

September 25, 2022  
Town of Penfield  
3100 Atlantic Avenue  
Penfield, NY 14526-9798



RE: Zoning Board of Appeals Application  
Letter of Intent for DiBella Set back variance request

Greetings:

The owners, James and Nancy DiBella located at 5 Skimore Lane, are applying for a setback variance for an existing structure (pole barn) on our property. We are in the process of subdividing our property for our new home. In order for us to move forward with our subdivision we need to resolve a violation which was identified by the most recent survey of the property.

The survey submitted for the subdivision is indicating that one corner of the building is in violation the 50ft setback by 4" (49.7 ft). A re-survey by the same engineering firm indicates 2" (49.8 ft). Because the building is at a slight angle to the property line, the total area of the violation is approximately 0.32sf (about .018% of the total buildings area). There have been 2 measurements done with the 4" measurement being the worst-case violation.

The results shown in figure 4 and figure 6 indicate that inherent errors in measurement techniques can yield significantly variations to the amount of the building that is crossing the setback line. Since the property line is established with a fence post and a "bent-rebar marker" It is possible another measurement could actually show the building is in compliance.

The parcel is within the Zoning District RR-1.

The structure has been in place for 15 years there would be no undesirable change to the area if a variance is granted.

Since very little of the building is in violation, one possibly means of being in compliance could be bending the siding at the corner. While this would be more economical than a variance it would not be very esthetically.

The request for a .32 sq ft (4") variance is not substantial with respect to the location of the building and property border it is closest to. The property is a very irregularly shaped 43-acre parcel with 13 corner points and 2 curved borders causing locating the exact property line to be difficult without the use of sophisticated GPS equipment.

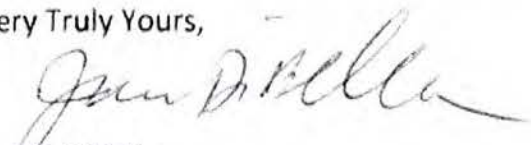
The proposed area variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood as there is no additional work planned to be done to the building.

The error in the buildings position was self-created. The building was placed 54 ft from the property fence line which appeared to be along the actual property line shown in our 1998 survey. It wasn't until the more recent survey that a violation was even known.

**SCANNED**

Thank you for your consideration of this Application.

Very Truly Yours,

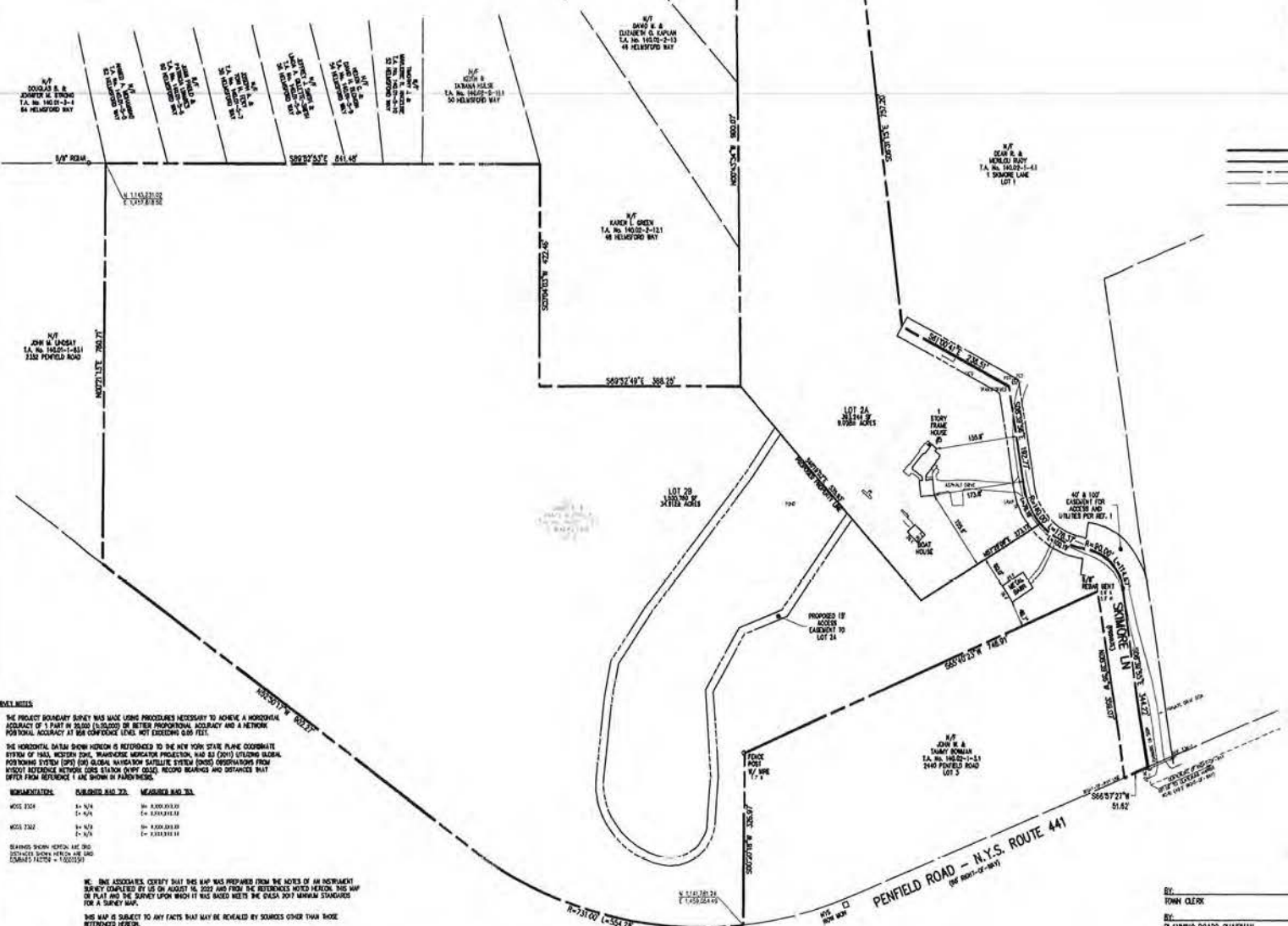


James DiBella

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OCT 31 2022  
By 222-0059

- NOTICES:**
- SUBDIVISION MAP ENTITLED "DIBELLA SUBDIVISION" AS FILED IN THE MONROE COUNTY CLERK'S OFFICE AT BOOK 298 OF MAPS, PAGE 48.
  - SUBDIVISION MAP ENTITLED "DUBIAN CORNER SEC. 8, PHASE 3 AND 4" AS FILED IN THE MONROE COUNTY CLERK'S OFFICE AT BOOK 294 OF MAPS, PAGE 8.
  - SUBDIVISION MAP ENTITLED "DUBIAN CORNER SEC. 8, PHASE 4" AS FILED IN THE MONROE COUNTY CLERK'S OFFICE AT BOOK 298 OF MAPS, PAGE 22.
  - AN ABSTRACT OF SALE WAS NOT PROVIDED FOR THE COMPLETION OF THIS SURVEY.



**REMARKS:**

- THE PROJECT BOUNDARY SURVEY WAS MADE USING PROCEDURES NECESSARY TO ACHIEVE A HORIZONTAL ACCURACY OF 1 PART IN 50,000 (1:50,000) BY EITHER PROPORTIONAL ACCURACY AND A NETWORK POSITIONAL ACCURACY AT 95% CONFIDENCE LEVEL, NOT EXCEEDING 0.08 FEET.
- THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM OF 1983, WESTERN ZONE, TRANSFORMED MERIDIAN PROJECTION, NAD 83 (NAD11) USING ALTIMETRIC POSITIONS FROM GPS (GN) GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) OBSERVATIONS FROM MONROE REFERENCE NETWORK (MRN) STATION 54973 (2010). RECORD BEARINGS AND DISTANCES BEAT OFFER FROM REFERENCE 1 ARE SHOWN IN PARENTHESES.

MONUMENTAL	DESIGNATED S&D 72	MEASURED S&D 72
MON 2204	1+ 3/4	10 4,200.0(10)
	1+ 3/4	1+ 0.0000(0)
MON 2202	1+ 3/4	10 1,000.0(10)
	1+ 3/4	1+ 0.0000(0)

STANDARD BENCH MARK (S&D 72)  
2014453 MONROE, MONROE CO, NY  
COUNCIL 142704 - 10222159

WE, THE ASSOCIATES, CERTIFY THAT THIS MAP WAS PREPARED FROM THE NOTES OF AN INSTRUMENT SURVEY COMPLETED BY US ON AUGUST 16, 2022 AND FROM THE REFERENCES NOTED HEREON. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ASSOCIATES FOR A SURVEY MAP.

THIS MAP IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY SOURCES OTHER THAN THOSE REFERENCED HEREON.

*M. J. Palmer*  
BY: MATTHEW A. PALMER, R19PLS NO. 00064

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THE ASSOCIATES

Survey Associates  
The drawing is to be used only for the project for which it was prepared and for no other purpose. It is the responsibility of the client to verify the accuracy of the data used in the preparation of this drawing. The drawing is not to be used for any other purpose without the written consent of the Survey Associates.

NO.	DATE	REVISION

**BME ASSOCIATES**  
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PROFESSIONAL ENGINEERING LICENSE NO. 00000000000000000000  
PROFESSIONAL SURVEYING LICENSE NO. 00000000000000000000  
WWW.BMEASSOCIATES.COM



LOCATION: TOWN OF PENFIELD, MONROE COUNTY, NEW YORK STATE  
CLIENT: DIBELLA SUBDIVISION  
DRAWING NO.: 2861  
DATE: SEPTEMBER 2, 2022  
PROJECT NO.: 01

**APPROVALS**

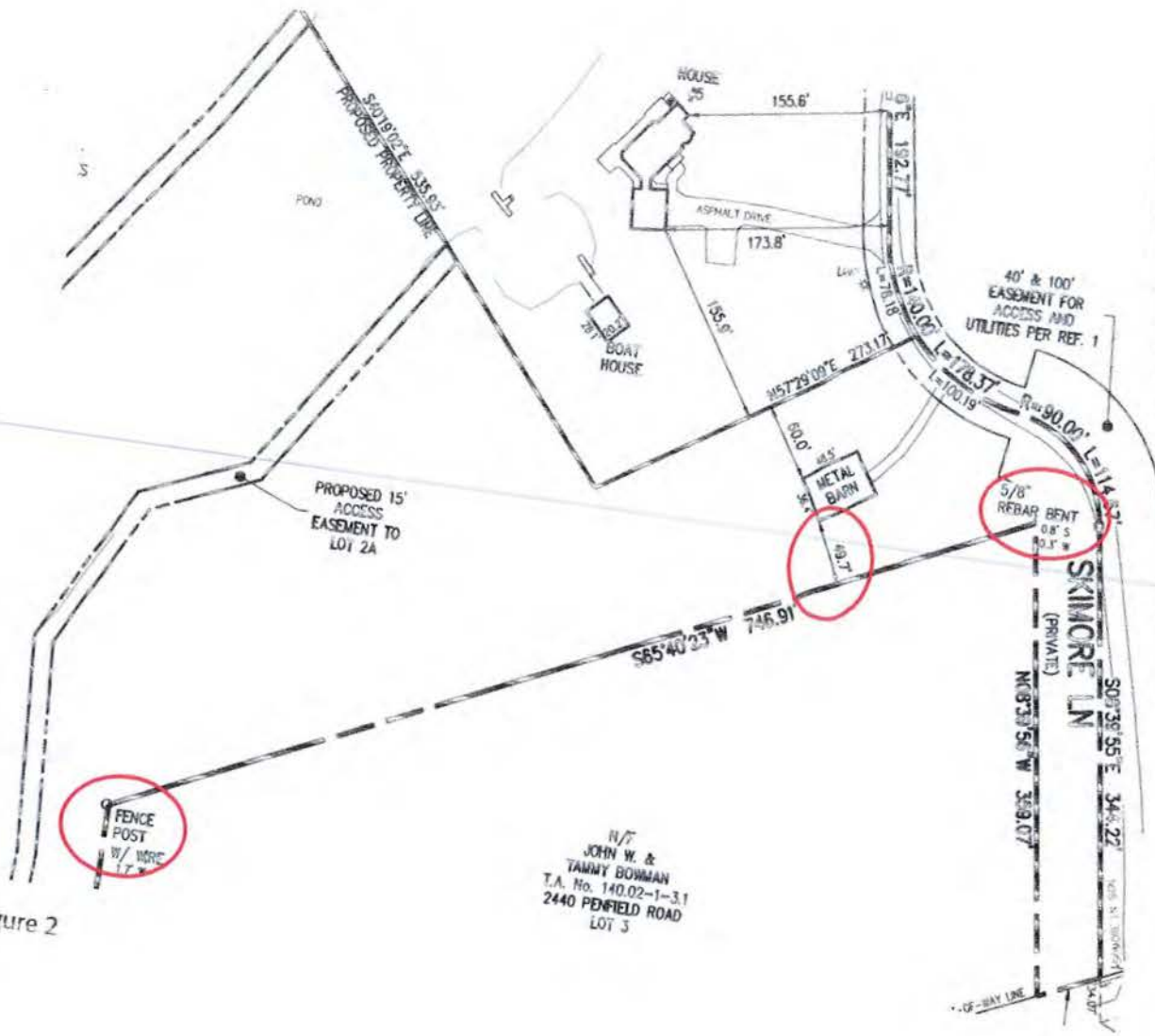
BY: TOWN CLERK DATE: \_\_\_\_\_

BY: PLANNING BOARD CHAIRMAN DATE: \_\_\_\_\_

BY: OWNER DATE: \_\_\_\_\_

SCANNED

Figure 2



N/T  
 JOHN W. &  
 TAMMY BOWMAN  
 T.A. No. 140.02-1-3.1  
 2440 PENFIELD ROAD  
 LOT 3

SCANNED

RECEIVED  
 OCT 31 2022  
 BY 222-0059



Pickering Sign LLC Sign Map  
5 Skimore Lane  
Aerial Map