

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
Monday, January 16, 2017**

PUBLIC HEARING FOR AREA VARIANCE

- 9 Chelsea Park, Tax # 163.16-3-27, Applicant is requesting relief from Town Code §185-17 E to place a backup electrical generator on the south side of the home and in the side setback. The generator will be located 7' from the south property line and is proposed to be screened with plantings. Property is zoned RN – Residential Neighborhood District.
- 4 White Briar, Tax # 178.15-3-17. Applicant is requesting relief from Town Code §185-113 B (1) to allow construction of a 208 +/- ft², 11' 6" tall accessory structure (Gazebo). The oversized rectangular shaped accessory structure would be located in the rear yard of the property. Property is zoned RN – Residential Neighborhood District.

CONTINUED DISCUSSION

- 834 Linden Avenue, Tax # 138.15-1-7. Applicant is requesting relief from Town Code §185-53 A (1) & (2) and Town Code § 185-53 D (1) & (2) to pave a section of the property located forward of the building to display vehicles for sale. Property zoned LI – Light Industrial.

OTHER

- Review and Approval of the November 21, 2016 Minutes

draft
**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
November 21, 2016**

PRESENT

George Dounce, Chairperson; Barbara Servé, Mary Ellen Spennacchio-Wagner, Jaime Waldman, Mike Rose, David Rowe

ALSO PRESENT

Mark Lenzi, Building Inspector; and Susan Donnelly, Secretary to the Board

ABSENT

Barb Collins, Robert Koegel, Town Attorney

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

Staff member Mark Lenzi indicated that all of the following three applications before the Board this evening are exempt from Monroe County Planning Department review and are Type II actions and not subject to SEQRA review.

PUBLIC HEARING FOR AREA VARIANCE

- 35 N. Country Club Drive, Tax # 151.06-1-46, Applicant is requesting relief from Town Code §185-17 B (1) to construct an addition located +/- 28' forward of the building line. The home was originally constructed on a lot located between two streets creating two front setbacks. Property zoned RN-Residential Neighborhood.

Tom Roger of 81 Country Club Drive, Alissa Roger of 35 N. Country Club Drive and Architect Jack Sigrist were present to discuss the application with the Board. The Applicants are requesting relief from Town Code in order to build an addition to accommodate the family and the in laws in a shared living situation. Ms. Roger indicated that she has talked to the neighbors on both sides of her home and they have no objections to the project. The timeframe is to begin in the spring of 2017. She indicated the present plan is to share use of the patio, deck area and finished area.

Building Inspector Mark Lenzi reviewed Town Code regarding RN zoning and the allowed uses and shared concerns of the potential use of the space for a future rental unit.

There was no public comment regarding this application.

Barb Servé moved to close the Public Hearing. Jaime Waldman seconded.

All Ayes.

- 52 Crestview Drive, Tax # 164.15-1-16, Applicant is requesting relief from Town Code §185-17 B (1) to construct an addition located +/- 2' forward of the building line of Crestview Drive and +/- 11' forward of the building line of Burncoat Way. Property zoned RN – Residential Neighborhood District.

David Snyder was present to discuss the application with the Board. He indicated that he was returning to the Board with a revision of a previous plan that was approved two years ago but never

completed. The project will involve a 6 foot addition to the north end of the home. Trees will buffer the new addition from the neighbors.

The Board asked if Mr. Snyder had talked to his neighbors and he indicated that he had not yet connected with them but they were notified by mail of the application. He indicated that he would like to start the project as soon as possible.

There was no public comment on this application.

Mike Rose moved to close the Public Hearing and Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- 145 Long Meadow Circle, Tax # 150.20-2-12.1. Applicant is requesting relief from Town Code §185-113 B (1), (2) & (3) to allow construction of a +- 1,399 ft², +- 32' tall accessory structure (Detached Garage). The addition would be located forward of the rear wall to the home and exceeding restrictions for size and height. Property zoned RN – Residential Neighborhood District.

The homeowner, Danielle Fliss, and Architect, Chuck Smith were present to discuss the application with the Board. They cited the need for a detached garage for storage purposes and larger space to accommodate their vehicles. It was indicated that the location for the construction is a lower area than the home and it should deflect from the height of the structure. The neighbors have no objection to the construction. Ms. Fliss said she has no problem with providing additional screening and she would like to start work as soon as possible.

There was no public comment on this application.

Mary Ellen Spennacchio-Wagner moved to close the Public Hearing and David Rowe seconded.

All Ayes.

CONTINUED PUBLIC HEARING FOR AREA VARIANCE

- 834 Linden Avenue, Tax # 138.15-1-7. Applicant is requesting relief from Town Code §185-53 A (1) & (2) and Town Code § 185-53 D (1) & (2) to pave a section of the property located forward of the building to display vehicles for sale. Property zoned LI – Light Industrial.

This application was postponed by mutual consent of the Applicant and the Town of Pittsford. Per Town Code the Zoning Board has 62 days in which to render a decision and this agreement can be extended beyond the deadline by mutual consent.

DECISION FOR APPROVAL FOR 35 N. COUNTRY CLUB DRIVE - AREA VARIANCE

A written Resolution to grant the area variance for 35 N. Country Club Drive was moved by Barbara Servé and seconded by Mary Ellen Spennacchio-Wagner

Chairman George Dounce called for a roll call vote.

Barb Collins voted	Aye
Michael Rose voted	Aye
Barbara Servé voted	Aye
Jaime Waldman voted	Aye
David Rowe voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
George Dounce voted	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by Architectural Innovations dated October 14, 2016 and only for the exterior footprint of the plans submitted.
2. All construction is to be completed by December 31, 2018.
3. This application is subject to the approval of the Design Review & Historic Preservation Board.

APPROVAL FOR 52 CRESTVIEW DRIVE - AREA VARIANCE

A written Resolution to grant the area variance for 52 Crestview Drive was moved by Jaime Waldman and seconded by Mike Rose.

Chairman George Dounce called for a roll call vote.

Barb Collins voted	Aye
Michael Rose voted	Aye
Barbara Servé voted	Aye
Jaime Waldman voted	Aye
David Rowe voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
George Dounce voted	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 November 2, 2016.
2. All construction is to be completed by December 30, 2018.
3. This application is subject to the approval of the Design Review & Historic Preservation Board.

The approved Resolution is on file with the Town Clerk and archived at the Pittsford Town Hall.

APPROVAL FOR 145 LONG MEADOW CIRCLE - AREA VARIANCE

A written Resolution to grant the area variance for 145 Long Meadow Circle was moved by Mary Ellen Spennacchio-Wagner and seconded by David Rowe.

Chairman George Dounce called for a roll call vote.

Barb Collins voted	Aye
Michael Rose voted	Aye
Barbara Servé voted	Aye
Jaime Waldman voted	Aye
David Rowe voted	Absent
Mary Ellen Spennacchio-Wagner voted	Aye
George Dounce voted	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 November 7, 2016.
2. All construction is to be completed by December 31, 2019.
3. The proposed variance/application is subject to review and approval of Design Review & Historic Preservation Board.

The approved Resolution is on file with the Town Clerk and archived at the Pittsford Town Hall.

APPROVAL OF THE MEETING MINUTES OF OCTOBER 17, 2016

Chairman George Dounce moved to accept the minutes with one correction.

VOICE VOTE:

Ayes – All

MEETING ADJOURNMENT

The meeting was adjourned at 8:02 pm.

VOICE VOTE:

Ayes – All

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals

Zoning Board of Appeals Referral Form Information

Property Address:

9 Chelsea PITTSFORD, NY 14534

Property Owner:

Pearce, Deborah L
9 Chelsea Pk
Pittsford, NY 14534

Applicant or Agent:

Pearce, Deborah L
9 Chelsea Pk
Pittsford, NY 14534

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

Town Code Requirement is:		Resulting in the Following Variance:		Resulting in the Following Variance:	
Right Lot Line:	25	Right Lot Line:	25	Right Lot Line:	0.0
Left Lot Line:	10	Left Lot Line:	7	Left Lot Line:	3.0
Front Setback:	50	Front Setback:	50	Front Setback:	0.0
Rear Setback:	20	Rear Setback:	20	Rear Setback:	0.0
Height:	0	Height:	0	Height:	0.0
Size:	0	Size:	0	Size:	0.0

Code Section(s): §185-17 E

Description: Applicant is requesting relief from Town Code §185-17 E to place a backup electrical generator on the south side of the home and in the side setback. The generator will be located 7' from the south property line and is proposed to be screened with plantings. Property is zoned RN - Residential Neighborhood District.

January 04, 2017

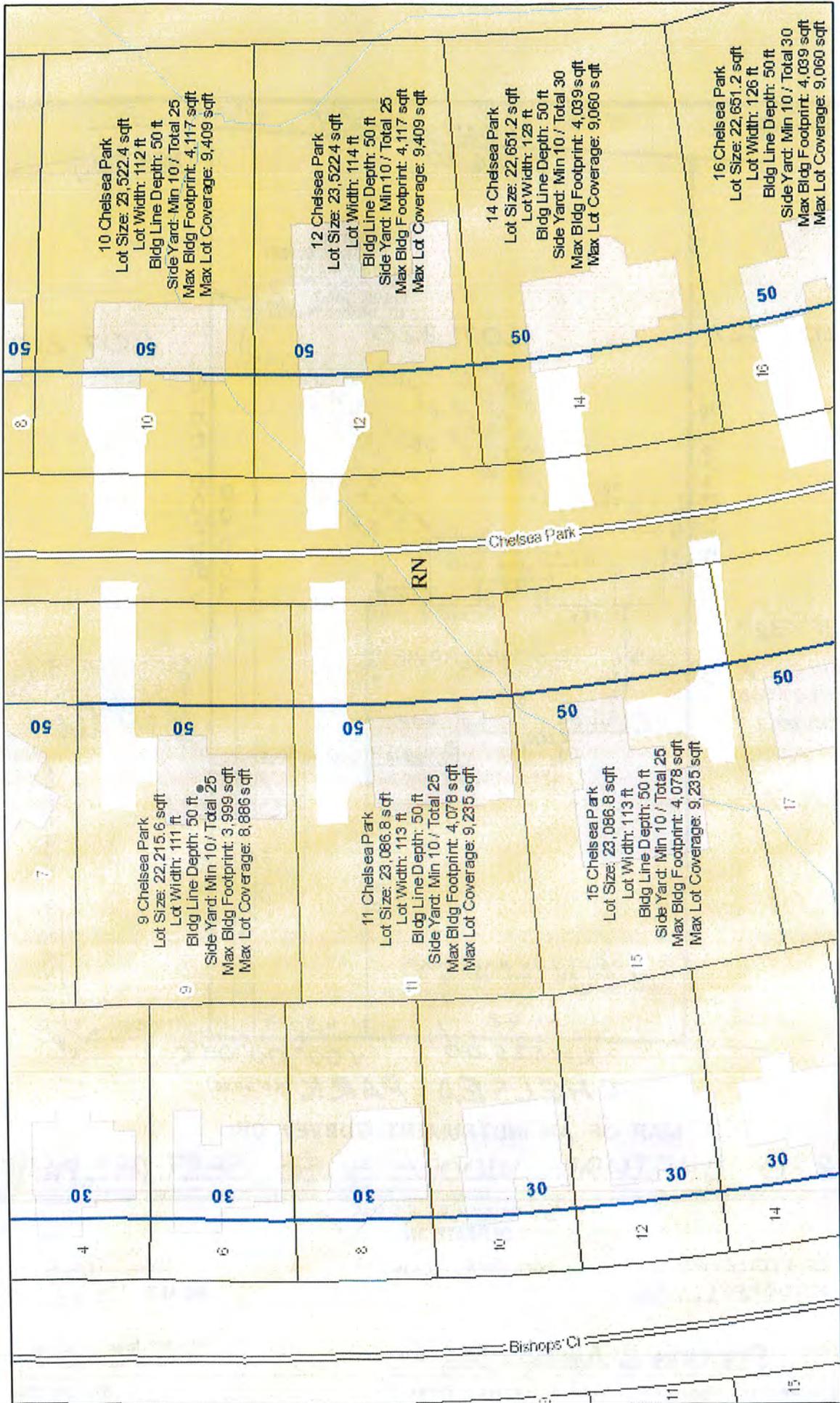


Date

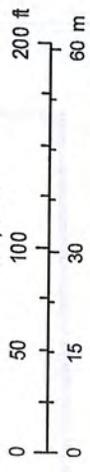
Mark Lenzi - Building Inspector CEO



RN Residential Neighborhood Zoning

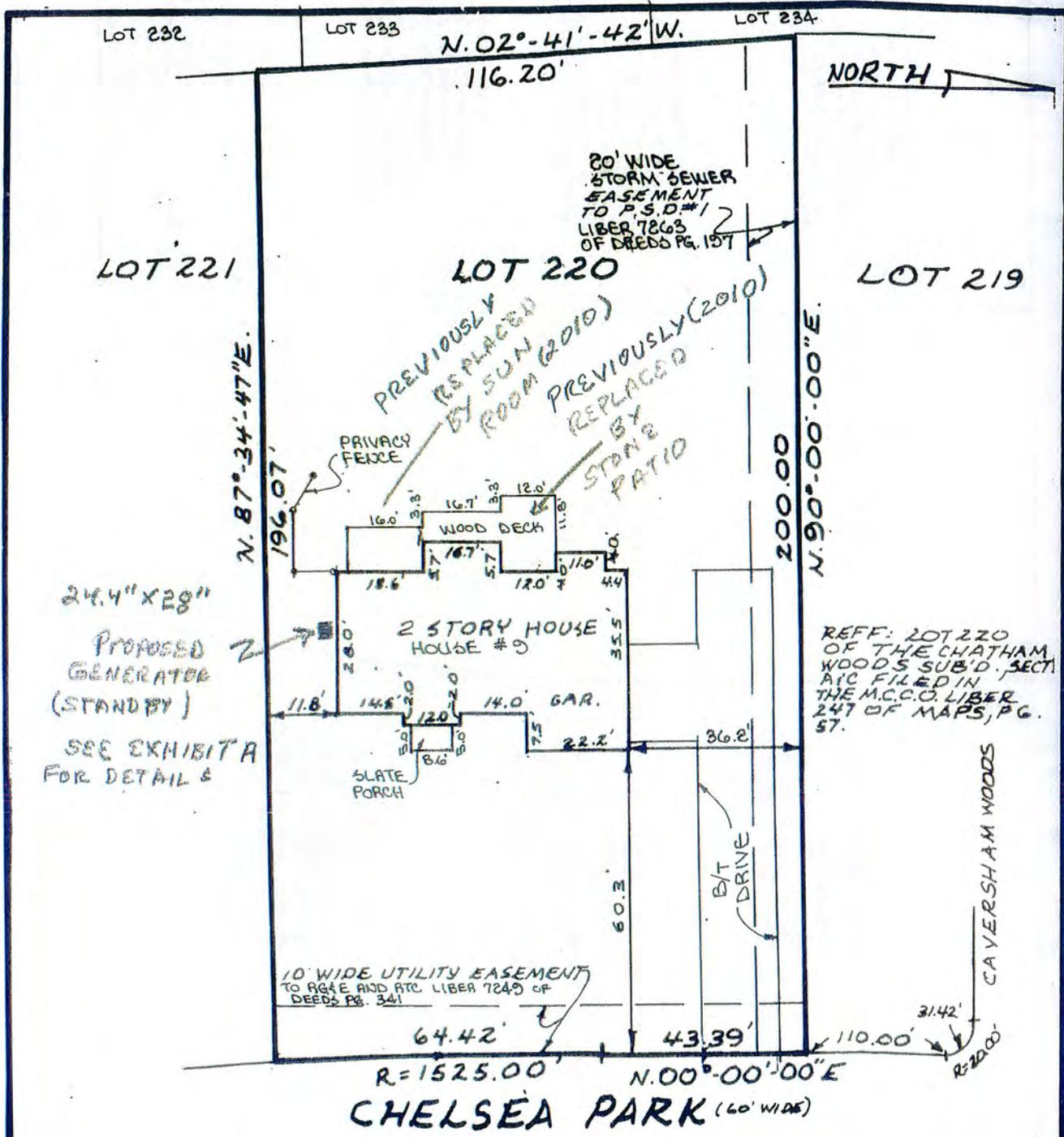


1:1,128



Town of Pittsford GIS

January 4, 2017



MAP OF AN INSTRUMENT SURVEY OF:
LOT 220 CHATHAM WOODS SUBD., SECT. A & C, PH. II

#9 CHELSEA PARK.
 SITUATE IN:

TOWN OF PITTSFORD
 DATE: OCTOBER 1, 1996

MONROE COUNTY

NEW YORK
 SCALE: 1" = 30'



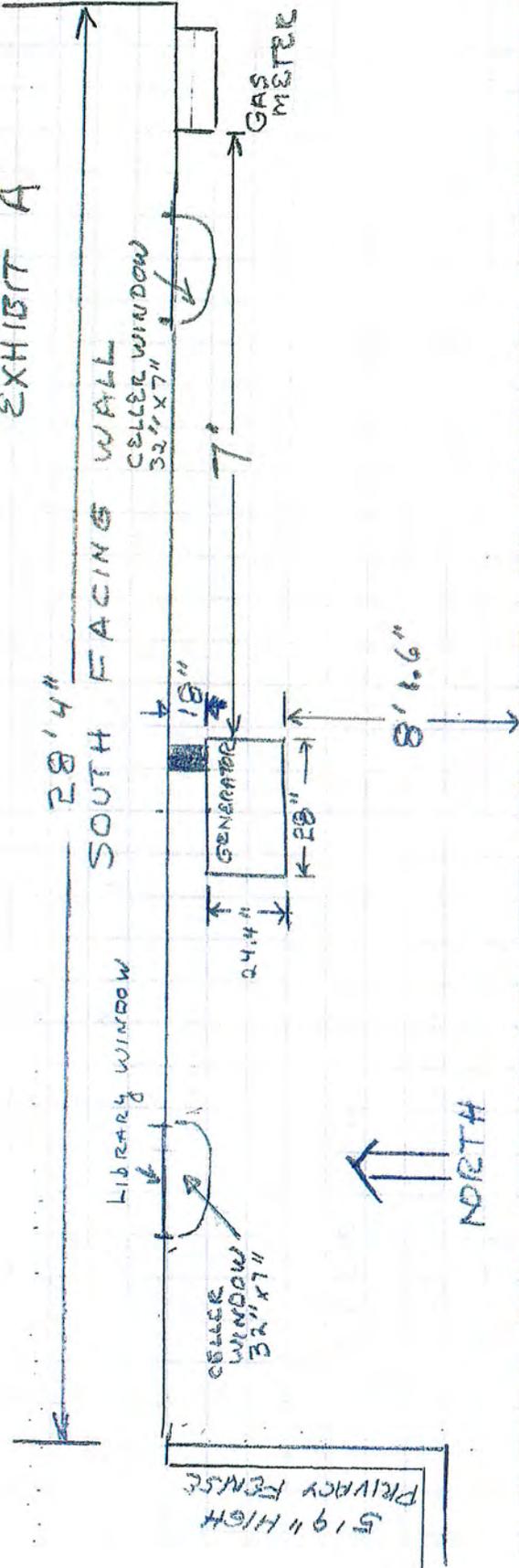
D.J. Parrone & Associates, P.C.

Consulting Engineers • Land Surveyors • Planners

400 Whitney Road P.O. Box C
 Penfield, New York 14526

(716) 586-0200
 FAX (716) 586-6752

EXHIBIT A



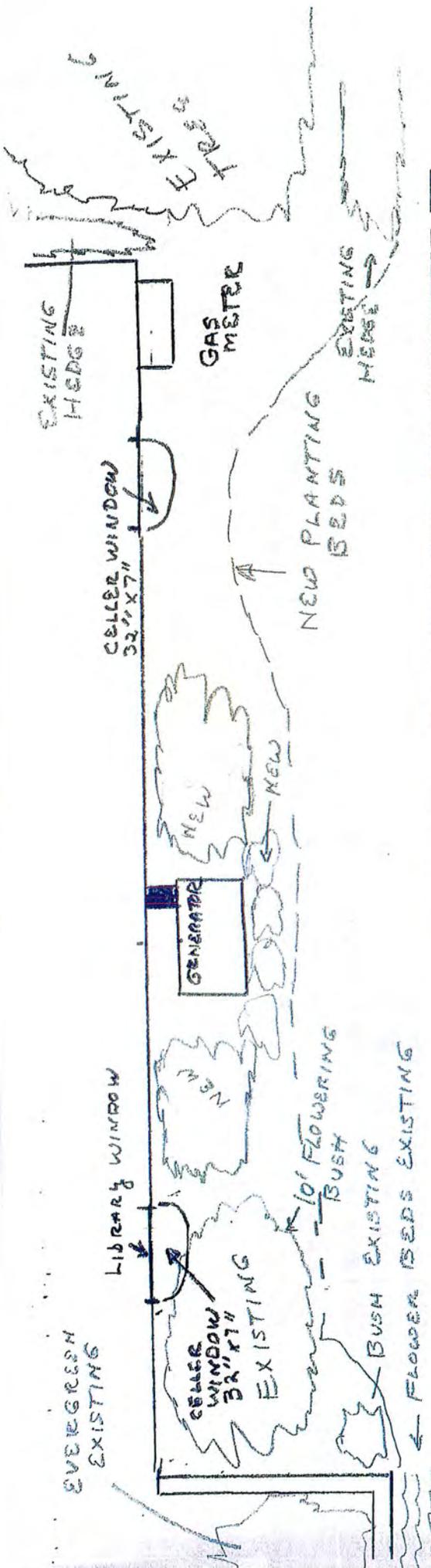
PROPERTY LINE
9 CHELSEA PARK

Note: Not to Scale

- CELLER WINDOWS TO BE REPLACED BY GLASS BLOCK
 - BRIGGS + STRATTON 8-10KW
- (FIRE RESISTANCE ALLOWS 18" SPACING)

Key Dimensions for Variance for 9 Chelsea Park Standby Generator Installation

W.J. Sheeran
12/15/16



PROPERTY LINE

- EXISTING LANDSCAPE FEATURES
- NEW FEATURES AFTER GENERATOR INSTALLED

9 CHELSEA PARK
VARIANCE

WJ Sheehan
12/15/16



TOWN OF PITTSFORD AREA VARIANCE APPLICATION FORM

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

OWNER: William Sheeran/Deborah Pearce APPLICANT: Same
 ADDRESS: 9 Chelsea Park ADDRESS: Same
 CITY, ST ZIP: Pittsford, NY 14534 CITY, ST ZIP: Same
 PHONE: 585-249-5525 PHONE: Same
 FAX: 585-249-0451 FAX: Same
 E-MAIL: WJSHEERAN@aol.com E-MAIL: Same
PEARCEDEBORAH7@gmail.com

AGENT: _____
 ADDRESS: _____
 CITY, ST ZIP: _____
 PHONE: _____ FAX: _____
 E-MAIL: _____

TYPE OF PROJECT: Installation of standby generator, natural gas fueled

DESCRIPTION OF PROPERTY FOR WHICH APPROVAL IS SOUGHT

Address: 9 Chelsea Park, Pittsford, NY 14534
 Age of structure for which variance is sought: 28 yr

(If built prior to 1929, which would make the structure pre-existing, non-conforming, some legal proof is necessary.)

Present zoning of the property: R1

Tax parcel number: 163.16-3-27

Size of parcel in acres / square feet (specify): 22,215 SF

Requirements under the Zoning Ordinance from which you seek relief (cite specific language of Code):

185-17 E GENERATION IN SIDE SETBACK.

Distance and direction to nearest major intersection: 0.1 miles

If this parcel is within 500' of a municipal boundary, please specify: N/A
(Municipality)



9 Chelsea Park, Pittsford

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

WJ Sheeran

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:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

See attached.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

See attached

- 3. Whether the requested area variance is substantial.

See attached

- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

see attached

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

See attached

RESPONSE FORM

Please give detailed explanations for the above tests that the Zoning Board of Appeals will consider when granting area variances.

Tests for Granting Area Variances**Question 1**

- A possible undesirable aspect might be introducing a standby generator and occasional noise when used in power failures or the periodic automated short test runs.
- The only viable location for it causes the need for the variance.
- The location without the planned landscaping could be considered unsightly from the street and next door neighbor.

Question 2

- We wish to provide added security to ensure that we can have future in-place retirement in this home. Previously, we had portable gasoline-powered generator. For safety reasons we do not want to continue inside garage storage of the fuel needed for possible multi-day use.
- Over the last 10 years possible locations were eliminated by major landscaping and an addition to the house. The one possible feasible location was already used for an AC unit. Further, locating a generator on the north side of the house could direct the fumes to the windows of our daughter's bedroom.
- There are no other feasible locations.

Question 3

- The proposed generator would reduce the distance from unit to property line from 11'8" to 8'1" on the side facing the neighbors' driveway and garage. The garage doors are 47' from the proposed generator.
- We are very good friends with these neighbors and we have shared been our plans for the generator and associated landscaping.

Question 4

- Without the planned landscaping, the location could be considered unsightly from the street and next-door neighbor. The three neighbors whose backyards connect with the property's backyard will not have visibility with the dense 40-50' pine trees lining the rear property lines.
- The projected landscaping, like that existing on the rest of the property, will be substantial and will create a much more attractive view of that side of the house than the current appearance.
- The noise from the unit when running during a power outage could be objectionable. The brief weekly test run will be scheduled for a weekday afternoon.

Question 5

- This need was self-created in the sense that the desire for more robust and safer power backup led to the selection of the natural-gas standby generator.
- Our extensive investments in landscaping and a house addition over the past 10 years eliminated other possible locations.



TOWN OF PITTSFORD

LISTING OF ABUTTERS

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

The undersigned, being an Applicant for approval of...

area variance

special permit

use variance

...for property at: 9 Chelsea Park, Pittsford, NY 14534

Tax Parcel # 163.16-3-27 submits the following list

of names and addresses of all owners of properties which either directly abut or are located across the street from the property lines of the subject property.

If there are other properties in close proximity which might be effected by this proposal, please include the names and addresses of those properties as well.

William J Sheeran Deborah DiPaola 12/15/16
Signature of Applicant Date

LIST OF PROPERTIES ABUTTING OR ACROSS THE STREET FROM SUBJECT PROPERTY

11 Chelsea Park, Joseph ^{jr} Ketchum
Julie

7 Chelsea Park John & Miriam O'Connell

4 Bishops Court

6 Bishops Court

8 Bishops Court

} have never met any of these people. Isolated from by large, dense pines.

10 Chelsea Park

Allan Osborne & Elizabeth Konar

12 Chelsea Park

Jagat & Manjula Mehta

9 CHELSEA PARK
VARIANCE

SOUTH SIDE OF HOUSE



9 CHELSEA PARK
VARIANCE



11 CHELSEA PARK
(FACES GENERATION
LOCATION)



9 CHELSEA PARK
LOOKING TOWARD
11 CHELSEA ALONG
FRONT OF 9



Proposal Submitted To: <u>Deborah Pearce and Dr. William Sheeran</u>	Phone <u>734-5475</u>	Date <u>10/25/16</u>
Billing Address/Job Location <u>9 Chelsea Park</u>	City, State and Zip Code <u>Pittsford NY 14534</u>	
Incentive Type <input type="checkbox"/> Other <input type="checkbox"/> 50% AHwES <input type="checkbox"/> GJGNY Loan Size <input type="checkbox"/> Contract <input type="checkbox"/> Change Order <input type="checkbox"/> Add On		

* Packages must meet HPwES requirements to qualify for incentives (ex. qualifying equipment, SIR, loan or grant approval)
** All HPwES projects address safety and efficiency. If safety issues are present they will have to be corrected at the homeowner expense. (Examples: gas leaks, improperly vented bath fans & dryer vents, carbon monoxide issues, etc.)

COMFORT CONTRACT SPECIFICATIONS

All model numbers and equipment pricing breakdown must be on contracts for HPwES Program

<p>IMPORTANT DATES</p> <p>Audit _____</p> <p>Install <u>11-29-16 89AM</u></p> <p>Q.A.V. <u>12-5 10AM</u></p> <p>Test out for Isaac _____</p> <p>Rebate <u>150.00 coupon</u></p> <p>Isaac discount of \$ _____ is contingent on successful completion of test out within 30 days of install. Failure to perform test out within 30 days will shift financial responsibility to the customer.</p>	<p><u>Briggs & Stratton 10 kw natural gas generator.</u></p> <p><u>Fortress model 6 years parts and labor.</u></p> <p><u>Symphony II whole house transfer switch.</u></p> <p><u>Transfer switch to include load shedding modules.</u></p> <p><u>Install unit level outside on a bed of stone 3'</u></p> <p><u>away from the house.</u></p> <p><u>All necessary gas piping and wiring.</u></p>
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All necessary Town permits and inspections.

An Isaac quality inspection will be performed 3-4 weeks after installation.

The work area is left clean upon completion.

Total Installation -	<u>8486.00</u>	<u>28" L</u>
	<u>- 150.00 coupon.</u>	<u>24.4" W</u>
	<u>8336.00</u>	<u>35.1" H</u>

* Gas meter will need to be upgraded. Homeowner to pay around 150.00 directly to RGE after the installation.

Thank you, RLM

11/25/16

Zoning Board of Appeals
Referral Form Information

Property Address:

4 White Briar PITTSFORD, NY 14534

Property Owner:

Volcy, Charles E
4 White Briar
Pittsford, NY 14534

Applicant or Agent:

Volcy, Charles E
4 White Briar
Pittsford, NY 14534

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

Town Code Requirement is:		Resulting in the Following Variance:		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:	180	Size:	208	Size:	-28.0

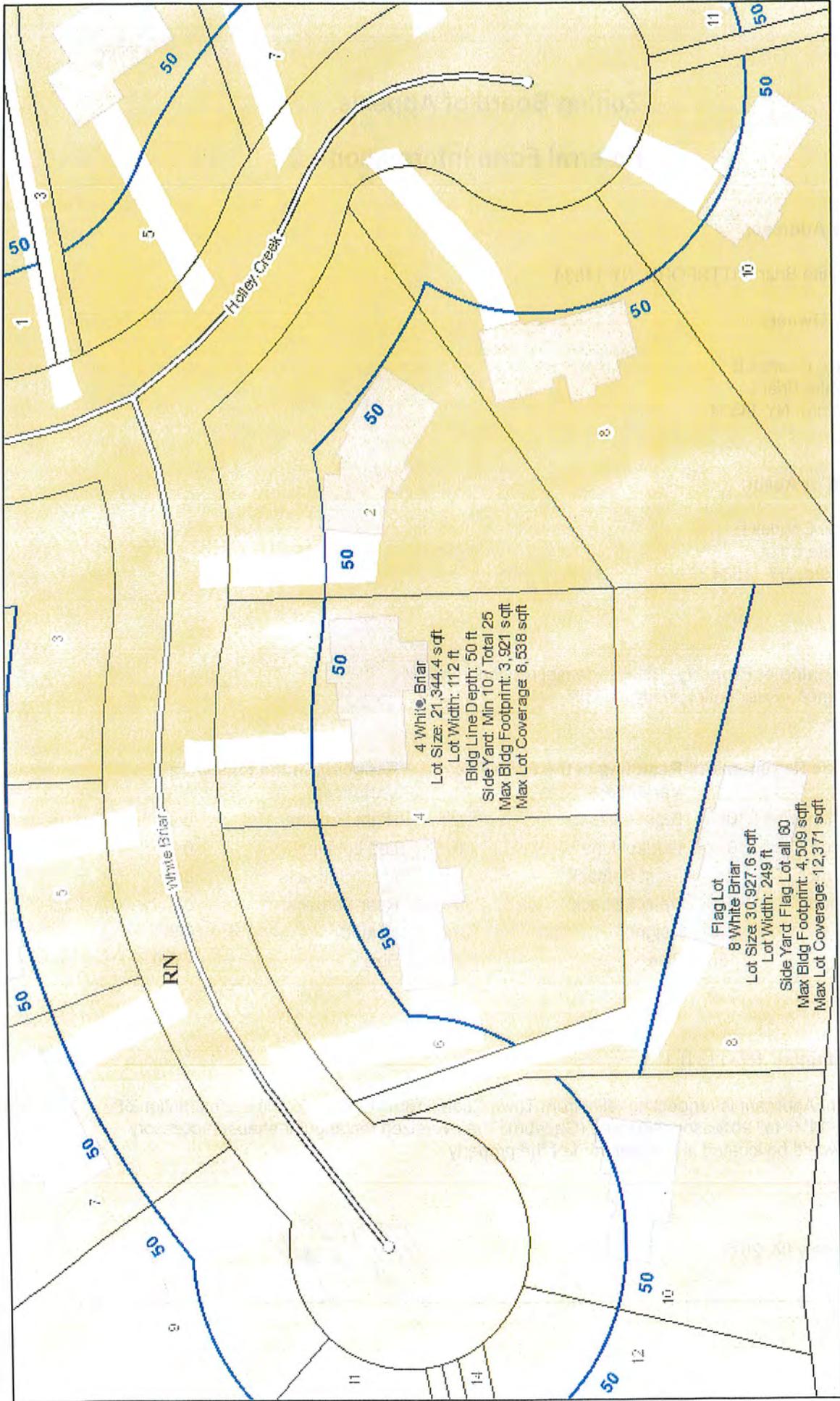
Code Section(s): 185-113 B 1

Description: Applicant is requesting relief from Town Code §185-113 B (1) to allow construction of a 208 +/- ft², 11' 6' tall accessory structure (Gazebo). The oversized rectangular shaped accessory structure would be located in the rear yard of the property.

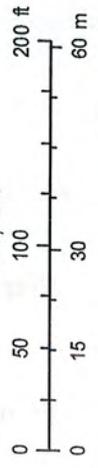
January 04, 2017



RN Residential Neighborhood Zoning



1:1,128



Town of Pittsford GIS

January 4, 2017





TOWN OF PITTSFORD AREA VARIANCE APPLICATION FORM

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

OWNER: Charles Voley APPLICANT: Same as owner
 ADDRESS: 4 White Briar ADDRESS: _____
 CITY, ST ZIP: Pittsford NY 14534 CITY, ST ZIP: _____
 PHONE: 585-789-8567 PHONE: _____
 FAX: _____ FAX: _____
 E-MAIL: Voleycharles@gmail.com E-MAIL: _____

AGENT: N/A
 ADDRESS: _____
 CITY, ST ZIP: _____
 PHONE: _____ FAX: _____
 E-MAIL: _____

TYPE OF PROJECT: 207.4 sqft Gazebo on my rear yard

DESCRIPTION OF PROPERTY FOR WHICH APPROVAL IS SOUGHT

Address: _____

Age of structure for which variance is sought: _____

(If built prior to 1929, which would make the structure pre-existing, non-conforming, some legal proof is necessary.)

Present zoning of the property: R-11

Tax parcel number: 178-150-03-017

Size of parcel in acres / square feet (specify): _____

Requirements under the Zoning Ordinance from which you seek relief (cite specific language of Code):

195-11361 oversize masonry structure

Distance and direction to nearest major intersection: _____

If this parcel is within 500' of a municipal boundary, please specify: 600ft Thorne II Rd.
(Municipality)



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:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The Gazebo will be located on the back yard, which already fenced.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Due to the size of the structure, I had to go with the Variance

3. Whether the requested area variance is substantial.

in need of a quiet place on the yard, to hang out, make a booth, or the porch with my family.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

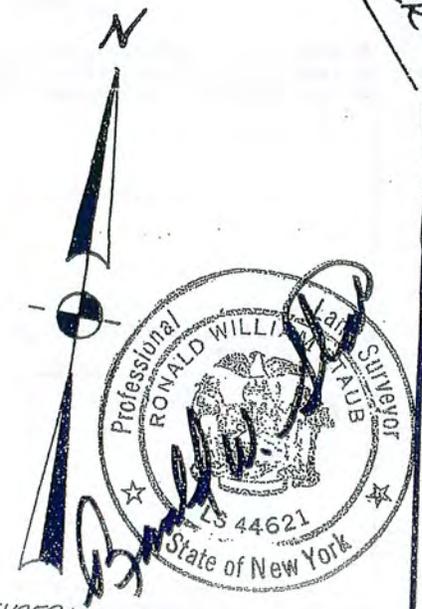
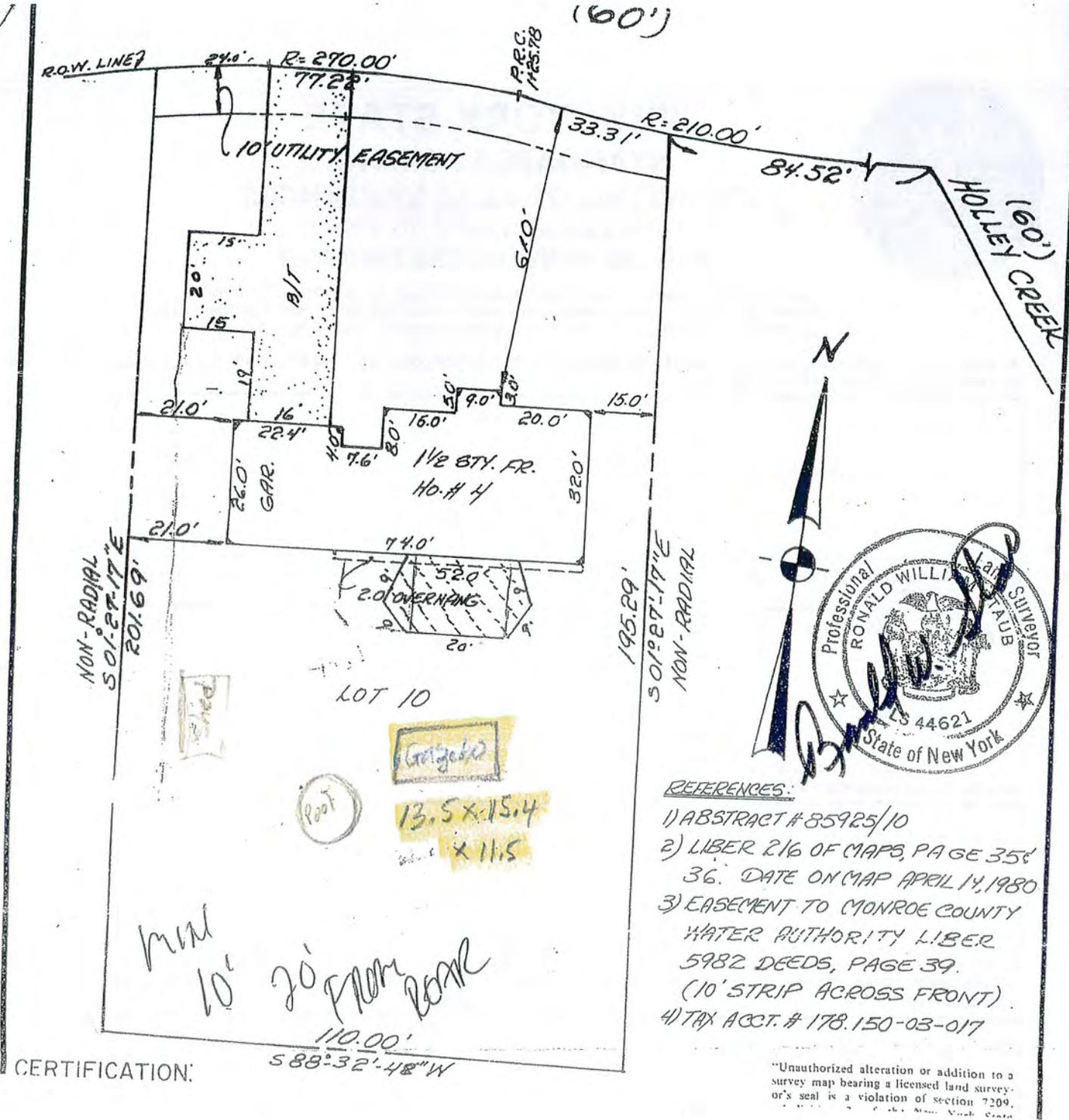
The propose area for the gazebo is away from the sidewalk so no problems with the drainage.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

yes it is self-created, but the back yard being fenced and having some arbovitae which will grow up to 15ft high, the gazebo will be no bother for any of the neighbors, I think.

RESPONSE FORM

Please give detailed explanations for the above tests that the Zoning Board of Appeals will consider when granting area variances.



- REFERENCES:
- 1) ABSTRACT # 85925/10
 - 2) LIBER 216 OF MAPS, PAGE 35 & 36. DATE ON MAP APRIL 14, 1980
 - 3) EASEMENT TO MONROE COUNTY WATER AUTHORITY LIBER 5982 DEEDS, PAGE 39. (10' STRIP ACROSS FRONT)
 - 4) TAX ACCT. # 178.150-03-017

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, of the Laws of the State of New York."

Handwritten signature

from left 38 ft
 from right 60 ft
 from back 63 ft

CERTIFICATION: 110.00' S 88° 32' 48" W



EXACT STRUCTURE TO BE PLACED
AT PROPERTY 13.5'L x 15.5'W x 11'H







