

TOWN OF ROCHESTER, ULSTER COUNTY, NEW YORK
APPLICATION TO ZONING BOARD OF APPEALS

FOR

ZONING VARIANCE: Area (✓) Use () Interpretation ()
Appeal of Determination of Code Enforcement Officer ()

16-03A
APPLICATION #:
DATE FILED: 9/12/16
FEE PAID: \$ 150-
CH#226

- 1) Name Antony Crook & Marina Cashdan
Address 15 Granite Road
Accord, NY 12404
Telephone () Cell () E-mail ()
- 2) Site Location: Public Road Granite Road
Tax Map Section 77.9 Block 1 Lot 32
- 3) Acreage of property +/- 0.936 acre(s) Zoning District _____
- 4) Existing Use Privacy fence - 4' high
- 5) Proposed Use Privacy fence - 6' high to be built in existing location plus gates on either end.
- 6) Reason(s) for Appeal (use separate sheet if necessary) (USE IF APPEALING CEO)
With current height of fence, car lights can be seen from inside bedrooms that run alongside that end of the house. We would also like this height to reduce environmental noise from street.
- 7) Explain Informal Interpretation requested (USE IF REQUESTING INTERPRETATION)

8) FOR USE/AREA VARIANCE:
(FOR USE VARIANCE) On a separate sheet explain how the strict application of the Zoning Law would produce unnecessary hardship.
(FOR AREA VARIANCE) On a separate sheet explain how the strict application of the Zoning law would produce practical difficulties to achieve goal. (Must relate to property, not personal problems)

9) The hardship is unique to this property in this District because The restriction is 4' high and we would like a 6'-high fence

10) The Variance/ Interpretation/ Appeal would observe the spirit of the Town of Rochester Land Use and Control Law and would not change the character of the District because The fence will be consistent with the property directly opposite us; it will replace and improve the existing fence.

11) Has a previous appeal been requested with respect to this project? no
If yes, when? _____

12) Deponent, being duly sworn, states that he/she is the owner or authorized agent of the owner for the foregoing variance or appeal requested, and that he/she is duly authorized to submit such application and that all work will be performed in accordance with all applicable State, County and Local Ordinances.

Sworn by me this 31st day of August, 2016

Signature of Applicant or Property Owner if other than Applicant
A. Man

Witnessed by _____

8-31-16
Date

NOTE:
SUBMIT A MAP TO SCALE OF THE SITE WITH THIS APPLICATION
Map should show buildings, setbacks from property lines, any proposed changes pertaining to this application and adjoining property owners.
* Type of appeal: "USE" VARIANCE is a change of use, "AREA" VARIANCE appeals land restrictions (setbacks, acreage requirements, etc)

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>New fence for 15 Granite Rd.</i>			
Project Location (describe, and attach a location map): <i>15 Granite Road</i>			
Brief Description of Proposed Action: <i>A privacy fence 6'-high to be built in same location as existing fence, with addition of gates at either end of fence (diagram on map attached)</i>			
Name of Applicant or Sponsor: <i>Antony Crook & Marina Cashdan</i>		Telephone: XXXXXXXXXX	
Address: <i>15 Granite Road</i>		E-Mail: XXXXXXXXXX	
City/PO: <i>Accord</i>		State: <i>NY</i>	Zip Code: <i>12404</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres	<i>368'</i>
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>no water required</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>no utilities required</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

**ANTONY CROOK
MARINA CASHDAN
15 GRANITE ROAD ACCORD**

Variance application

Our application relates to the property fence at 15 Granite Road, Accord, New York, 12404.

We are intending to replace the existing fence that runs along the Granite Road side of the property. The fence will occupy the same position as the existing fence.

The fence will be approximately 260 feet long with two 12-foot gates, one at either end. The new fence will be 24 feet from the middle of the road (see attached drawings).

The existing fence is 4 feet high. The reason for our application is we'd like to increase the height by 2 feet to create a 6-foot-high fence.

There reasons for this change are listed below:

Safety

We have a child and are hoping to have more children. We also have lots of visitors to the house with children. We use the yard a lot, and there may be times that the children are unattended in the garden. We feel that a 4-foot fence could easily be climbed making the road accessible and a potential hazard.

We feel that a 6-foot fence would offer a much greater protection from this happening and provide better safety for the children.

Privacy

Vehicle lights from the road shine into the building at night (see attached photography).

Our bedrooms are on the road side of the house. We think that an extra 2 feet will eliminate a lot of this light and provide better privacy to the house.

The building originally had very large windows that ran along each side of the building. We are hoping to reinstate these at some point in the future, so the car lights will become more of an issue when this happens.

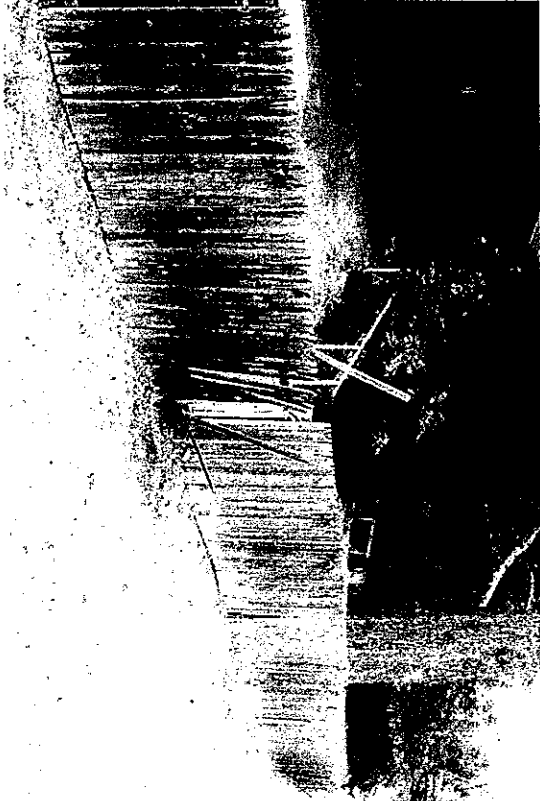
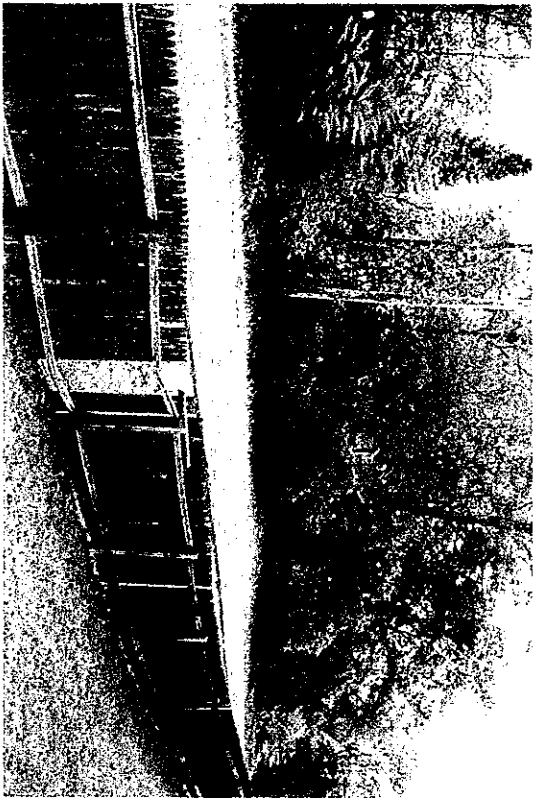
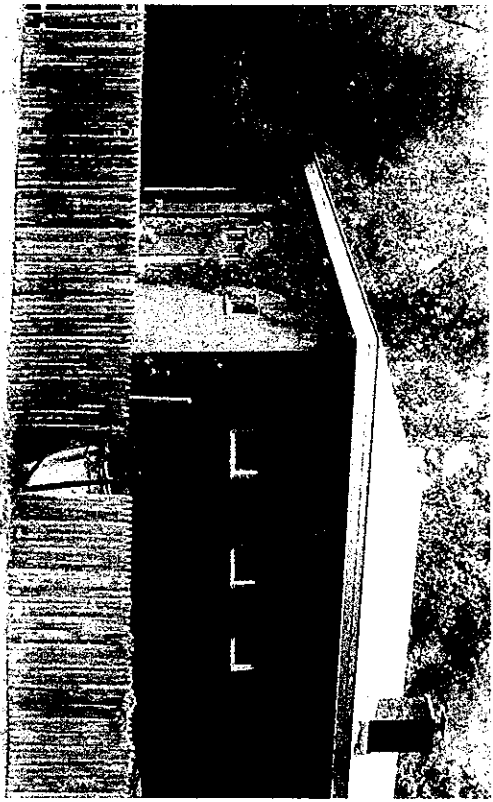
Environmental Noise

We feel that an extra two feet to the fence would reduce noise from the road, especially as Granite Road is a fairly busy road and main throughway to Main Street.

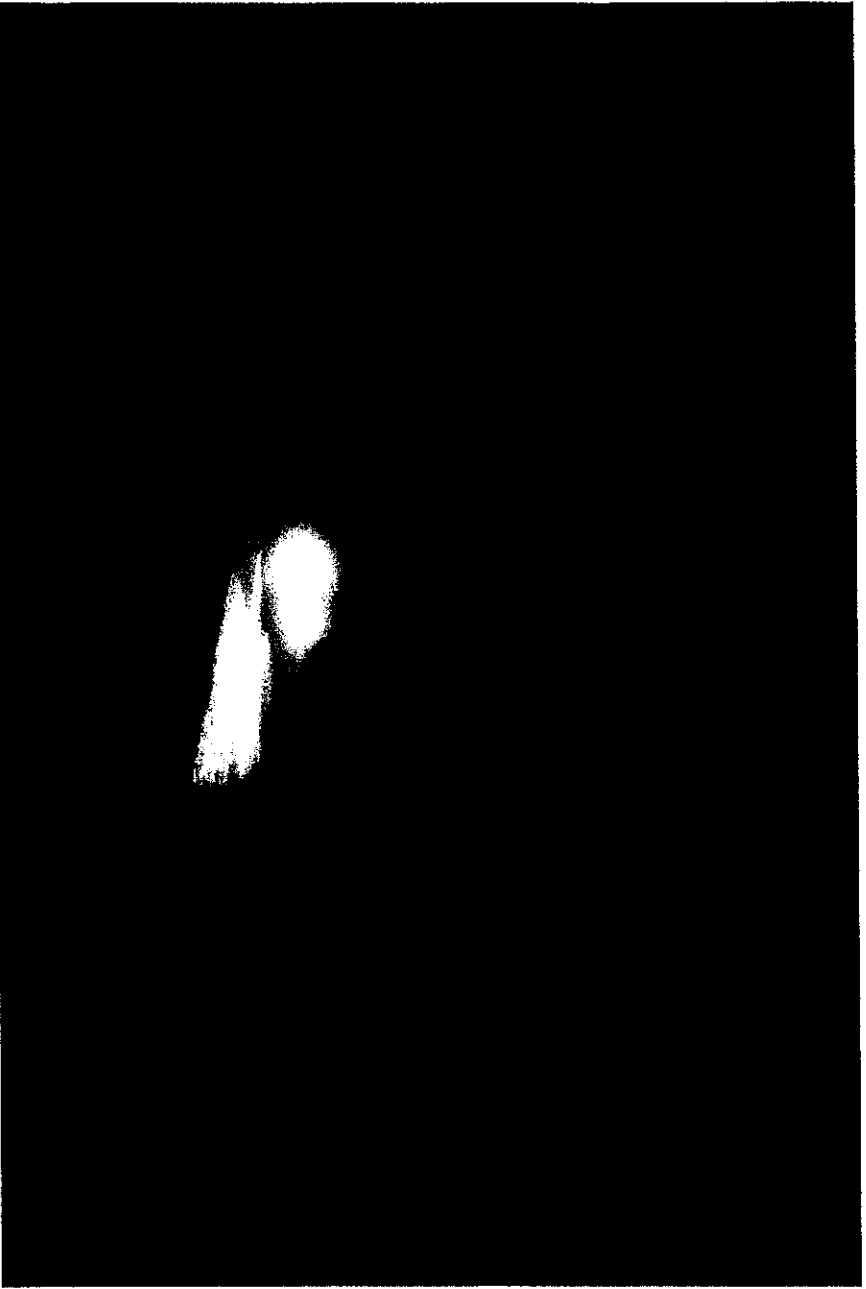
Before we decided to make this application, we have looked at options that may offer the similar protection to a 6 foot fence; including planting trees and bushes.

We have found that there are large rocks in the ground that run along the side of the property, We have been advised that it would be very costly/ impossible to remove them, so this rules out that option for us.

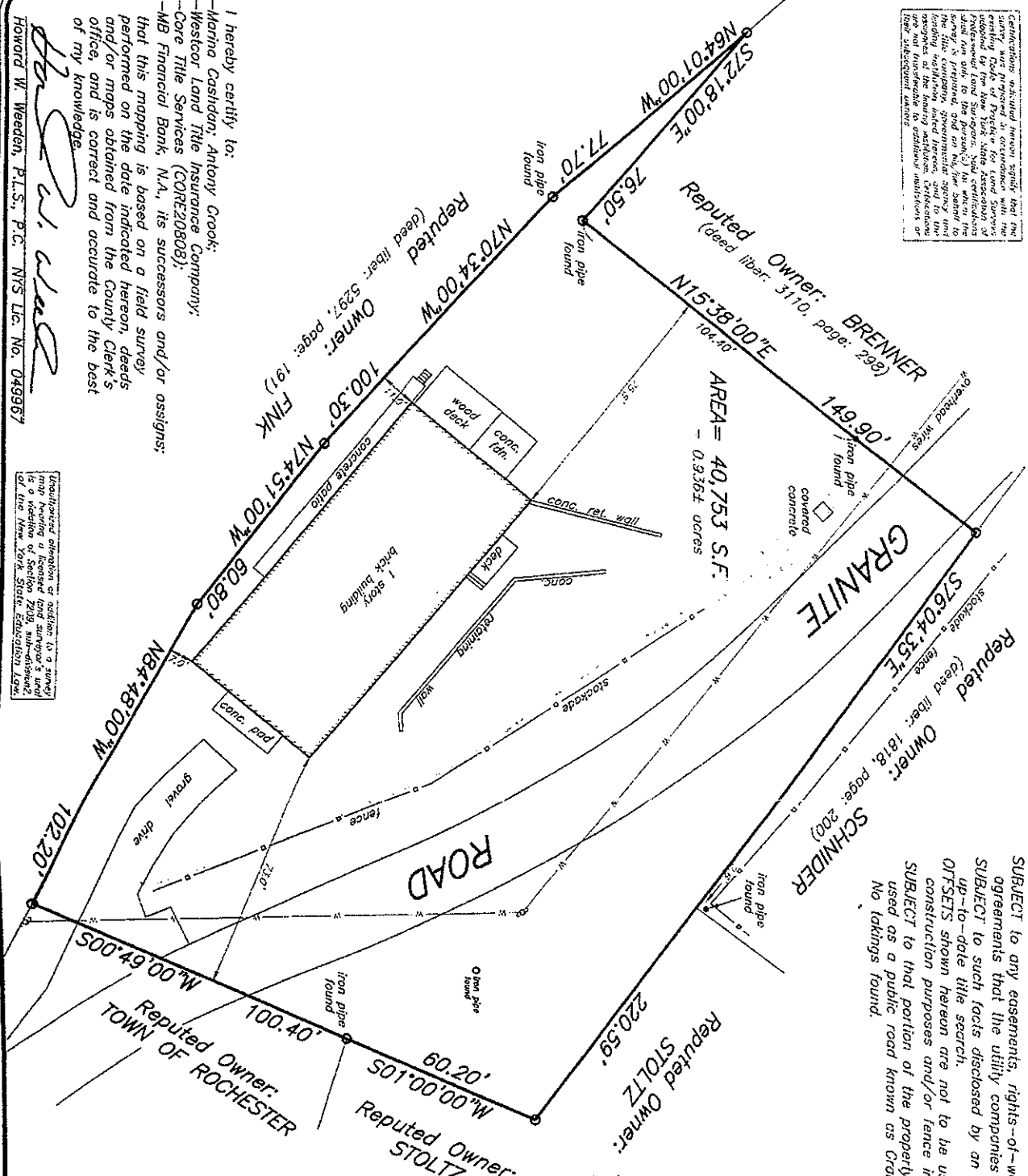
Existing Fence



View of the road from the house at night



Certification required in order that the survey was prepared in accordance with the provisions of the Real Property Law of the State of New York, and that the survey was conducted in accordance with the provisions of the Real Property Law of the State of New York, and that the survey was conducted in accordance with the provisions of the Real Property Law of the State of New York.



NOTES:

SUBJECT to any easements, rights-of-ways, and/or agreements that the utility companies may have, SUBJECT to such facts disclosed by an accurate, up-to-date title search, OFFSETS shown hereon are not to be used for construction purposes and/or fence installation, SUBJECT to that portion of the property being used as a public road known as Granite Road. No takings found.

REFERENCES:

TAX MAP DATA:
 Section: 77.9
 Block: 1
 Lot: 32

Deed Liber: 4435, Page: 254

A map entitled "Survey of Lands of David Stoltz", prepared by A. Diachishin & Assoc. and dated June 1988.

A map entitled "Lands to be Conveyed to David Stoltz", prepared by Ben McCormack and dated April 1975.

I hereby certify to:
 -Marina Cashdan; Antony Crook;
 -Westair Land Title Insurance Company;
 -Core Title Services (CORE20808);
 -MB Financial Bank, N.A., its successors and/or assigns;
 that this mapping is based on a field survey performed on the date indicated hereon, deeds and/or maps obtained from the County Clerk's office, and is correct and accurate to the best of my knowledge.

Howard W. Weeden, P.L.S., P.C. NYS Lic. No. 049967

Scale 1" = 30' Date: 25 Nov 2014 File no: 14-364

Howard W. Weeden, P.L.S., P.C.
 PROFESSIONAL LAND SURVEYING
 62 Main Street, Walden, N.Y. 12586
 Tel.: (845) 778-7643

© copyright by Howard W. Weeden, P.L.S., P.C., Walden, New York

Survey of Property for
CASHDAN & CROOK
 located in the
 Town of Rochester
 Uster County - New York