR
- GJV LAW PLLC
- FIRST AMERICAN TITLE INSURANCE COMPANY
- CREARY LAW
- FAIRWAY INDEPENDENT MORTGAGE CORPORATION ISAOA ATMA

THAT THIS MAP WAS PREPARED FROM THE NOTES OF AN INSTRUMENT SURVEY COMPLETED BY US ON DECEMBER 21, 2018, A FIELD EDIT COMPLETED BY US ON APRIL 28, 2022, AND FROM THE REFERENCES NOTED HEREON, THIS MAP OR PLAT AND THE SURVEY UPON WHICH IT WAS BASED MEETS THE GVLSA 2017 MINIMUM STANDARDS FOR A SURVEY MAP.

THIS MAP IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY SOURCES OTHER THAN THOSE REFERENCED HEREON.

BY: *Gregory D. Bell*
GREGORY D. BELL, NYSPLS NO. 050661

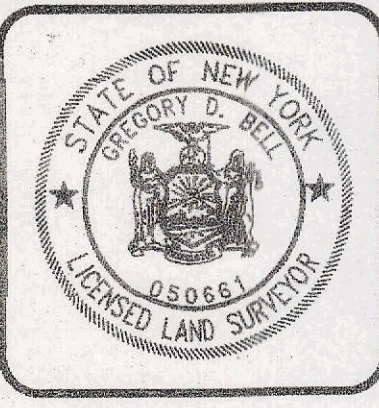


PHELPS & GORHAM PURCHASE, TOWNSHIP 12, RANGE 5, TOWN LOT 46

P:\9502D\Instrument Surveys\9502D 76 INST.dwg

DRAWING NO.	59
PROJECT NO.	9502D
SCALE	1" = 30'
DATE ISSUED	DECEMBER 27, 2018
PROJECT SURVEYOR	G.D. BELL
DRAWN BY	G.D. BELL
CHECKED BY	G.D. BELL

PROJECT	COVENTRY RIDGE SUBDIVISION SECTION 1, PHASE A
LOCATION	TOWN OF PITTSFORD, MONROE COUNTY, NEW YORK STATE
CLIENT	PRESUTTI LAW OFFICE, P.C. 32 MAIN STREET GENESEE, NY 14454
DRAWING TITLE	LOT 76 MAP OF A SURVEY



BME ASSOCIATES
ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS
10 LIFTBRIDGE LANE EAST
FAIRPORT, NEW YORK 14450
PHONE 585-377-7360
WWW.BMEPC.COM

NO.	REVISIONS	DATE	BY
1	REVISED PER FIELD EDIT.	5/18/22	CMM
2			
3			
4			
5			
6			
7			

Drawing Attention
The following is an excerpt from the New York State Education Law Article 145 Section 7208 and applies to this drawing. No person shall be held liable for any violation of this law for any drawing or plan prepared by a licensed professional engineer or land surveyor to alter any instrument or plan on file with the state, unless the drawing or plan is altered by the professional engineer or land surveyor, or unless the drawing or plan is altered by the professional engineer or land surveyor, or unless the drawing or plan is altered by the professional engineer or land surveyor, or unless the drawing or plan is altered by the professional engineer or land surveyor.

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
JANUARY 15, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on January 15, 2024 at 7:00PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

PRESENT: George Dounce, Mary Ellen Spennacchio-Wagner, Tom Kidera, Phil Castleberry, Jennifer Iacobucci

ABSENT: Barbara Servé, Jim Pergolizzi

ALSO PRESENT: April Zurowski, Planning Assistant; Naveen Havannavar, Town Board Liaison

ATTENDANCE: There were 9 members of the public present.

Chairman George Dounce called the meeting to order at 6:30PM.

NEW PUBLIC HEARINGS:

78 State Street – Tax ID 164.07-2-4

Applicant is requesting relief from Town Code Sections 185-17 I. and 185-113 B. (1) & (2) for the construction of an oversized over-height detached garage within the rear setback. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Steve Goldberg, of 78 State Street, introduced the application. He stated he has heard no neighbor opposition. The existing trees along the backside of the proposed garage will remain.

Board Member Spennacchio-Wagner stated that the Board received a letter of support from Art and Mary Jo Pires, of 70 State Street.

Chairman Dounce asked the applicant when he plans to begin. Mr. Goldberg anticipated construction to begin at the end of February. The detached garage must be approved by the Design Review and Historic Preservation Board prior to construction.

Chairman Dounce asked for public comment. Hearing none, Board Member Castleberry motioned to close the public hearing, seconded by Board Member Kidera, none opposed.

A written resolution to grant the area variance for 78 State Street was moved by Board Member Spennacchio-Wagner, seconded by Board Member Kidera. The resolution was unanimously approved.

717 Stone Road – Tax ID 164.03-1-3.1

Applicant is requesting relief from Town Code Section 185-17 B. for the construction of a new home forward of the building line. This property is zoned Residential Neighborhood (RN).

Chairman Dounce stated that this is an open public hearing.

Wendy Meagher, of Meagher Engineering, introduced the application. Kevin and Catherine Cannan, of 34 Chatham Woods and future residents at 717 Stone Road, were also in attendance. She explained that the lot abuts a private drive, Fitzmot Glen, and faces Stone Road, so the lot is considered a corner lot. The existing home, that recently received approval for demolition, does not meet the 70-foot front setback off Fitzmot Glen. The proposed home is similar in distance off Fitzmot Glen. A 34.3-foot variance is requested for the new home. Neighboring homes on Fitzmot Glen also do not meet the minimum front setback.

Chairman Dounce asked if the applicant had spoken to neighbors across from Stone Road. Mr. Cannan stated that he had not spoken with neighbors across the street, just abutting neighbors.

Chairman Dounce asked the applicant when he plans to begin construction. Mr. Cannan is anticipating construction to begin as soon as approvals are received.

Chairman Dounce asked for public comment. He stated that two comments in favor of the project were received from Om Popli, of 725 Stone Road, and Dennis Wilmot, of 3 Fitzmot Glen.

Bob Cooper, of 9 Stefenage Court, asked if the home will be shifted towards or away from Stone Road in comparison to the existing home. Ms. Meagher stated that the home will shift slightly towards Stone Road to align with neighboring homes.

Board Member Kidera motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner, none opposed.

A written resolution to grant the area variance for 717 Stone Road was moved by Board Member Castleberry, seconded by Chairman Dounce. The resolution was unanimously approved.

OTHER DISCUSSION:

Chairman Dounce motioned to approve the minutes of November 20, 2023. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman George Dounce closed the meeting at 6:55PM.

Respectfully submitted,

April Zurowski
Planning Assistant

OFFICIAL MINUTES ARE ON FILE IN THE OFFICE OF THE PLANNING
DEPARTMENT