

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
September 21, 2020**

PRESENT

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

ALSO PRESENT

Mark Lenzi, Building Inspector; Robert Koegel, Town Attorney; Susan Donnelly, Secretary to the Board; Cathy Koshykar, Town Board liaison

ABSENT

Mike Rose, Phil Castleberry

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, September 21 at 7:00 P.M. local time. The meeting took place with Board members and applicants participating remotely using Zoom virtual meeting software.

George Dounce, Chairperson called the regularly scheduled meeting of the Zoning Board of Appeals to order at 7:00 pm.

The applications before the Board this evening are Type II Actions under 6-NYCRR §617.5 (c) (7) or (12) & (13) and, therefore, is not subject to Environmental Review under SEQRA. The applications are exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

PUBLIC HEARING FOR AN AREA VARIANCE – NEW

- 12 Locke Drive, Tax # 192.08-2-67, Applicant is requesting relief from Town Code §185 – 17 (L) (1) & 185 – 113 (B) (1) (2) & (6) to locate an oversized and over height accessory structure (storage shed) in the rear yard of the home encroaching on the side setback of the property. This property is a flag lot and is zoned RN – Residential Neighborhood District

George Dounce opened the Public hearing.

The homeowner Colin Hogarth was present.

The homeowner described the lot and indicated that the placement chosen was the best choice to locate the structure without having to excavate the site. George Dounce indicated that the neighbor did not have an issue with this 12' x 20' shed. David Rowe was in agreement with this and indicated that this is the flattest location available in the rear. Barbara Servé stated that she had no problem with this as long as the neighbor agreed and noted that the sloped yard was not conducive to placing the accessory structure elsewhere on the property.

There was no Public comment.

David Rowe moved to close the Public hearing.

Jim Pergolizzi seconded.

All Ayes.

DECISION FOR 12 LOCKE DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for 12 Locke Drive was moved by Barbara Servé and seconded by Mary Ellen Spennacchio-Wagner.

George Dounce called for a roll call vote.

Dounce	aye
Servé	aye
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	absent
Rowe	aye
Rose	absent

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated August 24, 2020.
 2. All construction is to be completed by December 31, 2021.
- 345 Kilbourn Road, Tax # 138.18-3-1, Applicant is requesting relief from Town Code §185 – 17 (H); 185 -17 (E) & 185 113 (B) (6) to allow the placement of an air conditioning compressor, grill structure and deck encroaching into the side setback. Also, the lot coverage of the lot exceeds the maximum allowed by code. Property is zoned RN – Residential Neighborhood District.

George Dounce opened the Public hearing.

The homeowners, Patrick and Kim Bailey, were present to discuss the application with the Board.

The Board discussed the lot coverage and noted that this property is already 20% over the allowed coverage. Mr. and Mrs. Bailey stated that the property was already over lot coverage when they purchased it. This variance would add 859 +/- ft. The driveway will increase the lot coverage. Kim Bailey stated the configuration of the driveway needs to be changed to a rear turn around so they do not have to back down the driveway. Dave Rowe noted that a lot of the lot coverage is the driveway. She also stated that she did not know that they needed to include the town sidewalk in the lot coverage. It was noted that the sidewalk is 300 ft.

The Board discussed the setback variance for the deck, grill and air conditioner and the land swap between the Bailey's and Oak Hill Country Club. No other neighbors than Oak Hill Country Club will be affected. Generally, the Board did not have an issue with the setback variance however, they were uncomfortable in not having a current survey map indicating the proposed land swap.

There was no public comment.

The Board discussed the proposed variance. Some members did not take issue with the proposed dimensions change but others were uncomfortable granting a variance without an updated survey map.

George Dounce moved to hold the hearing open.

David Rowe seconded.

A poll was taken of the Board.

Dounce aye
Spennacchio-Wagner aye
Servé aye
Pergolizzi aye
Rowe aye

This hearing will be held open.

- 166 Mill Road, Tax # 178.04-1-72, Applicant is requesting relief from Town Code §185 – 113 (B) (6) to locate an accessory structure (garden shed) on the side of the home forward of the rear wall of the structure. This property is a flag lot and is zoned RN – Residential Neighborhood District

George Dounce moved to open the Public hearing.

The homeowner, Paul Zachman, was present.

George Dounce addressed an email of concern sent to the Board by the neighbor at 160 Mill Road concerning the application.

All Board members indicated they have visited the site.

The location of the shed was discussed. Although the home is angled, the shed is behind the homeowner's rear lot line. The shed cannot be moved to the opposite side of the property away from the concerned neighbor's side because the other side of the home slopes down and removal of trees and grading would be necessary.

There was no public comment.

David Rowe moved to close the Public hearing.

Jim Pergolizzi seconded.

All Ayes.

The Board discussed the concerns of the neighbors and determined that his comments did not have bearing on this decision. Robert Koegel recommended that the neighbor's concerns be acknowledged in the resolution.

Although the Board felt the current fence is adequate screening, Mary Ellen Spennacchio-Wagner suggested further vegetative screening even though the structure is 40 ft. away from the property line. Mr. Zachman indicated is in agreement with doing this.

DECISION FOR 166 MILL ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 166 Mill Road was moved by Mary Ellen Spennacchio-Wagner and seconded by George Dounce.

George Dounce called for a roll call vote.

Dounce aye
Servé abstain
Pergolizzi aye
Spennacchio-Wagner aye
Castleberry absent
Rowe aye
Rose absent

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated August 11, 2020.
2. All construction is to be completed by December 31, 2022.
- 10 Poinciana Drive, Tax # 177.01-2-6.31, Applicant is requesting relief from Town Code §185 – 113 (B) (1) (2) (3) & (6) and 185 -17 (E) to locate an oversized and over height accessory structure (detached garage) located forward of the rear wall of the home encroaching on the side setback of the property. This property is a flag lot and is zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public hearing.

The homeowner, Koen Goorman was present. Mr. Goorman discussed that his neighbor most affected by the project, Mr. Frank Imburgia, has no issue with the project.

Discussion was held regarding the use of the accessory structure and it was stated that there would be no living area on the second floor.

There was no public comment.

George Dounce moved to close the Public hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

DECISION FOR– AREA VARIANCE FOR 10 POINCIANA DRIVE

A written Resolution to grant the area variance for 10 Poinciana Drive was moved by Jim Pergolizzi and seconded by David Rowe.

George Dounce called for a roll call vote.

Dounce	aye
Servé	aye
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	absent
Rowe	aye
Rose	absent

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated August 12, 2020.
2. All construction is to be completed by December 31, 2022.
3. This application is subject to Design Review and Historic Preservation Board review.

REVIEW OF MEETING MINUTES OF AUGUST 17, 2020

Chairman George Dounce moved to accept the meeting minutes of August 17, 2020 as written.

All Ayes

OTHER

POINT PERSONS FOR OCTOBER 19, 2020 MEETING

60 Pickwick Drive – George Dounce

18 Greentree – George Dounce

23 Hepburn Lane – Jim Pergolizzi

33 Alpine Drive – David Rowe

132 East Street – Barb Servé

1009 Roosevelt Road – Mary Ellen Spennacchio-Wagner

28 Mitchell Road – Phil Castleberry

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 8:45 pm.

All Ayes.

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals