

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
AGENDA  
June 21, 2021**

**PUBLIC HEARING FOR AN AREA VARIANCE**

- 111 Overbrook Road, Tax # 138.18-1-36, Applicant is requesting relief from Town Code §185 – 17 (E) for the construction of an addition encroaching into the side setback. Property is zoned RN – Residential Neighborhood District.
- 522 Marsh Road, Tax # 164.16-1-29 Applicant is requesting relief from Town Code(s) §185-17 B (1) for a garage addition on a corner lot encroaching into the front setbacks of Cullens Run and Marsh Road. Property zoned RN – Residential Neighborhood District.
- 18 Golf Avenue, Tax # 151.15-2-45.2 Applicant is requesting relief from Town Code(s) §185-113 B. (1); (2); for an oversized, over height accessory structure (garage/barn, proposed to be 1440 square feet and 29 feet in height). Property zoned RN – Residential Neighborhood District.

*draft*  
**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
MINUTES  
May 17, 2021**

**PRESENT**

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, James Pergolizzi, Phil Castleberry  
Barbara Servé, David Rowe, Thomas Kidera

**ALSO PRESENT**

Cathy Koshykar, Town Board Liaison; Robert Koegel, Town Attorney; Doug DeRue, Director of Planning  
and Zoning; Susan Donnelly, Secretary to the Board

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, May  
17, 2021 at 7:00 P.M. local time. The meeting took place with Board members and applicants  
participating remotely using Zoom virtual meeting software.

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 is a Type II Action under 6-NYCRR §617.5 (c) (7) or (12)  
& (13) and, therefore, is 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 HEARING FOR AN AREA VARIANCE**

- 3 Falcon Bridge, Tax # 150.16-1-33. Applicant is requesting relief from Town Code § 185 -113 (B)  
(3) and 185-17 A. to place a standby electrical generator in a front yard as viewed from Clover  
street. Property is zoned RN – Residential Neighborhood District

George Dounce opened the Public Hearing.

Dan Stewart of Heritage Christian Services was present.

The generator is installed to protect residents in the event of a power failure. The units is 22 kw, 3 ½  
feet high and 6 feet high.

A row of pines will be installed to provide screening from Clover Street.

There was no public comment.

Barbara Servé moved to close the public hearing.

Thomas Kidera seconded.

All Ayes.

A resolution was moved by Zoning Board of Appeals member Phil Castleberry, seconded by Board  
member Mary Ellen Spennacchio-Wagner, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Abstain
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the application, hereby imposes the following specific conditions:

1. This variance is granted only for the site map submitted to the Zoning Board of Appeals dated February 18, 2021.
  2. All construction is to be completed by December 31, 2022.
  3. Applicant will plant screening shrubbery around the generator.
- 96 Stoneleigh Court, Tax # 138.18-1-11. Applicant is requesting relief from Town Code §185 – 17 H. and 185-17 I. to allow construction of an in ground swimming pool encroaching into the rear buffer with associated improvements, which will exceed the maximum impervious coverage allowed by code, 46% coverage proposed where 40% is permitted. Property is zoned RN – Residential Neighborhood District.

George Dounce opened the public hearing.

The homeowners, David and Jennifer Dean, were present.

They indicated they have talked to their neighbors and they are supportive. They also stated they are hiring a landscape architect.

Doug DeRue said that the Town of Pittsford does not foresee a problem with drainage in this area nor do they object to the slight increase in impervious coverage.

There was no public comment.

Phil Castleberry moved to close the Public Hearing.

Barbara Servé seconded.

All Ayes.

A resolution was moved by Zoning Board of Appeals member George Dounce, seconded by Board member Phil Castleberry, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Abstain
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated April 15, 2021.
  2. All construction is to be completed by December 31, 2023.
- 22 Mill Neck Lane, Tax # 164.14-3-9. Applicant is requesting relief from Town Code § 185-17 (L) for the construction of an accessory structure (covered and open deck) located within the 60 foot setback. Property is a flag lot and is zoned RN- Residential Neighborhood District.

George Dounce opened the public hearing.

The homeowners, Lisa Cauda and Scott Chase, and contractor, Josh Omwake, were present.

The structure will not be visible from Town land.

A positive response was given from the neighbors.

Doug Derue indicated the Town is in agreement with this application.

The time frame is to start in June barring any materials delay.

There was no public comment.

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

Thomas Kidera seconded.

All Ayes.

A resolution was moved by Zoning Board of Appeals member Barbara Serve, seconded by Board member George Dounce, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Abstain
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated April 2, 2021.
  2. All construction is to be completed by December 31, 2023.
  3. This application is subject to the approval of the Design Review and Historic Preservation Board.
- 30 Van Voorhis Road, Tax # 192.01-1-11 Applicant is requesting relief from Town Code §185-120 C. Variance requested for a chicken coop less than the required 150 from the side lot line and the front lot line. Property is zoned RN, Residential Neighborhood.

George Dounce moved to open the public hearing

The homeowner, Buraq Amin, was present to discuss the application with the Board.

The homeowner has talked to the neighbors and there are no objections.

The coop will be attached to the garage, 40 ft. from the side lot line.

There will be no roosters and no more than 10 chickens.

There was no public comment.

George Dounce moved to close the public hearing

Phil Castleberry seconded.

All Ayes

A resolution was moved by Zoning Board of Appeals member Mary Ellen Spennacchio-Wagner, seconded by Board member Jim Pergolizzi, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Abstain
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Nay
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

This variance is granted only for the keeping of chicken “hens”, no roosters, and plans submitted and prepared by the Applicant dated April 1, 2021.

1. There will be no more than 10 chickens allowed. The variance will sunset on December 31, 2031.
  2. All construction is to be completed by December 31, 2022.
- 106 South Main Street, Tax # 164.10-2-2 Applicant is requesting relief from Town Code(s) §185-113 B. (1); §185-113 B. (2); §185-17 E; and §185-17 I for an oversized, over height accessory structure encroaching into the side setbacks of a corner lot. Property zoned RN – Residential Neighborhood District.

George Dounce moved to open the public hearing.

The homeowner, David Jefferson, was present.

This property backs to power lines. The present shed will be removed and the new shed will be placed forward of the existing.

There will be no drainage issues.

There was no public comment.

Barbara Serve moved to close the public hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

A resolution was moved by Zoning Board of Appeals member James Pergolizzi, seconded by Board member Barbara Serve, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Abstain
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated, March 13, 2021.
2. All construction is to be completed by December 31, 2024.

- 153 Mendon Center Road, Tax # 178.05-1-87.1 Applicant is requesting relief from Town Code 185–17 B. (1) for the construction of roof over an existing deck forward of the building line as well as a home addition forward of the building line. Property is zoned RN – Residential Neighborhood District.

George Dounce moved to open the public hearing.

The homeowners, Brian and Lauren Lilly and the architect, Guy Donahue were present.

This home was struck by a vehicle and the homeowners indicated they are taking the opportunity to rebuild with a two story addition and a wraparound covered porch for better aesthetic quality of their home.

A timeframe of summer 2021 was discussed. Due to materials inaccessibility, extra time may be required to completed the project.

There was no public comment.

Phil Castleberry moved to close the public hearing.

Thomas Kidera seconded.

All Ayes.

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated March 19, 2021.
2. All construction is to be completed by December 31, 2024.
3. This application is subject to the approval of the Design Review and Historic Preservation Board.

A resolution was moved by Zoning Board of Appeals member George Dounce, seconded by Board member Mary Ellen Spennacchio-Wagner, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Abstain
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated March 19, 2021.
2. All construction is to be completed by December 31, 2024.
3. This application is subject to the approval of the Design Review and Historic Preservation Board.

## **PUBLIC HEARING FOR AN AREA VARIANCE – RETURNING**

- 145 Long Meadow Circle, Tax # 150.20-2-12.1, Applicant is requesting relief from Town Code §185-113 (B) (1), (2) & (3) for the construction of an oversized, over height storage shed forward of the rear wall of the home. Property is zoned RN - Residential Neighborhood District.

This hearing is still open.

The homeowner, Danielle Fliss, was present.

The Board had requested information on the height and location of the proposed structure.

George Dounce inquired as to whether the rear would be excavated and the homeowner indicated yes.

The homeowner does not wish to delete the cupola to decrease the height.

There was no public comment.

Barbara Servé moved to close the public hearing.

James Pergolizzi seconded.

All Ayes.

It was discussed that this project would need a two-year building time due to difficulty retaining a contractor.

A resolution was moved by Zoning Board of Appeals member, seconded by Board member Mary Ellen Spennacchio-Wagner, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Abstain
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated March 12, 2021.
2. All construction is to be completed by December 31, 2022.
3. The application does not need the approval of the Design Review and Historic Preservation Board.

## **REVIEW OF MEETING MINUTES OF APRIL 19, 2021**

George Dounce moved to approve the minutes of April 19, 2021 as written.

All Ayes.

## **POINT PERSONS FOR JUNE 21, 2021 MEETING**

111 Overbrook Road – Tom Kidera

18 Golf Avenue – Jim Pergolizzi

522 Marsh Road – Barb Servé

**Note: 111 Overbrook and 522 Marsh Road have had alternate point people assigned after the meeting minutes were recorded**

## **MEETING ADJOURNMENT**

George Dounce moved to adjourn the meeting at 8:30 pm.

All Ayes.

Respectfully submitted,

Susan K. Donnelly  
Secretary to the Zoning Board of Appeals

DRAFT



# Zoning Board of Appeals Referral Form Information

**Property Address:**

111 Overbrook Road ROCHESTER, NY 14618

**Property Owner:**

Rubino, Claudia  
111 Overbrook Rd  
Rochester, NY 14618

**Applicant or Agent:**

Rubino, Claudia  
111 Overbrook Rd  
Rochester, NY 14618

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

**Town Code Requirement is: Proposed Conditions: Resulting in the Following Variance:**

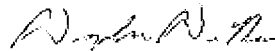
Right Lot Line:	14.1	Right Lot Line:	6.1	Right Lot Line:	8.0
Left Lot Line:	10.9	Left Lot Line:	10.9	Left Lot Line:	0.0
Front Setback:	40	Front Setback:	40	Front Setback:	0.0
Rear Setback:	20	Rear Setback:	0	Rear Setback:	0.0
Height:	30	Height:	30	Height:	0.0
Size:	0	Size:	0	Size:	0.0

**Code Section(s):** Tax # 138.18-1-36, Applicant is requesting relief from Town Code §185 – 17 (E) for the construction of an addition encroaching into the side setback. Property is zoned RN – Residential Neighborhood District.

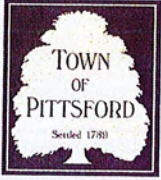
Description: Area variance side setback encroachment. Code allows for a minimum of 10 with a total required of 25 feet. The Existing left setback is 10.9 feet creating a required right setback of 14.1 feet the proposed right setback is 6.1 feet creating an 8 foot variance from code.

June 11, 2021

Date



Doug DeRue - Director Planning Zoning Development



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

Submission Date: May 12, 2021 Hearing Date: June 21, 2021

Applicant: Roger B. Langer Jr. / Greater Living Architecture, P.C.

Address: 3033 Brighton-Henrietta TL Rd. Rochester, N.Y. 14623

Phone: (585) 272-9170 E-Mail: Roger@greaterliving.com

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

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

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

Property Owner: Claudia Rubino  
*(if different than Applicant)*

Address: 111 Overbrook Rd. Rochester, N.Y. 14618

Phone: \_\_\_\_\_ E-Mail: cfc72848@aol.com

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

Property Location: 111 Overbrook Rd. Rochester, N.Y. 14618 Current Zoning: RN (Residential Neighborhood District)

Tax Map Number: 138.18-1-36

Application For:  Residential  Commercial  Other

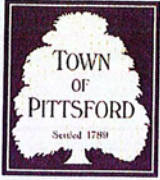
Please describe, in detail, the proposed project:

The proposed project includes the expansion of the existing dining room and kitchen with an addition on the front of the house, an addition on the back for an owner's suite, mudroom, and laundry, and interior/exterior renovations.

**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)*

5.12.21  
*(Date)*



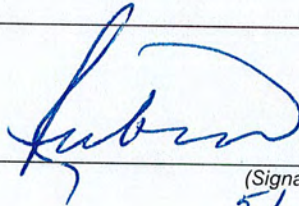
# TOWN OF PITTSFORD AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

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, Claudia Rubino, the owner of the property located at:  
111 Overbrook Rd. Rochester, N.Y. 14618  
(Street) (Town) (Zip)

Tax Parcel # 138.18-1-36 do hereby authorize  
Roger B. Langer Jr. / Greater Living Architecture, P.C. to make application to the  
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of \_\_\_\_\_

  
(Signature of Owner)  
5/14/21  
(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 requested variance will not produce an undesirable change in the neighborhood because the proposed design is in accordance with the significant elements and characteristics of the surrounding houses. The new design enhances the existing house by adding new front steps with a dormer and improving the front elevation with stone accents & new decorative garage door.

By the granting of this variance, there will be no objectionable changes produced in the character of the neighborhood, or a detriment to any nearby properties. While the proposed variance is for a side yard setback for the creation of an owner's suite, there will be minimal windows on this elevation and the existing privacy fence between the properties will be maintained. This addition will screen the neighbor from the owner's courtyard, the location for most of their outdoor activities.

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

Due to the existing house being constructed over the current, required setback and the property line not being parallel to the house, the further you go back, the closer and closer the addition gets to the property line. In addition, the same condition exists on the other side of the house and it would require more internal renovation of the existing structure to put it on that side.

## **TESTS FOR GRANTING AREA VARIANCES (Continued)**

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

The variance requested is not significant given the existing house is set back 9.0ft on the West side now. Required set back is 10ft, we are proposing to reduce the West side setback to 6.9ft. This maintains plenty of space between the adjacent property for access and maintenance.

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 residential addition will not produce any noise, obnoxious odors or contribute in any negative way to the environmental and physical conditions of the neighborhood.

- **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?

As most variances are in fact self-created the requested variance is not significant enough to override the other standards.

# Disclosure Form E

STATE OF NEW YORK  
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

Rubino Residence

(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)

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(Signature of Applicant)

May 12, 2021

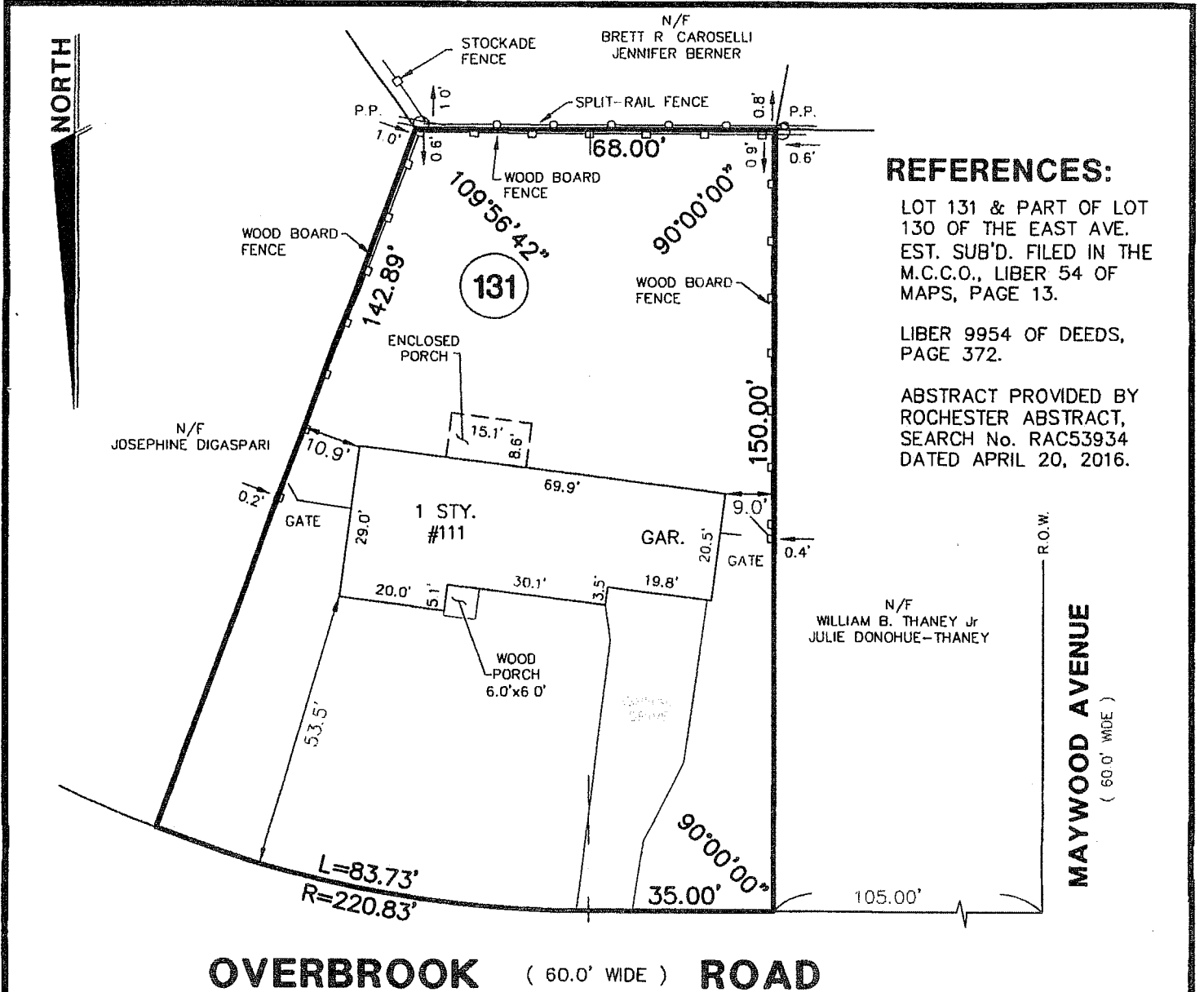
(Dated)

3033 Brighton-Henrietta TL Road

(Street Address)

Rochester, N.Y. 14623

(City/Town, State, Zip Code)



**REFERENCES:**

LOT 131 & PART OF LOT 130 OF THE EAST AVE. EST. SUB'D. FILED IN THE M.C.C.O., LIBER 54 OF MAPS, PAGE 13.

LIBER 9954 OF DEEDS, PAGE 372.

ABSTRACT PROVIDED BY ROCHESTER ABSTRACT, SEARCH No. RAC53934 DATED APRIL 20, 2016.

MAP OF AN INSTRUMENT SURVEY OF:  
**#111 OVERBROOK ROAD**

SITUATE IN:  
TOWN OF PITTSFORD MONROE COUNTY NEW YORK  
DATE: APRIL 26, 2018 SCALE: 1" = 30'

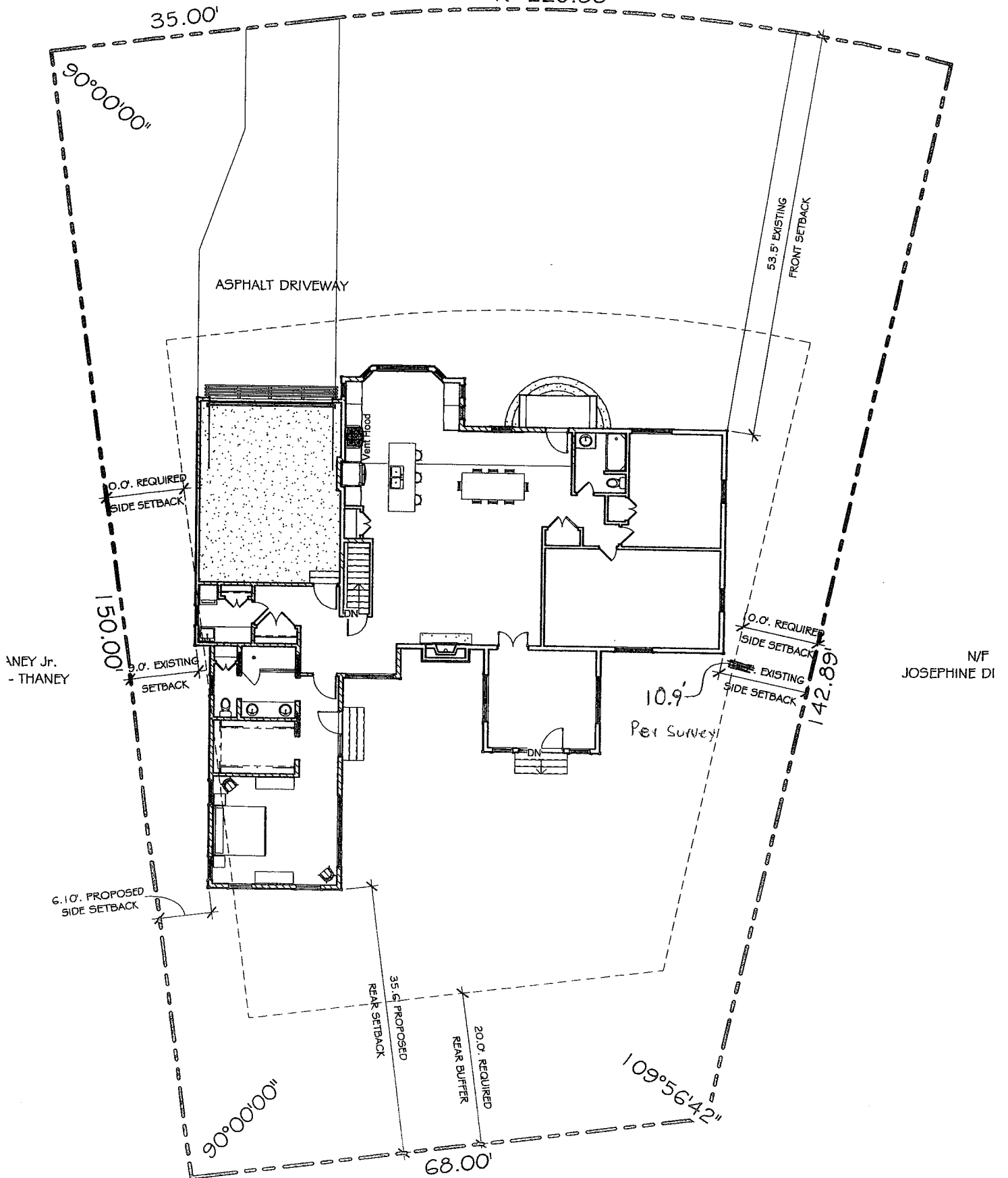
ANY UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF ARTICLE 145, SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.

WE, PARRONE ENGINEERING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON APRIL 25, 2018.

OVERBROOK ROAD  
(60.0' WIDE R.O.W.)

L=83.73'

R=220.83'



ANEY Jr.  
- THANAY

N/F  
JOSEPHINE DI

N/F  
BRETT R. CAROSELLI  
JENNIFER BERNER



**Zoning Board of Appeals  
Referral Form Information**

**Property Address:**  
522 Marsh Road PITTSFORD, NY 14534

**Property Owner:**  
Booth, Nancy  
116 Woodland Rd  
Pittsford, NY 14534

**Applicant or Agent:**  
Booth, Nancy  
116 Woodland Rd  
Pittsford, NY 14534

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

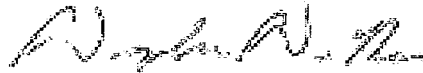
<b>Town Code Requirement is:</b>	<b>Proposed Conditions:</b>	<b>Resulting in the Following Variance:</b>
Right Lot Line: 0	Right Lot Line: 0	Right Lot Line: 0.0
Left Lot Line: 0	Left Lot Line: 0	Left Lot Line: 0.0
Front Setback: Cullens Run 50	Front Setback: 42	Front Setback: 8.0
Front Setback: Marsh Rd 70	Front Setback: 46.7	Front Setback: 23.3
Height: 0	Height: 0	Height: 0.0
Size: 0	Size: 0	Size: 0.0

**Code Section(s):** Tax # 164.16-1-29 Applicant is requesting relief from Town Code(s) §185-17 B (1) for a garage addition on a corner lot encroaching into the front setbacks of Cullens Run and Marsh Road. Property zoned RN – Residential Neighborhood District.

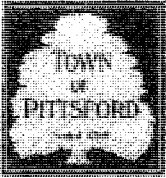
Description: Area variance for addition of 2 car garage

June 11, 2021

Date



Doug DeRue - Director Planning Zoning Development



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

Submission Date: 5/14/2021 Hearing Date: \_\_\_\_\_

Applicant: Nancy A. Booth

Address: 522 Marsh Rd. Pittsford 116 Woodland Rd.

Phone: 585-626-0631 E-Mail: nancy.booth@icloud.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: 522 Marsh Rd. Current Zoning: 1 Family Res

Tax Map Number: 164.16-1-29

Application For:  Residential  Commercial  Other

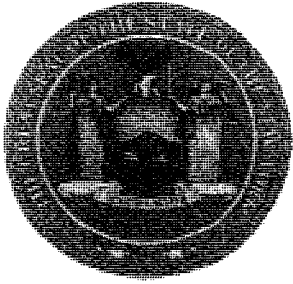
Please describe, in detail, the proposed project:

*Renovation of existing carport into a modern w/ the addition of a two car 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.

Nancy A. Booth  
*(Owner or Applicant Signature)*

5/14/2021  
*(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:

522 is the only house w/ a carport. By adding a garage, cars, kids bikes, etc. can be inside the garage and out of view. Even though there is a carport the front of the property looks "trashy" because there is not adequate outside storage.

By converting the carport to living space (mudroom) the laundry room can be out of the basement, a powder room will be added and additional closets will be built. When the house was built in the 50's 1300 sq ft. might have been enough space, in today's environment it is not. Since I've owned the house I've made gradual improvements - re-landscaping the front garden, a new sidewalk, all new windows, insulation, new siding, new kitchen. As can be seen by the architect's drawings, the look of the house

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

with no driveway and in line with the neighboring houses.

When the house was built the neighborhood was a rural area with a large yard and a driveway. The lot was used for agricultural purposes. The neighborhood was a rural area with a large yard and a driveway. The lot was used for agricultural purposes. The neighborhood was a rural area with a large yard and a driveway. The lot was used for agricultural purposes.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Minimal - The house is on the corner of Mars Rd. and Collins Run, there is ample space.

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 renovation will not have any adverse effects, the land is level, ~~with~~ will not impact anyone or anything. There will be no change to the grade of the land or impact animal habitat. The renovation into the variance will improve the look of the neighborhood tremendously.

- **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, the problem is the septic system being where it is and the house is a corner lot.

# Disclosure Form E

STATE OF NEW YORK  
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

\_\_\_\_\_  
(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

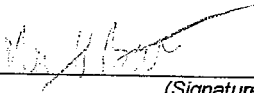
...issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this 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)

None



(Signature of Applicant)



(Dated)

(Street Address)

(City/Town, State, Zip Code)

# REFERENCES

1. FIRST AMERICAN TITLE INSURANCE COMPANY,  
No. 390839, DATED OCTOBER 14, 2014
2. L. 7924 DEEDS, P.277
3. L. 124 MAPS, P.78
4. L. 129 MAPS, P.60

## CULLENS RUN

60' R.O.W.

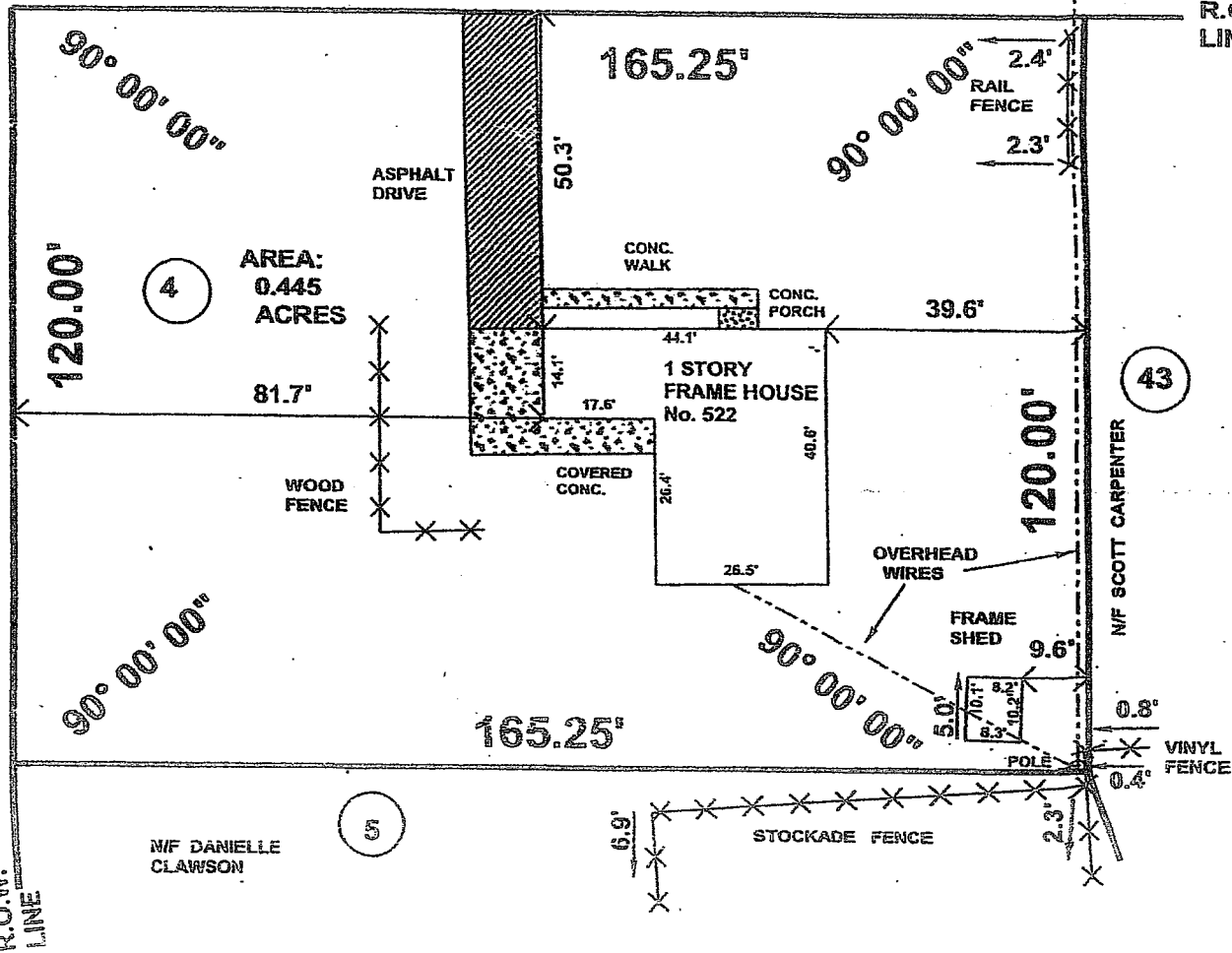
R.O.W. LINE

**MARSH ROAD**

COUNTY ROUTE 38

49.50' R.O.W.

R.O.W. LINE



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

COPIES OF THIS SURVEY MAP MUST BEAR THE LAND SURVEYOR'S WEDGED SEAL OF THE BOARD OF SURVEYORS AND NOT BE CONSIDERED TO BE A VALID TRUE COPY.

"UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP SHALL CONSTITUTE A VIOLATION OF THE NEW YORK STATE EDUCATION LAW."

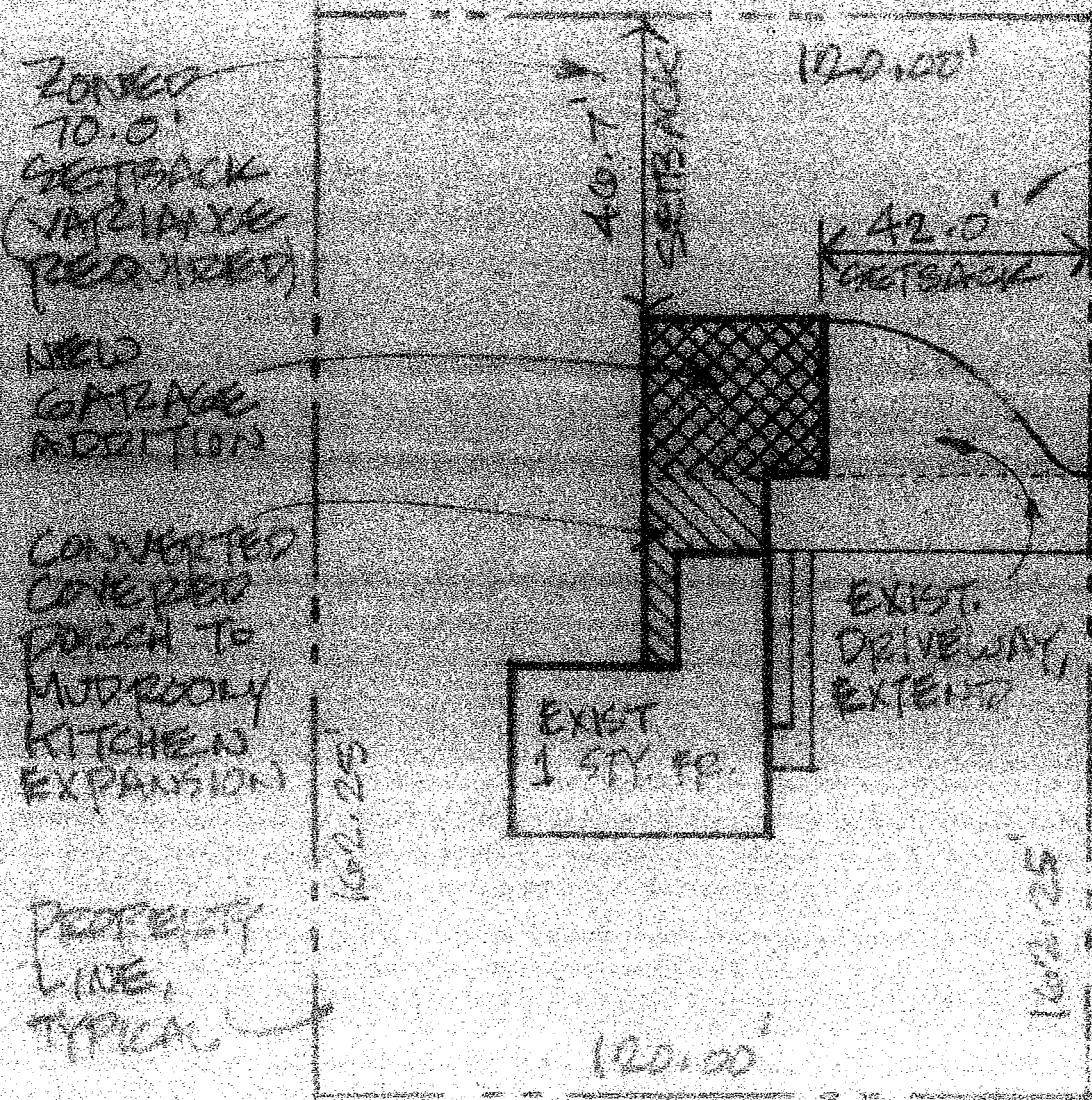
**CERTIFIED TO:**

I HEREBY CERTIFY TO THE PARTIES LISTED HEREON THAT THIS MAP WAS COMPLETED ON OCTOBER 22, 2014 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON OCTOBER 21, 2014 USING THE REFERENCE MATERIALS LISTED.

*Bruce E. Fava*

FOUNDTION OPTIONS

MATZSH ROAD



ZONED TO 0' SETBACK (VARIANCE REQUIRED)

NEW GARAGE ADDITION

COVERED PORCH TO HUD ROOM  
KITCHEN EXPANSION

PERFECT LINE, TYPICAL

ZONED 50' SETBACK (VARIANCE REQUIRED)

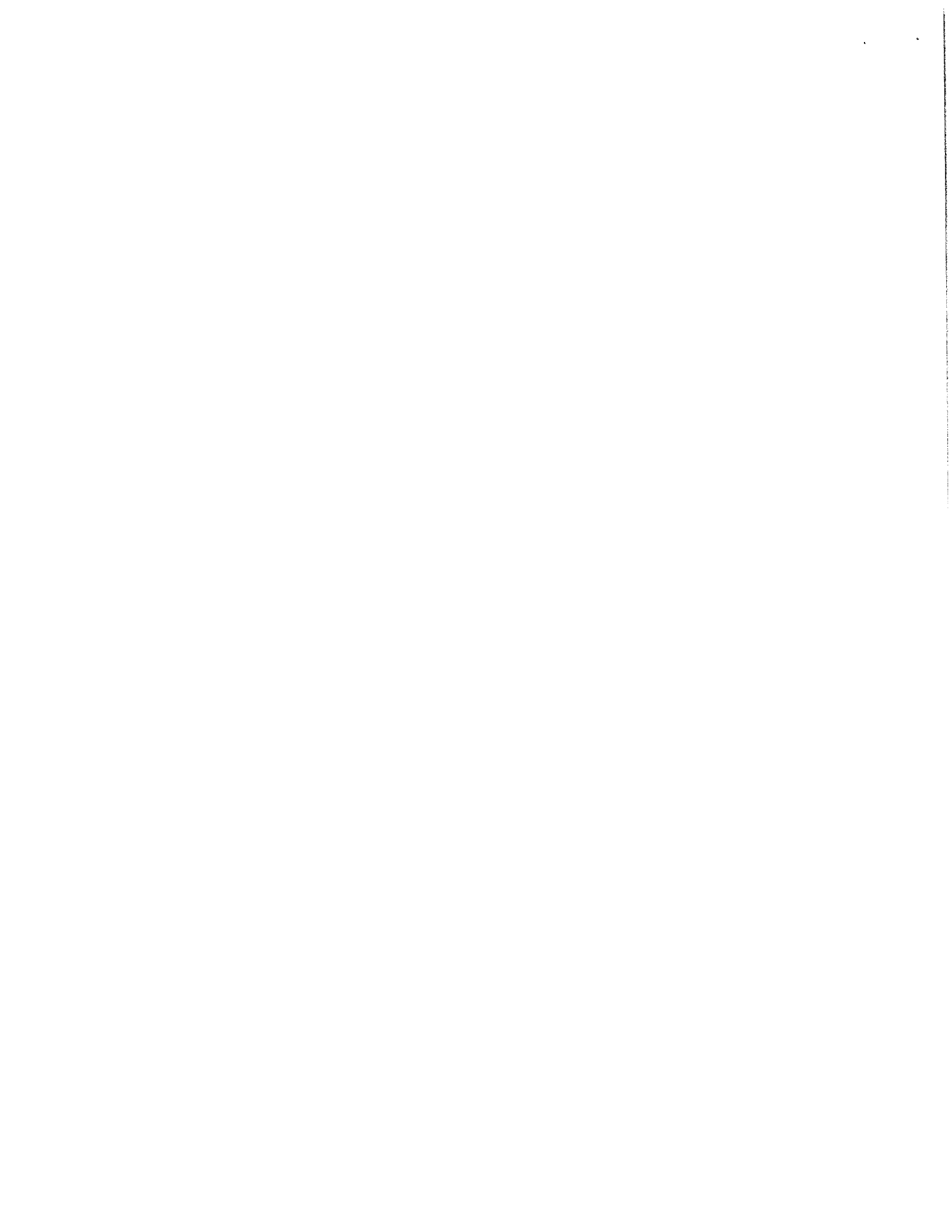
COLLENS ROAD

INFORMATION FOR THIS SITE PLAN TAKEN FROM INSTRUMENT SURVEY MAP PREPARED BY BRUCE E. FRIES, DATED 10-22-14

SITE PLAN

DATE

ACCURACY OF SETBACK





# Zoning Board of Appeals Referral Form Information

**Property Address:**  
18 Golf Avenue PITTSFORD, NY 14534

**Property Owner:**  
Flannery, John B III  
18 Golf Ave  
Pittsford, NY 14534

**Applicant or Agent:**  
Flannery, John B III  
18 Golf Ave  
Pittsford, NY 14534

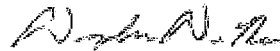
**Present Zoning of Property:** RN Residential Neighborhood  
Area Variance - Residential and Non-Profit

<b>Town Code Requirement is:</b>	<b>Proposed Conditions:</b>	<b>Resulting in the Following Variance:</b>
Right Lot Line: 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: 12	Height: 29	Height: 17
Size: 180	Size: 1440	Size: 1260

**Code Section(s):** Tax # 151.15-2-45.2 Applicant is requesting relief from Town Code(s) §185-113 B. (1); (2); for an oversized, over height accessory structure (garage/barn, proposed to be 1440 square feet and 29 feet in height). Property zoned RN – Residential Neighborhood District.

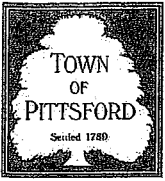
**Description:** Area variance for oversize and over height accessory structure (garage/barn) On a Designated Historic Property

June 11, 2021



Date

Doug DeRue - Director Planning Zoning Development



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

Submission Date: May 14, 2021 Hearing Date: \_\_\_\_\_

Applicant: John & Kristine Flannery

Address: 18 Golf Avenue

Phone: (585) 703-8391 E-Mail: jflannery3@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:

Addition of a Colonial Style Post & Beam Barn to serve as a Garage/Storage/Hobby area. The barn will be 30'x48' and 29' tall. We are looking to place the barn at the back right of the property without infringing on the conservation easement. Currently, there is no garage or storage area, and we don't have a functional basement/attic for storage and hobbies.

**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)*



# 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:

18 Golf Avenue at one time was a 256 acre farm with a barn, 2 greenhouses and several out buildings. The construction of a Colonial Style barn with simple features will add character and charm to this historical property which is currently lacking modern day amenities. The barn will be set back at the end of the driveway towards the right back corner of the exception from the conservation easement. The setting is ~ four feet lower than the driveway, so the barn will not rise above the main home. It will not infringe on the easement.

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

Garage. We currently have no place to store our cars, scooters, bikes, lawn equipment and other accessories. We also lack storage space inside our home as it was built in 1848 with little to no closets and storage. The basement is not an appropriate place for a workshop and hobbies. Without these modern day amenities we will be forced to move.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Because of the location, we find this variance to be minimal. There currently exist the footprints of the two former greenhouses and two sheds (one damaged beyond repair). We will be removing the existing footprint of the large greenhouse and the remnants of the two storage sheds.

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 barn will be built in an area that is already devoid of large trees. The barn will return the historical perspective the home once had. There are already barns on Golf Avenue and throughout Pittsford.

- **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

18 Golf Ave Barn

(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.

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Name(s)

Address(es)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



(Signature of Applicant)

May 14, 2021

(Dated)

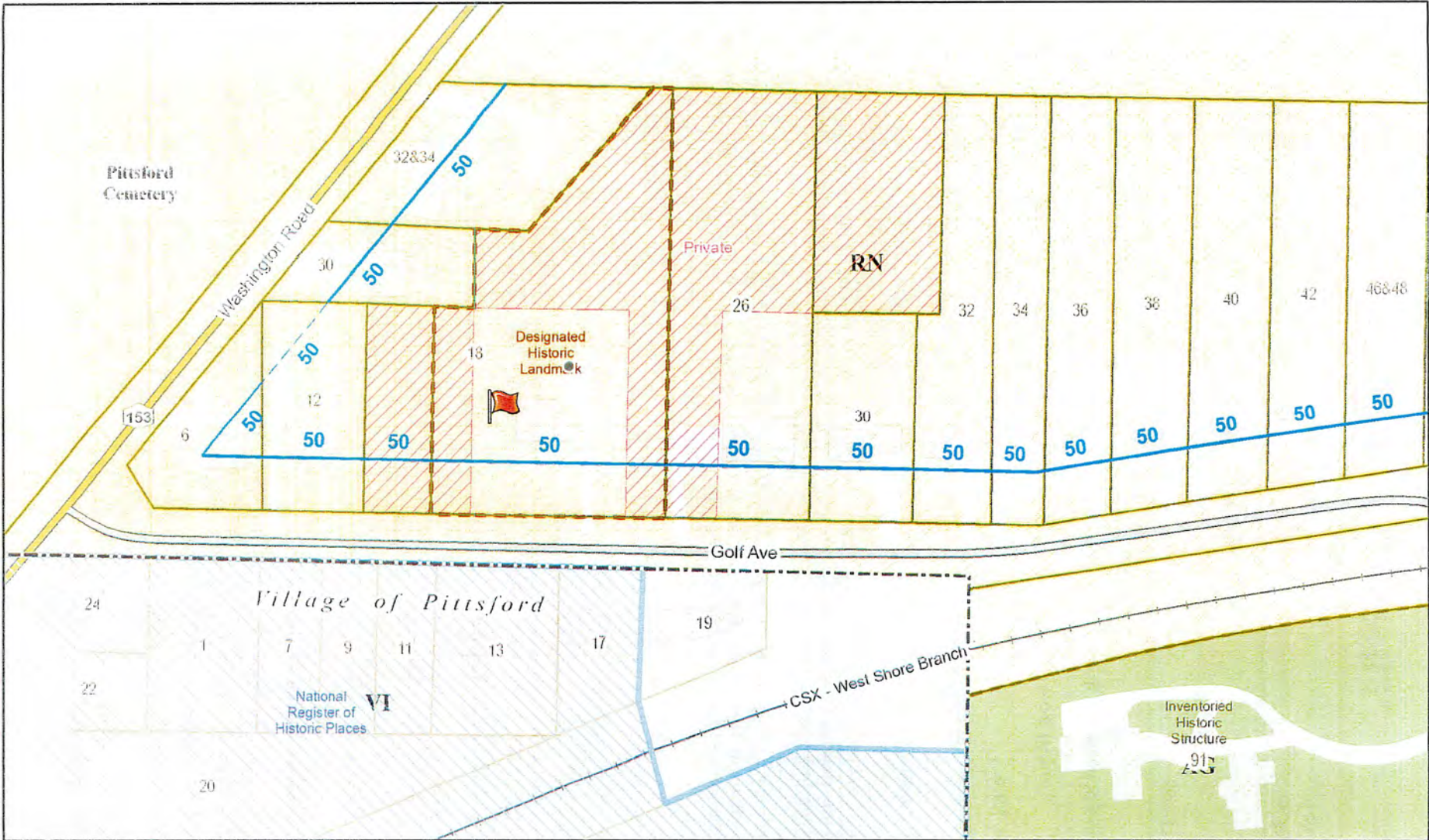
18 Golf Avenue

(Street Address)

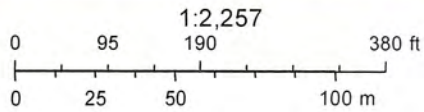
Pittsford, NY 14534

(City/Town, State, Zip Code)

# RN Residential Neighborhood Zoning



Printed August 5, 2020



Town of Pittsford GIS

The information depicted on this map is representational and should be used for general reference purposes only. No warranties, expressed or implied, are provided for the data or its use or interpretation.



South Elevation - at end of driveway



Google



GENERAL NOTES:  
TIMBER SPECIFICATIONS- RAFTERS, PLATE  
BEAMS HEM/FIR #2  
Fb = 750 PSI  
HORIZ SHEAR = 80 PSI  
FC = 550 PSI  
COMPRESSION PARALLEL TO GRAIN = 550 PSI  
MODULUS OF ELASTICITY = 900,000 PSI  
GROUND SNOW LOAD = 50 PSF  
CONCRETE Fc = 3000 PSI

TRANSMITTAL:  
6/1/21  
TO JIM FOR REVIEW & CUSTOMER APPROVAL



**PROJECT**  
John & Kristine Flannery  
18 Golf Ave  
Pittsford, NY

NOTES:  
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UNDERLYING DESIGN CANNOT  
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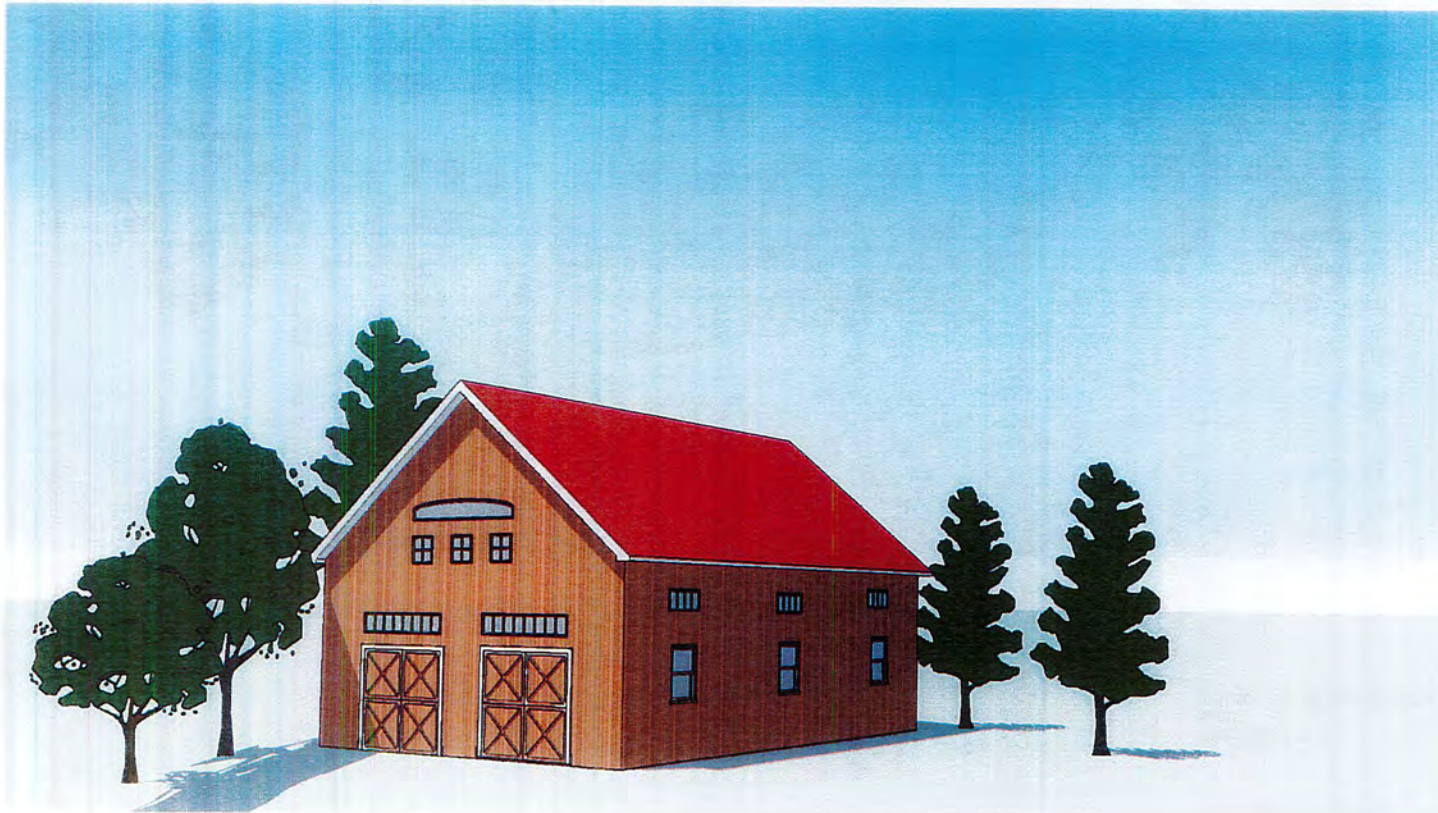
**DRAWN BY**  
PGP

**SCALE**  
1/4" = 1'-0"  
or as noted  
in plans

**ISSUE:**  
6/1/21

**COVER**

1



GENERAL NOTES:  
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GROUND SNOW LOAD = 50 PSF  
CONCRETE Fc = 3000 PSI

TRANSMITTAL:  
6/1/21  
TO JIM FOR REVIEW & CUSTOMER APPROVAL



**Harvest Moon**  
TIMBER FRAME  
198 EAST STREET  
MORRIS, CT 06763

**PROJECT**  
John & Kristine Flannery  
18 Golf Ave  
Pittsford, NY

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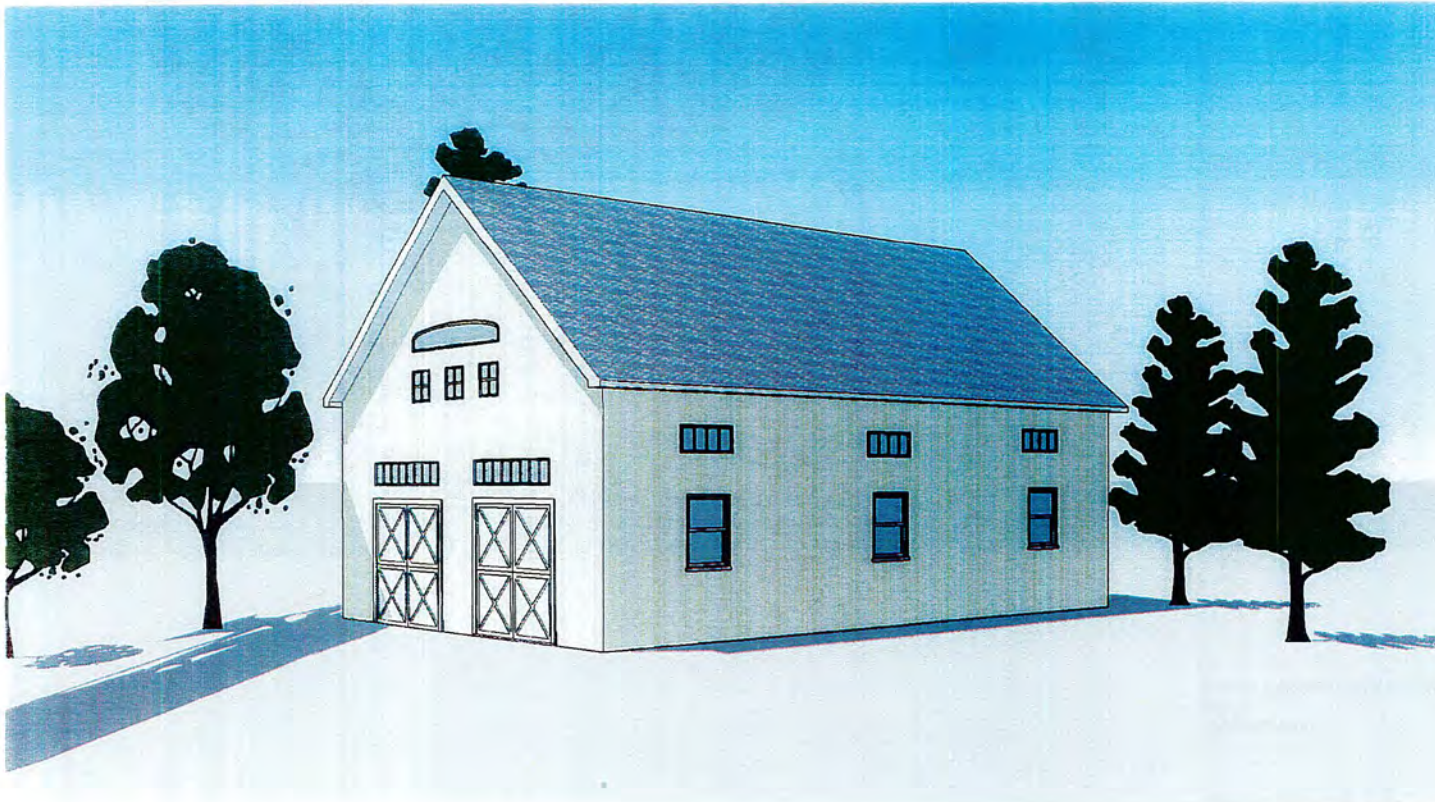
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PGP

**SCALE**  
1/4"=1'-0"  
or as noted  
in plans

**ISSUE**  
6/1/21

**COVER**

1





**Harvest Moon**  
TIMBER FRAME

198 EAST STREET  
MORRIS, CT 06763

**PROJECT**  
John & Kristine Flannery  
18 Golf Ave  
Pittsford, NY

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**REVISIONS:**

**DESCRIPTION**  
Sheet Description  
**DRAWN BY**  
PGP

**SCALE**  
1/4" = 1'-0"  
or as noted  
in plans

**ISSUE**  
6/1/21

**ELEVATIONS**

