

ZONING BOARD OF APPEALS AGENDA

Public Hearing Application #2

Application # 21Z-0002
214 Crowne Pointe Dr
P. Rosella

See Pages to Follow



Peter & Lauren Rosella
14 Crowne Pointe Drive
Penfield, New York 14526
peter.rosella.MD@gmail.com
585.598.3628

December 16, 2020

Zoning Board of Appeals
Town of Penfield
3100 Atlantic Avenue
Penfield, New York 14526

Dear Zoning Board of Appeals,

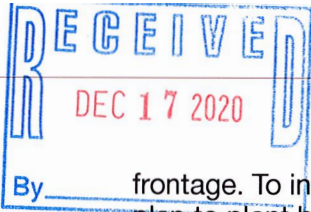
In order to have a portion of an in-ground swimming pool and associated appurtenance extend 12 feet beyond the required setback, we request an area variance in the Town of Penfield Zoning Code, Part II, Article V, §250-5.1, F (2), (3).

Presently, we reside at 14 Crowne Pointe Drive in Penfield. Our lot is on the corner of Crowne Pointe Drive and Kings Mill Court. We have contracted with Northeastern Pools and Spa to install an in-ground swimming pool, with the anticipated install occurring during the late Spring or early Summer of 2021. We have contracted with Thomas Landscape and Design to design and install the surrounding hardscape and landscape. NYS Fencing will be contracted to install the required fence.

We have resided at 14 Crowne Pointe Dr since 2008, and we have spent tens of thousands of dollars on landscaping the back yard. All of the landscape and hardscape work in our yard was performed by Thomas Landscape and Design. The current landscape includes mature vegetation including pine trees, a shade tree, and several bushes. Furthermore, there is mature hardscape in our back yard, including roughly 400 square feet of patio space, a retaining wall, and landscape boulders. We also have landscape lighting and an in-ground irrigation system. Over the years, we have spent thousands of dollars each year to have this landscape professionally maintained by Thomas Landscape and Design.

Adhering to the setback on our side frontage and installing the planned in-ground swimming pool will have a substantial impact on existing landscape and hardscape. To install the pool within the required setback, will require a significant change to the grade of our backyard. At least one 15 foot tall blue spruce pine tree will be removed, a shade tree will be removed, several bushes will be removed, and hardscape will be disrupted. Adhering to the setback, will add a significant financial cost to our pool installation.

By rotating the pool on a center point nearest to the house, such that the end of the pool farthest from the house is 12 feet beyond the setback, the impact on existing landscape will be minimal. The requested area variance will not be substantial, and the majority of the in-ground pool and the majority of new landscaping will be within the setback. With our proposal, there will not be a significant change to the grade of our back yard, the pine and shade trees can remain, and there will be less of a disruption to the preexisting hardscape. This will result in a significant cost savings on our proposed pool project. To provide privacy in our backyard, we currently have a row of mature pine trees along the sidewalk that courses through the side



By _____ frontage. To increase this sense of privacy and to add to the cosmetics of our backyard, we will plan to plant bushes along the outside of the street facing fence line for the proposed pool. It is our intent to have all of the landscape surrounding our proposed pool professionally maintained.

In our opinion and after consulting with Thomas Landscape and Design, this requested area variance is not substantial nor will it have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The installation of the pool and the surrounding landscape will maintain the character of our neighborhood, and nearby properties will not be affected by the proposed area variance. Furthermore, granting this variance will not result in any detriment to the health, safety, and welfare of our neighborhood and community. From an environmental standpoint, the proposed variance will allow mature vegetation to stay in place. In addition to a significant cost savings, the proposed variance will allow us better use of the space in our backyard and result in enhancement of our property's appearance.

Since this proposal does not have an apparent negative effect on the environment, neighborhood, or safety of our community and will benefit us aesthetically and financially, we ask the Zoning Board of Appeals to consider granting us variance to the Town of Penfield Zoning Code, Part II, Article V, §250-5.1, F (2), (3).

Thank you for your consideration,

A handwritten signature in red ink that reads "Peter Rosella".

Peter Rosella, MD

A handwritten signature in red ink that reads "Lauren Rosella".

Lauren Rosella, DDS

- Enclosures:
- Photos of existing landscape and proposed changes
 - Check for Fees (\$70.00)
 - Town of Penfield Zoning Board of Appeals Application
 - SESAF Form
 - Instrument Survey Map/Site Plan without pool
 - Instrument Survey Map/Site Plan with pool
 - Letter from Thomas Landscape and Design
 - Landscape Design Drawing

FILE

RECEIVED
DEC 17 2020
By _____



Aerial view of property, existing landscape, and major roadways (Photo credit, Pictometry).



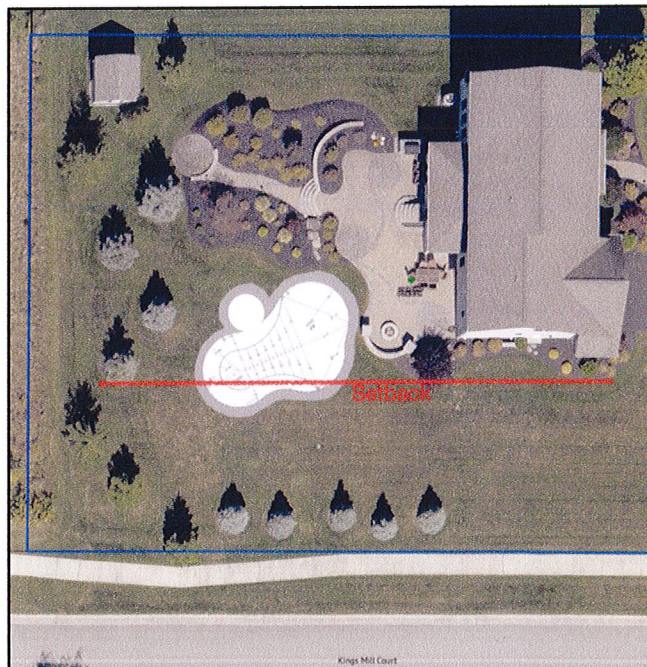
Photographs showing elevations and features of the existing hardscape and landscape.

FILE

RECEIVED
DEC 17 2020
By _____



Placement of pool within setback results in substantial impact to existing landscape. Area shaded in yellow represents area that will require significant regrading due to existing elevations. Areas shaded red represent spruce trees that will be affected.



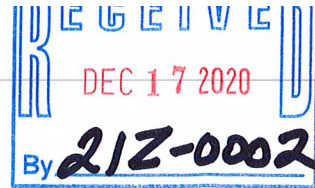
The proposed area variance would result in less disruption to existing landscape, prevent removing spruce trees, and require significantly less regrading of the backyard.

FILE



Garden Center and Florist

775 Ridge Road • Webster, NY 14580
(585) 671-8476 • Fax: (585) 671-0540
www.thomaslandscape.com



December 14, 2020

*Mr. Rosella
14 Crowne Pointe Dr
Webster, NY 14580*

To Whom It May Concern:

I am writing this letter to detail the changes needed for construction of the inground pool at the Rosella Residence, 14 Crowne Pointe Dr. Following the current variance there will be substantial impact to the existing landscape / patio.

Mature trees and shrubs will need to be removed and current landscape footprint will be reduced significantly. After meeting with the homeowner and measuring all points of the pool project and current hardscape, we determined that by pivoting the pool from its current east reference point 12ft, the impact on the landscape will be minimal. By doing this we transplant anything in the way of the new proposed patio space. We will be using natural boulders to transition the grade to accommodate final pool height. Once the pool is complete, we will create new steps to the concrete around the pool. Detailed in my sketch is the fence which is also brought in closer to the landscape and will not interfere with any of the mature evergreens. Upon completion the irrigation system will be remodeled around all fixed points and lawn returned to current conditions with topsoil and hydroseed. We appreciate your time and consideration of these changes.

Thank you,

*Tony Zucco
General Manager*

FILE

"We're more than just landscaping."

RECEIVED
 DEC 17 2020
 217-0002

transplanted
 Hosta (3)

existing
 patio

Pool Equipment

Proposed fence

vinyl edging outside fence

New staircase 8ft long 1ft deep Rise of 6in

New paver
 Area
 Approx 300-325

Reference line representing 12 ft pivot

existing spruce tree

current existing
 shrubs

Builder wall to
 help with grade

Transplanted
 spiraea (3)

current reference points

Rosella Residence

Crowne Pointe

Pool Project

DRAWN BY Tony Zucco
 REVISED NOT TO SCALE



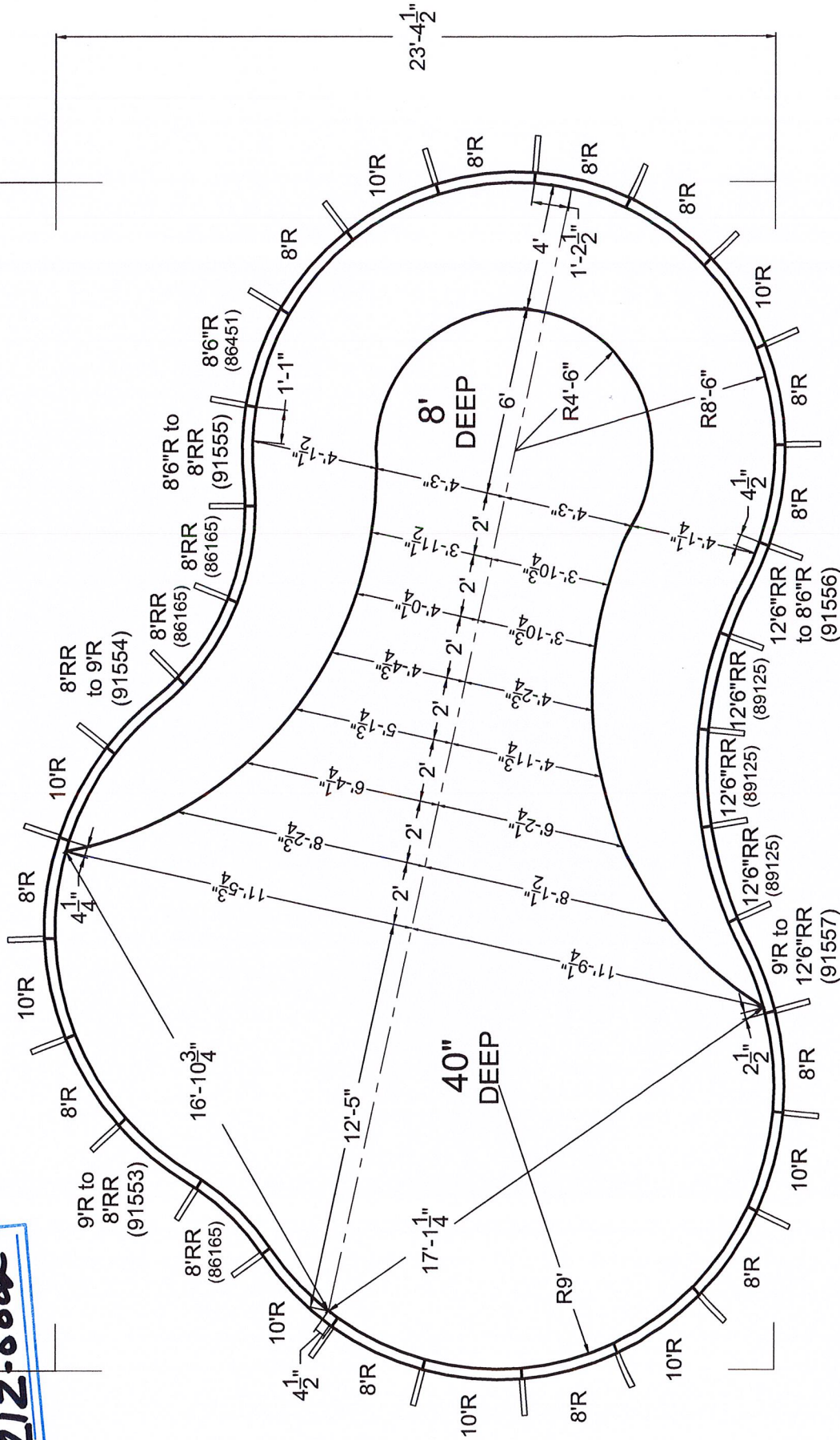
DATE 12-13-20
 775 RIDGE ROAD
 WEBSTER, NEW YORK 14580

SCALE ~~1/8" = 1'~~
 PHONE: (585) 671-8476
 FAX: (585) 671-0540

Rosella
14 Courme Pointe Dr

37'-7 $\frac{1}{2}$ "

23'-4 $\frac{1}{2}$ "

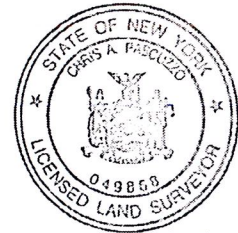
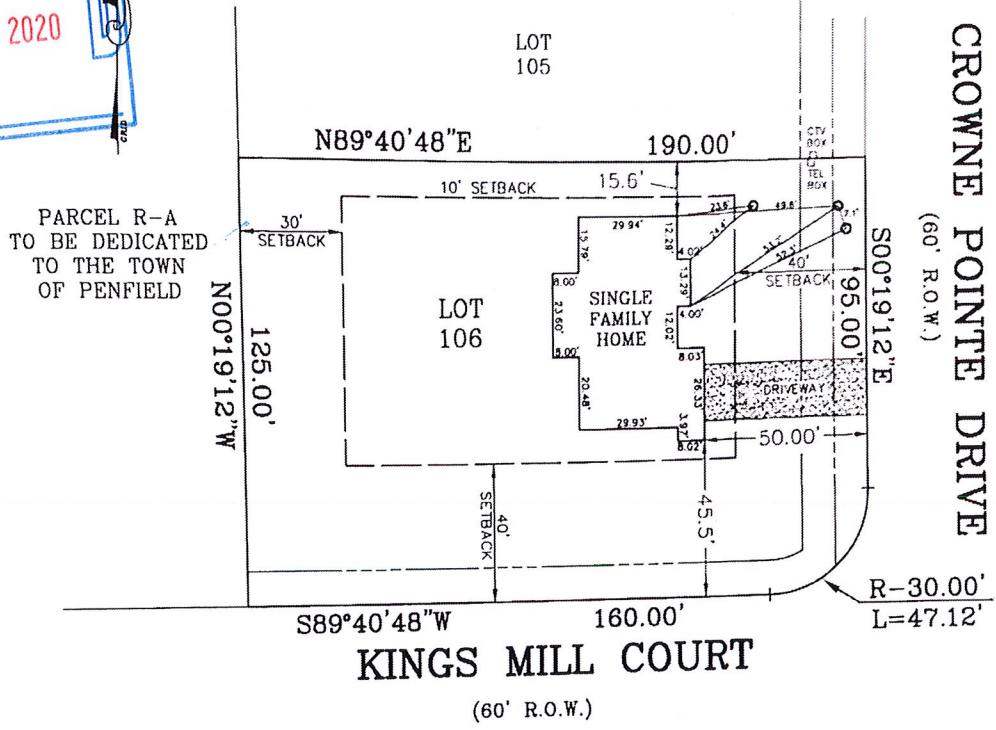


RECEIVED
DEC 17 2020
212-0002

<p>THIS POOL CONFORMS TO APSP/ANSI/ICC-5 2011 STANDARDS FOR RESIDENTIAL INGROUND SWIMMING POOLS</p>		<p>CUSTOMER SIGNATURE REQUIRED</p>		<p>DATE</p>	
<p>Type II Pool</p>		<p>Imperial Pools</p>		<p>DEALER NAME: --- CUSTOMER NAME: ---</p>	
<p>FILE NUMBER: 16112252</p>		<p>33 Wade Rd. Latham, NY 12110 phn: 518-786-1200 fax: 518-786-0954</p>		<p>MATRIX POOL SYSTEM</p>	
<p>Perimeter: 100'-6"</p>		<p>Surface Area: 636.86 SQ FT</p>		<p>FILE</p>	
<p>Volume: ---</p>		<p>DRAWN CScott</p>		<p>STAKE</p>	
<p>4" CONCRETE DECK</p>		<p>BACKSILL WITH CLEAN EARTH</p>		<p>CONCRETE COLLAR (2500 psi)</p>	
<p>COPING</p>		<p>PANEL BRACE</p>		<p>VINYL LINER</p>	
<p>2" POOL BOTTOM</p>		<p>STAKE</p>		<p>STAKE</p>	

212-0002 Rosella - 14 Crowne Pointe Dr

RECEIVED
 DEC 17 2020
 By _____



I hereby certify to the parties listed hereunder that this map was made using the reference material listed hereon and the notes of an instrument survey, completed on June 26, 2008. This map is subject to any easements or encumbrances that an updated abstract of title may show.

David B. Cook, Esq.
 ESL Federal Credit Union, its successors and/or assigns
 First American Title Insurance Company of New York
 Peter A. Rosella
 Lauren S. Rosella

Chris A. Pascuzzo
 Chris A. Pascuzzo, N.Y.S., P.L.S. 049868

J:\Projects\6300_Philippine\6328\cadd\Inst_Survey\Instlot_106.dwg

Notes:
 Ties are taken to Foundation. Field work to obtain ties was performed at a 1:10,000 or better precision.
 1. Copyright 1996. Lu Engineers All rights reserved. 2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law. 3. Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered valid true copies. 4. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners. 5. The location of underground improvements or encroachments, if any exist or are shown hereon, are not certified. 6. This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantee. * FOOTNOTE: New York State Education Law Section 7209 states that all plans, specifications, and reports prepared by such land surveyors of by a full time or part time subordinate under his/her supervision shall be stamped with such seal and shall also be signed on the original with the personal signature of the land surveyor when filed with public officials.

LU ENGINEERS
 Civil and Environmental
 JOSEPH C. LU ENGINEERING AND
 LAND SURVEYING, P.C.
 2230 Penfield Road
 Penfield, New York 14526
 (585) 377-1450
 FAX: (585) 377-1266
 e-mail: luengrs@luengineers.com
 Internet: http://www.luengineers.com

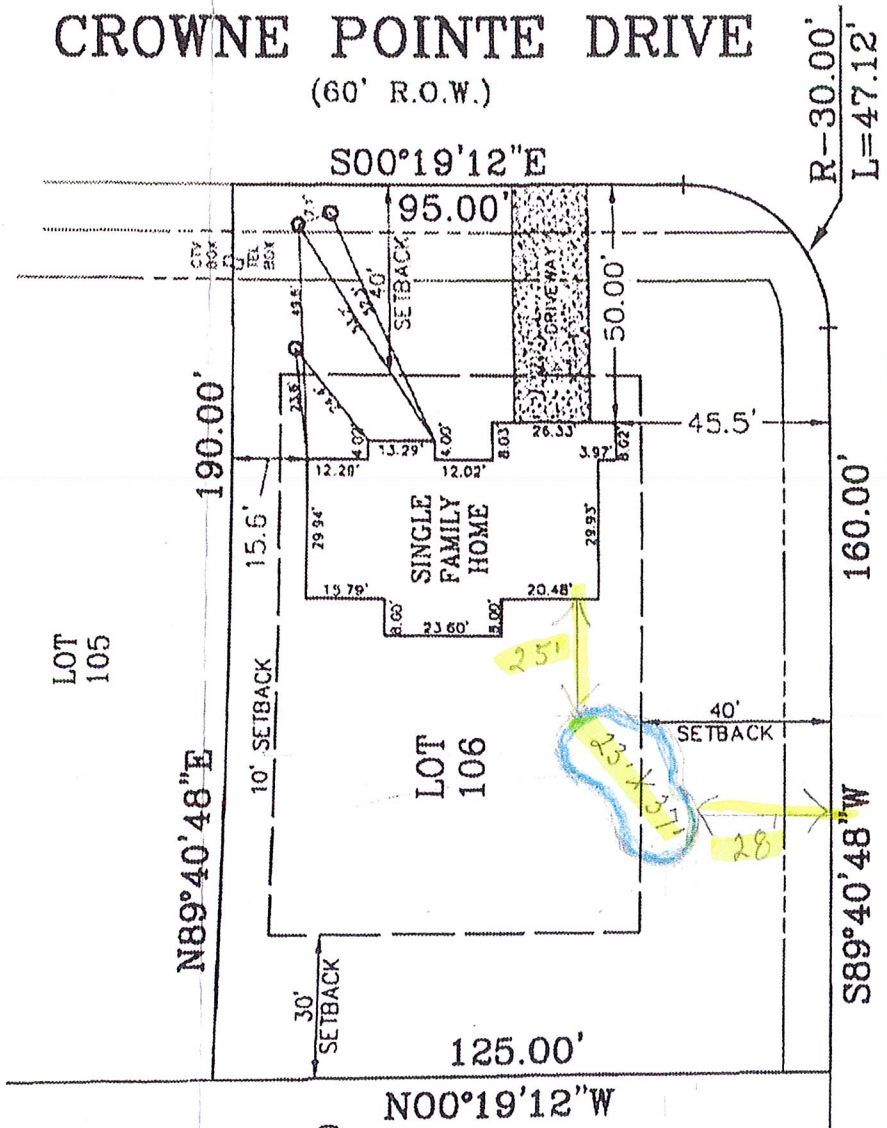
INSTRUMENT SURVEY

Address 14 CROWNE POINTE DRIVE Town PENFIELD
 Lot No 106 Subdivision CROWNE POINTE-SECTION 1
 Reference Data
 Liber 328 of Maps, Page 55 Liber _____ of Deeds, Page _____
 Abstract by _____
 Client PLANK ROAD DEVELOPMENT LLC, AND BRANNON HOMES ASSOC., LLC
 By CAP Date 8/1/08 Scale 1" = 40' No.

FILE

RECEIVED
DEC 17 2020
BY AIZ-0002

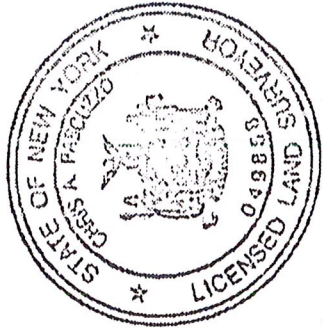
Rosella W Crane Park Dr



PARCEL R-A
TO BE DEDICATED
TO THE TOWN
OF PENFIELD

KINGS MILL COURT
(60' R.O.W.)

PETER ROSELLA
14 CROWNE POINTE
PENFIELD
716-208-1155



I hereby certify to the parties listed hereunder that this map was made using the reference material listed hereon and the notes of an instrument survey, completed on June 26, 2008. This map is subject to any easements or encumbrances that an updated abstract of title may show.

David B. Cook, Esq.
ESL Federal Credit Union, its successors and/or assigns
First American Title Insurance Company of New York
Peter A. Rosella
Lauren S. Rosella

Chris A. Pascuzzo
Chris A. Pascuzzo, N.Y.S., P.L.S. 049886

Notes:

Ties are taken to Foundation. Field work to obtain ties was performed at a 1:10,000 or better precision.

- Copyright 1996. Lu Engineers All rights reserved. 2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law. 3. Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered valid true copies. 4. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners. 5. The location of underground improvements or encroachments, if any exist or are shown hereon, are not certified. 6. This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantees. * FOOTNOTE: New York State Education Law Section 7209 states that all plans, specifications, and reports prepared by such land surveyors of by a full time or part time subordinate under his/her supervision shall be stamped with such seal and shall also be signed on the original with the personal signature of the land surveyor when filed with public officials.



JOSEPH C. LU ENGINEERING AND
LAND SURVEYING, P.C.
2230 Penfield Road
Penfield, New York 14526
(585) 377-1450
FAX: (585) 377-1266
e-mail: luengrs@luengineers.com

INSTRUMENT SURVEY

Address 14 CROWNE POINTE DRIVE Town PENFIELD

Lot No 106 Subdivision CROWNE POINTE-SECTION 1

Reference Date

Liber 328 of Maps, Page 55 Liber of Deeds, Page

Abstract by

Client PLANK ROAD DEVELOPMENT LLC, AND BRANNON HOMES ASSOC., LLC

FILE



KINGS MILL CT

CROWNE POINTE DR

GE CIR

**14 Crowne Pointe
Aerial Map**



This map is for informational purposes only. It is not intended to be used as a legal document. The information on this map is derived from public records and is not guaranteed to be accurate. The user of this map is advised to verify the information on this map before making any decisions based on it.