

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

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He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

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3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
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He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. 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He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
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Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

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Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

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He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

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2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

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He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

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Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

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the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

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Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

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2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

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2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

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**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

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the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

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Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

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3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

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Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

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**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

Mr. Young feels that this is a dramatic change from the last application that was before the Board. He is prepared to go forward.

Mr. Arcarese states that the applicant has made significant modifications to her original request and has made all the changes that she can. He is prepared to go forward.

Mr. Moose states that he reviewed the meeting minutes from 2013 and the applicant has taken significant steps to mitigate the impact of the structure. The row of arborvitae exists and the modifications are drastically reduced. He commends the applicant for taking these steps.

Ms. Sartori supports the request and feels that the modifications that the applicant has proposed are appropriate.

Ms. Ezell commends the applicant for planting the row of arborvitae as she was not required to do so. The new proposal is considerably less of a request than what was asked for in 2013. They are asking for 5' relief instead of 12' relief.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED has no concerns regarding this application. If the Board does approve it a building permit should be issued within one year.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that the Board put the minutes pertaining to this property from 2013 into this record as Lori Stid has sent a copy of them out to the Board members with this application.

Mr. Young states that the filed minutes pertaining to this property from 9/23/13 and 10/28/13 are a part of the record for this application.

Mr. Young asked for questions or comments from the audience.

Marina Sheroshek, 54 East Pointe states that she and her husband Frank own the property right behind Mrs. Cunniffe's property. The two homes are very close in proximity. She expresses concern that the resale property value of her home will be negatively impacted because of this addition. She states that there is a significant grade change between the two properties and their home is at a higher elevation than Mrs. Cunniffe's home. They already have a 6' fence in place, but it is close proximity when they are out on their deck and looking out through their screened doors. She states that the townhomes were already there when she purchased this property and she is the original owner of her property. She states that the builder was concerned about the close proximity of the townhomes to her property and helped to fund the installation of the fence that exists.

Frank Sheroshek, 54 East Pointe posted 8 pictures on the bulletin board. He states that he is opposed to the variance request for the proposed porch enclosure. He feels that the request is substantial and represents a 25% reduction to the setback that has been a standard for a generation. The 20' setback has been the balance between these two properties. Any variance granted tips the balance to being undesirable, unfavorable, and detrimental to his property. Mrs. Cunniffe's lot is a corner lot and is the most tightly spaced and strained location in the subdivision. It doesn't lend itself to putting up additional structure on the site. Mrs. Cunniffe's townhome is a large structure that already creates an imposing presence and extends along a very significant portion of his property. The proposed porch addition would be in a direct line of sight to one of the most frequently utilized spaces on his property and is detrimental as it is intrusive and invasive. The elevation that was submitted does not show any architectural details, lengths, widths, height off the ground, and where it will meet the roof line. With the direct line of sight encroaching upon their living space, in a corner lot location and the variance request that is very tight create a perfect storm of incompatibility with their living space. He appreciates the efforts that have been made, but the proposal doesn't lend itself to the site. Mr. Sheroshek states that no one from the Board has gone to his property to view this proposal from his vantage point. Mr. Young states that he walked around the neighborhood. Mr. Sheroshek states that no one knocked on his door. He reviewed the pictures that he posted on the bulletin board. He states that the aerial view shows that Mrs. Cunniffe's home doesn't parallel the property line and is on an angle and when viewed from the ground it makes it look and feel a lot closer. He states that the view of the entire subdivision shows that three of the townhomes shows significant trees and shrubbery that act as a significant buffer that doesn't exist in this location. There is a fence and recently planted arborvitae here. He reviewed a photo that he states shows where they exit from kitchen and dining room out onto their deck that is a direct line of sight view. The kitchen, dining room and deck are the most frequently utilized living space on their property and this will infringe upon that. He states that the corner of Mrs. Cunniffe's home is 21' away from their property line but looks and feels a lot closer because of the angle. When he is on his deck, which is 2 ½ feet off the ground he is looking down on Mrs. Cunniffe's backyard. It feels as though her backyard is in his face. It is imposing already and to have the structure be closer is threatening, invasive and intrusive. He states that the view from 2<sup>nd</sup> floor bedroom shows a direct line of sight into Mrs. Cunniffe's backyard. He appreciates that the arborvitae has been planted, however he feels it will take 6 – 10 years to provide sufficient buffering, which is not acceptable. He feels that the variance request is substantial as it is a 25% reduction of the code standard. If granted, it will be an undesirable and detrimental change. He states that 15' is not practical for this location and while it may be a standard for Residential B it doesn't fit here, which is why the 20' setback was indicated on the subdivision map. A porch needs a bigger yard and it won't look right in this location. It is too close to his property and will negatively impact his privacy. To angle the building will make it seem a lot closer. It will encroach upon their living space and negatively affect their quality of life. It will affect their property value. It will also affect the number of prospective buyers for their property if they choose to sell it. Guests that he has had in his home have commented how uncomfortable they feel with the close proximity of the two homes as they exist today. He feels as though he is on public display. If they have to sell the property it will be a significant emotional burden and financial burden. He asks if the Board members, the applicant or the contractor will contribute to the financial burden that will be placed on him. He feels that there will be a negative impact to the environment as the water will pool in the low lying areas. This project will impact three different neighbors from an environmental standpoint. There is no room to put up a structure in this particular location. He states that the applicant stated at the previous meeting that she has had knee surgery and has arthritis and stepping down onto the concrete pad is difficult for her. He feels that she can achieve the benefit by putting up a better set of steps, a ramp or a deck that is low profile enough that his home is not detrimentally impacted. He feels that the applicant could put up a retractable awning such that during the times of non-use it could be retracted back so that it doesn't impose upon his property. He feels the variance is self created as Mrs. Cunniffe just purchased the property in 2013 and should have been aware of the property constraints. He states that Mrs. Cunniffe was before the Board in 2013 for a similar request that this Board did not approve. He feels that she should have looked at purchasing a different property or asked the neighbors their thoughts on the request. The hardship that will be created for he and his family outweighs any benefit that will be created for Mrs. Cunniffe. He states that the reason that the 20' setback was originally put in place was to create a fair and equitable balance between neighbors. He states that the builder who put up his home is the same builder who put up her home and he was aware of the 20' setback. He states that the builder acknowledged to his wife before she purchased the property that he was uncomfortable with the 20' setback and wanted to do things differently. The 20' is already not appropriate and anything less than that aggravates the situation. Form a practical, moral, and ethical standpoint it doesn't make sense to grant the variance. He asks the Board to respect the 20' setback that has been in place for nearly a generation. The reasonability test doesn't support granting the variance. He asks the Board to reject the variance request.

Mr. Place asks Mr. Sheroshek to submit the pictures he posted on the bulletin board to the Clerk so that they can be put into the record now. Mr. Sheroshek states that his name was spelled incorrectly in the record at the last meeting and that was very disrespectful. Mr. Place states that if he doesn't want to put the pictures into the record that is up to him. Mr. Place states that if ultimately someone brings an action they are going to look at the record, if he doesn't want them in the record he doesn't have to. Mr. Sheroshek states that the Town can make a copy. Mr. Place states no; that he brought them into the meeting and posted them on the bulletin board and if he wants them to be in

the record he needs to submit them to the Clerk tonight as part of the record. If he doesn't want them in the record then he can take them back. Mr. Sheroshek leaves them on the bulletin board but does not put them into the record.

Mary Lee, 26 East Pointe submits a letter into the record dated 2/23/15 supporting the variance request. She states that Mrs. Cunniffe has made many improvements to her property and her yard is professionally landscaped and as a result has enhanced the neighborhood. She states that Mrs. Cunniffe's desire to erect a screened porch which has been designed and will be installed by a professional will not detract from the appearance of her property or the value of neighboring homes. She states that Mrs. Cunniffe takes pride in her home and would not do anything to devalue her property. She states that Mrs. Cunniffe wishes to be able to enjoy her outdoor space and be protected from weather and insects. Ms. Lee recommends that the variance request be granted.

Dawn Lorenzo, 38 East Pointe states that she lives adjacent to Mrs. Cunniffe's home. She states that all she sees from her home is the Sheroshek's fence. She states that she feels that the arborvitae will grow fast. She states that she doesn't think that building a little porch is harmful. She states that the townhomes are nice little homes. She states that Mrs. Cunniffe changed the proposed plans significantly in the hopes that the Sheroshek's would not be opposed to it. She encourages the Board to support the variance request.

Ms. Lorenzo reads aloud from a letter that she submits into the record dated 2/23/15 from Joanne Rogowicke, 36 East Point that says that she supports the variance requested.

There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of February 23, 2015**

**Zoning Board Members present**

Thomas Young, Chairman  
Vincent Arcarese  
John N. Moose  
Seana Sartori  
Robin Ward Ezell

**Absent**

Sam Space  
Melissa L. Barrett

**Town Officials present**

Robert Place, Town Attorney  
John Beck, Zoning Officer  
Lori Stid, Zoning Board Clerk

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures.

Mr. Young states that the Conservation Board and the Planning Board have no comments on these agenda items.

**CARRYOVER APPLICATION(S):**

1. Patio Enclosures, as agent for Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281.

Said property being located in a Residential B District.

**(This application has been carried over from 1/26/15)**

Phil Hart, President, Patio Enclosures, Inc presented the application to the Board. He posted a copy of survey and elevations that were submitted as part of the application on the bulletin board.

He states that the previous submission in 2013 was a gable designed room that extended about twice the distance that they are asking for relief now. They modified the project significantly to seek less relief. Mrs. Cunniffe has already planted a row of arborvitae to help to screen the backyard. They moved the addition from the corner of the house to the edge of the sliding glass door to reduce the amount of relief required. They angled the front wall to parallel the rear property line instead of being squared off to it. They changed the roof from a gable design to a single slope style to reduce the height of the structure. They are requesting 5' relief. The addition is less into the setback than the existing concrete pad that is used with a table, umbrella and chairs. They have reduced the volume of the room significantly that is more accommodating to the neighborhood while still allowing Mrs. Cunniffe some useable recreational space out of the elements and insects. The use of the area will be brought in closer to her home than what exists today.

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There were no further questions or comments from the audience. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed screen porch to set 15 feet from the rear property line instead of 20 feet per the approved subdivision map under Town Law Section 281, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build using the style of the proposal that was submitted as part of the application in that the height will come off of the first floor of the structure. It is acknowledged that the picture submitted is a model.
3. Applicant to build in accordance with the footprint that is on the plans submitted.
4. The roof of the porch to be a dark roof to try to match the existing home.

The minutes from this request from 9/23/13 and 10/28/13 are a part of this record. The proposal that the applicant has submitted is very different than the proposal that was before this Board in 2013 that was not approved by the Board. This is a dramatic decrease in relief requested from 12' to 5'.

In 2013 the request was for a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. 15' is the standard setback for rear property line in Residential B Zoning. This proposal does not exceed what the norm is for Residential B District. The applicant has already planted arborvitae back in 2013 as a part of the request process. There is significant screening in place. The architecture has been changed dramatically from being a high gabled roof to being a shed roof that is going to come off the roof line of the first floor structure. The effect of this will be extending the roof line when you are looking down on it. It is going to encompass approximately 2/3 of the concrete pad that is already there. The proposal will enclose a portion of the existing concrete pad. There is a significant reduction in the scope and the scale of the enclosure in comparison with the proposal before the Board in 2013.

Granting this variance is not detrimental to the health, safety & general welfare of the community. Granting the variance will not produce an undesirable change in neighborhood character or to nearby properties. Granting the variance will not be a detriment to nearby properties. It is a very modest request. The proposal has been scaled back significantly. The benefit that the applicant is seeking cannot be achieved by building a deck or by having a retractable awning as that doesn't help to keep the elements or the insects out. The benefit that the applicant is trying to achieve by enclosing some portion of her concrete patio cannot be achieved in any other manner. The scope of the project has been reduced significantly from the request back in 2013. The request is not substantial. The request will not have a significant adverse effect on the physical or environmental conditions of the neighborhood. The difficulty is self created in that the applicant is trying to enclose some portion of her existing patio, but given the significant downsizing of this proposal compared to the proposal in 2013 there is no other way to achieve the benefit being sought.

Ms. Ezell seconds the motion.

Motion carries 5 – 0

Mr. Young noted that Mr. Sheroshek removed the 8 photos he posted on the bulletin board and left the meeting with the photos having not submitted them into the record.

**NEW APPLICATION(S):**

1. John Denniston, as contract vendee for property owned by Mark Moulton and located at 6 Plum Blossom Lane, Macedon, NY 14502, requesting the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf.

Said property being located in an RT 2-5 District.

Mr. Denniston submits into the record a marked up survey map, and two photos. He states that he has a purchase offer on this property and a contingency is being able to build a second garage. The property currently has a two car garage. He has a number of items to store. He knows that there have been questions as to where the garage is proposed to be situated. The survey map that he submitted into the record, he drew in the dimension of the proposed garage showing a 50' setback line to scale. It should be at least 50' away from the boundary. It is the northwest boundary and he doesn't want to impose on them. He would like to put this behind the house and to the right of the driveway, but he would have to do a lot of excavating to do that. The 1st photo shows the grade change. The 2<sup>nd</sup> photo shows what he wants to do. He is proposing a pole barn structure with a loft style. The picture is not the exact style. He wants to have a loft above, a window in the center and two doors and on the right hand side a patio the length of the pole barn. He plans to side it with vinyl siding to match the home and use black asphalt shingles and not a metal roof. He will have gutters going underground.

Mr. Young states that the 2<sup>nd</sup> photo submitted tonight shows a porch on both sides. The applicant states that is not exactly what he is proposing. He wants the porch only on the right side. He inquires if he has spoken to the neighbor at Lot 5. The applicant states no. Mr. Moulton states that he has spoken to the HOA members about this request.

Ms. Sartori states that if this is allowed will he store equipment outside, and the applicant states no, perhaps a picnic table outside. The side shed would be to put a camper underneath it to keep it from being outside.

Ms. Ezell had questions as to location of proposed garage. The applicant refers to the survey map he just submitted into the record. Ms. Ezell had concerns about what the neighbors at Lot 5 would be looking at. There was a question as to the placement of the homes on the other homes on the cul-de-sac. Ms. Ezell wonders if the garage can be out of the line of sight of the front of the house. The applicant states that the neighbors' garage is on that side and their home faces the cul-de-sac and the Moulton home is on an angle.

Mr. Young asked for questions or comments from CED.

Mr. Beck states that DPW issued comments as follows:

**It is difficult to tell from the application, precisely where the structure is to be located but it appears that it will be positioned in front of the neighboring house to the north. Given the proposed size of the structure we suggest that the applicant consider a location closer to or behind his own residence. The applicant should also indicate how roof runoff, from this structure to be handled.**

Mr. Beck states that CED issued comments as follows:

- 1. This property is located on a five acre parcel; it appears that the proposed garage will not have a negative visual impact to the surrounding properties.**
- 2. The proposed garage should be located at the end of the existing driveway.**
- 3. The proposed garage should meet the side back requirement (30 feet).**
- 4. A building permit to be issued within one year.**

Mr. Beck states that the applicant has addressed the concerns by submitting the marked up survey into the record tonight. He asks the applicant if the gutters will be downspouted. The applicant states yes and will go out to the backyard.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place and Ms. Ezell discussed placement of the proposed garage. Mr. Young states that the applicant is proposing to be at least 50' back from the side lot line. The applicant states that he is not looking to infringe on the neighbors. Their home is at a higher elevation and will be difficult to do something that they can't see at all. There was discussion that it appears that the proposed new garage will be at the side of the neighbors' house and not the front of the neighbors' house.

Mr. Arcarese made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

Section 208-37B(1), to allow a 2<sup>nd</sup> garage on the property instead of one garage per property, and Section 208-14R(1), to allow said 2<sup>nd</sup> garage to be 1296 sf instead of 600 sf, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. The garage shall meet a 50' side setback as shown on survey map provide to the Board tonight.
3. The garage shall be built with one porch. (right side) as described this evening.
4. The garage shall have vinyl siding to match the home and black asphalt shingles.

There was discussion on if he had to meet a 30' side setback or a 50' side setback and it was determined that the Board is asking for 50'

This is a five acre parcel of land with a long private driveway. The applicant has indicated that he will have no outside storage of equipment. The benefit cannot be achieved by any other means feasible to the applicant. Because of the way the lot is situated and how large it is, there will not be an undesirable change in neighborhood character or to nearby properties. It is a substantial request, but is mitigated because of the large lot size. The request will not have any adverse physical or environmental effects on this property or surrounding properties. The difficulty is self-created, but because of the size of the lot it won't be an issue. Applicant will meet a 50' side setback.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

**Discussion:**

**Minutes 1/26/15**

Mr. Young made a motion to approve the minutes of 1/26/15.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lori L. Stid, Clerk