

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
JULY 15, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on July 15, 2024 at 6:30PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

PRESENT: George Dounce, Mary Ellen Spennacchio-Wagner, Jim Pergolizzi, Phil Castleberry, Tom Kidera

ABSENT: Barbara Servé, Jennifer Iacobucci

ALSO PRESENT: April Zurowski, Planning Assistant; Bill Zink, Building Inspector; Robert Koegel, Town Attorney

ATTENDANCE: There were 7 members of the public present.

Chairman George Dounce called the meeting to order at 6:30PM.

NEW PUBLIC HEARINGS:

40 Van Voorhis Road – Tax ID 192.02-1-1

Applicant is requesting relief from Town Code Sections 185-113 B. (1) and (2) for the construction of an oversized and over-height storage barn. This property is zoned Residential Neighborhood (RN).

Chairman Dounce stated that this application has been requested to be withdrawn by Todd Brockmann, the owner of 40 Van Voorhis Road. A public hearing was opened on June 17, 2024, to consider this matter.

Chairman Dounce asked for public comment. Hearing none, Chairman Dounce motioned to close the public hearing, seconded by Board Member Kidera, all ayes, none opposed.

6 Bragdon Drive – Tax ID 151.06-2-39.7

Applicant is requesting relief from Town Code Sections 185-17 I. and 185-113 B. (3) for the construction of a deck forward of the rear wall of the main structure and within the rear buffer. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

William Hulbert, of 6 Bragdon Drive, represented his application.

Chairman Dounce asked if Mr. Hulbert spoke with his neighbors about the proposed placement of the deck. Mr. Hulbert confirmed that he spoke with neighbors. Chairman Dounce asked when the deck was anticipated for construction. Mr. Hulbert stated that the deck will be constructed as soon as possible.

Board Member Spennacchio-Wagner motioned to close the public hearing, seconded by Board Member Castleberry, all ayes, none opposed.

A written resolution to grant the area variance for 6 Bragdon Drive was moved by Board Member Spennacchio-Wagner and seconded by Board Member Kidera. The resolution was unanimously approved.

81 Coventry Ridge – Tax ID 177.04-1-33

Applicant is requesting relief from Town Code Section 185-113 B. (3) for the installation of pool equipment forward of the rear wall of the main structure. This property is zoned Incentive Zoning (IZ).

Chairman Dounce opened the public hearing.

Melissa Faeth, of 81 Coventry Ridge, represented her application.

Chairman Dounce asked when the pool equipment will be installed. Ms. Faeth stated that once a pool permit is submitted and approved, construction is anticipated soon after. Board Member Spennacchio-Wagner asked if supply chain issues are anticipated. Ms. Faeth stated that she does not anticipate issues and that construction should begin in a few months.

Board Member Kidera motioned to close the public hearing, seconded by Board Member Pergolizzi, all ayes, none opposed.

A written resolution to grant the area variance for 81 Coventry Ridge was moved by Board Member Castleberry and seconded by Board Member Spennacchio-Wagner. The resolution was unanimously approved.

39 Knollwood Drive – Tax ID 138.13-1-9

Applicant is requesting relief from Town Code Sections 185-17 E. and 185-113 B. (3) for the installation of an AC unit forward of the front wall of the main structure and not meeting the total side setback requirement. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Jack Sigrist, of Architectural Innovations, introduced the application. He stated that the applicant is requesting to place an AC unit in the front yard area.

Chairman Dounce stated that the AC unit is already installed. Mr. Sigrist confirmed and stated that additional plantings will be installed to shield the AC unit from neighbors and the street.

Ms. Zurowski asked Mr. Sigrist if the white generator on the side of the home could be painted to match the AC unit or the house, as it is quite visible. Mr. Sigrist confirmed that this request could be investigated.

Board Member Pergolizzi motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner, all ayes, none opposed.

A written resolution to grant the area variance for 39 Knollwood Drive was moved by Chairman Dounce and seconded by Board Member Castleberry. The resolution was unanimously approved.

8 Canal Park Place – Tax ID 150.19-1-5.5

Applicant is requesting relief from Town Code Section 185-17 L. (1) for the installation of a generator not meeting the minimum side setback and outside of the rear yard area. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Richard Doolittle, of 8 Canal Park Place, represented his application.

APPROVED MINUTES 071524

Board Member Spennacchio-Wagner stated that the applicant previously submitted a variance for his pool. Mr. Doolittle confirmed. She asked if the garage was converted. He confirmed it has been converted into a recreation room. Chairman Dounce asked when the generator will be installed. Mr. Doolittle stated that it will be installed in two to three weeks.

Board Member Castleberry motioned to close the public hearing, seconded by Board Member Pergolizzi, all ayes, none opposed.

A written resolution to grant the area variance for 8 Canal Park Place was moved by Board Member Kidera and seconded by Chairman Dounce. The resolution was unanimously approved.

2534 Lehigh Station Road – Tax ID 177.03-2-5

Applicant is requesting relief from Town Code Sections 185-17 B. (1), E., and I. for the construction of a garden shed forward of the building line, within the rear buffer, and not meeting the total side setback requirement. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

James Smith, of 2534 Lehigh Station Road, represented his application.

Chairman Dounce asked when the shed will be installed. Mr. Smith stated that it is anticipated within four weeks. Board Member Spennacchio-Wagner asked if the bushes along Lehigh Station Road will remain in place to shield the shed. Mr. Smith confirmed.

Ms. Zurowski asked if the shed would be placed with the door facing the road. Mr. Smith stated that the shed will be 12 feet in length and 10 feet in depth.

Board Member Spennacchio-Wagner motioned to close the public hearing, seconded by Board Member Kidera, all ayes, none opposed.

A written resolution to grant the area variance for 2534 Lehigh Station Road was moved by Chairman Dounce and seconded by Board Member Spennacchio-Wagner. The resolution was unanimously approved.

11 Smead Road – Tax ID 150.20-2-59

Applicant is requesting relief from Town Code Section 185-17 B. (1) for the construction of an addition and covered porch extending past the building line and façade area. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Craig Goforth, of 11 Smead Road, represented his application.

Chairman Dounce asked when the bump out will be constructed. Mr. Goforth stated that he anticipates it to be completed by the fall. Board Member Spennacchio-Wagner asked why two applications were submitted. Mr. Goforth stated that the bump out will happen, but he is still unsure of the porch, it is dependent on finances. Board Member Pergolizzi stated that he split this application into two separate resolutions, as the impacts are different. He was unsure if the Board could approve an application with other feasible means since the applicant proved other feasible means by submitting two applications.

Board Member Pergolizzi motioned to close the public hearing, seconded by Board Member Castleberry, all ayes, none opposed.

APPROVED MINUTES 071524

A written resolution to grant the front bump out area variance for 11 Smead Road was moved by Board Member Pergolizzi and seconded by Board Member Spennacchio-Wagner. The resolution was unanimously approved.

A written resolution to grant the front porch area variance for 11 Smead Road was moved by Board Member Pergolizzi and seconded by Board Member Spennacchio-Wagner. The resolution was unanimously approved.

OTHER DISCUSSION:

Chairman Dounce motioned to approve the minutes of June 17, 2024. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman George Dounce closed the meeting at 7:20PM.

Respectfully submitted,

April Zurowski
Planning Assistant

OFFICIAL MINUTES ARE ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 6 Bragdon Drive

**Tax Parcel: 151.06-2-39.7
Applicant: William C. Hulbert
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Sections 185-17 I. and 185-113 B. (3) to allow the construction of a deck forward of the rear wall of the main structure and within the rear buffer, 7 feet from the rear property line where 20 feet is required by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on July 15, 2024 and reviewed by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(17) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change produced in the neighborhood or detriment to nearby properties. The owners wish to build a 20' x 20' deck in a secluded area of the yard where a 6' sliding glass door exists. The lot is oddly shaped and is on a private drive of only 6 homes. The deck will not be visible from the road and will be low to the ground, resulting in minimal visual impact to surrounding neighbors. Bordering neighbors are aware of and support the building of the deck. The deck is screened upon entry to Bragdon Drive.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The lot is oddly shaped and lacks backyard area, so the deck must be placed on the side of the house to be useful to the owner. Therefore, the benefit sought by the applicantes to construct the deck cannot be achieved by any other method than the granting of these variances.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The rear setback variance of 13 feet, to place the deck 7 feet from the property line where a 20-foot setback is required, is considered a substantial variance (65%). However, this should not preclude the granting of the variance.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The variances will have no adverse impact on physical and/or environmental conditions in the neighborhood or district.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by the oddly shaped lot which limits the placement of the desired deck, so the variance is not precluded.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated May 24, 2024, and attached hereto as Exhibit A.
2. All construction of the deck must be completed by December 31, 2025.

The within Resolution was moved by Zoning Board of Appeals Member Mary Ellen Spennacchio-Wagner, seconded by Board Member Tom Kidera, and voted upon by the Board, as follows:

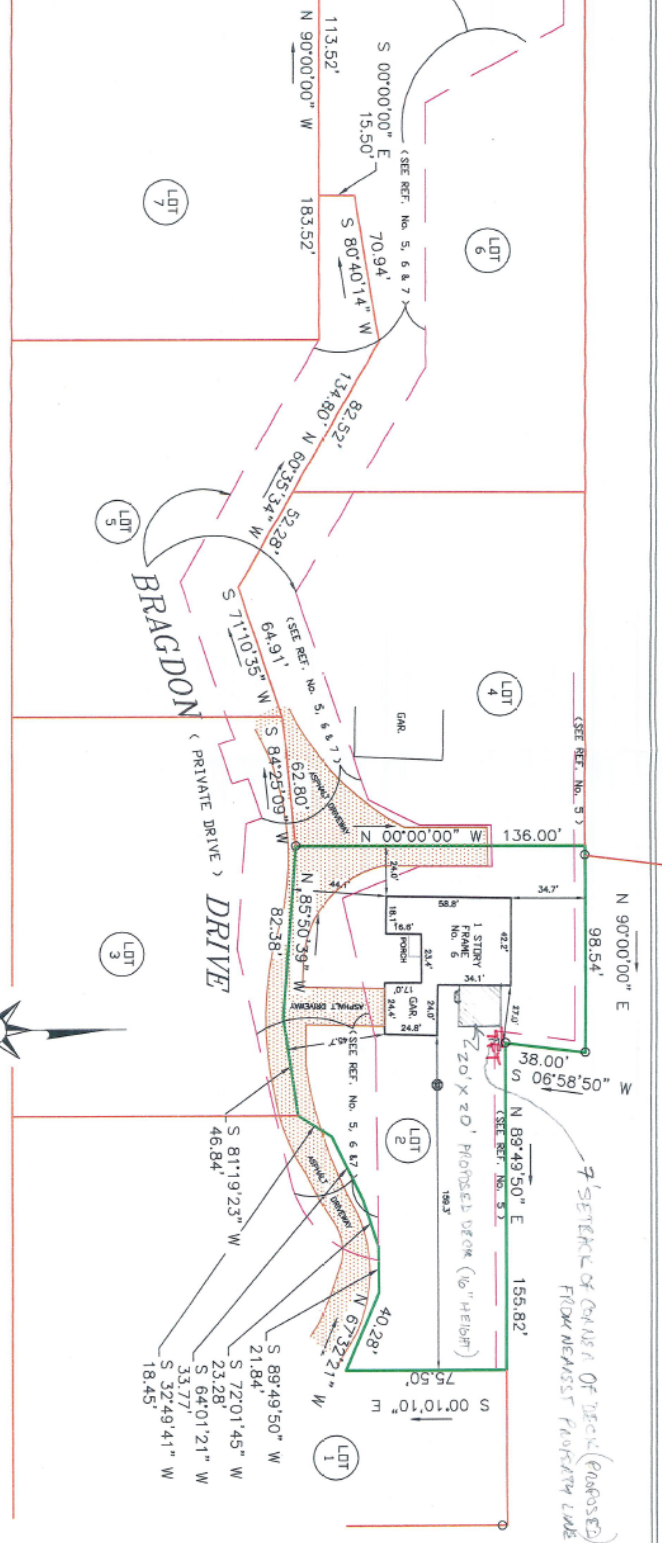
Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Absent
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Absent
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on July 15, 2024.

April Zurowski
Planning Assistant

SKETCH AS OF 5/24/24 WCH

EAST AVENUE (N.Y.S. RTE 96)
(66.00' WIDE)



- REFERENCES:
1. TITLE INSURANCE COMPANY, ABSTRACT No. 20293, LAST DATED MAY 16, 2023
 2. LIBER 1054 OF DEEDS, PAGE 24
 3. MAP OF THE BRAGDON ESTATES SUBDIVISION, FILED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 1054 OF DEEDS, PAGE 24
 4. STATE OF NEW YORK, DEPARTMENT FOR LIBER 621 OF DEEDS, PAGE 316
 5. (COVERS THE PRIVATE DRIVE)
 6. SUBJECT TO A SEWER EASEMENT PER LIBER 6136 OF DEEDS, PAGE 24
 7. SUBJECT TO A SEWER EASEMENT PER LIBER 6136 OF DEEDS, PAGE 24
 8. SUBJECT TO AN EASEMENT TO THE TOWN OF PITTSFORD PER LIBER 5964 OF DEEDS, PAGE 33
 9. TAX PARCEL No. 14106-2-397

- LEGEND:
- ADJACENT PROPERTY
 - ADJACENT PROPERTY
 - EASEMENT PROPERTY
 - EASEMENT LINE
 - IRON PIN FOUND

CERTIFICATIONS LISTED HEREBY SIGNIFY THAT THE SURVEY HAS BEEN MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE G.V.L.S.A. AND THE MONROE COUNTY BAR ASSOCIATION.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

MAP OF AN INSTRUMENT SURVEY OF
No. 6 BRAGDON DRIVE
BEING
LOT 2 of the BRAGDON ESTATES SUBD.
SITUATE IN
TOWN OF PITTSFORD
COUNTY OF MONROE
STATE OF NEW YORK

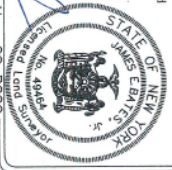
DATE: JUNE 1, 2023

WE, JAMES BATES & ASSOCIATES DO HEREBY CERTIFY TO THE FOLLOWING:

1. BILL AND LESLIE HUBBERT;
2. BLACK LONGO, LAVARICA & BRZEZINSKI, P.C.; and
3. CHICAGO TITLE INSURANCE COMPANY,

THAT THIS MAP WAS MADE FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON MAY 31, 2023.

JAMES E. BATES, JR. LICENSE No. 49464
JDB No. 23-R203



**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 81 Coventry Ridge

**Tax Parcel: 177.04-1-33
Applicant: Melissa M. Faeth
Zoned: Incentive Zoning (IZ)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-113 B. (3) to allow the installation of pool equipment forward of the rear wall of the main structure, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on July 15, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(17) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change produced in the neighborhood or detriment to nearby properties. The applicant proposes placing the pool equipment behind the air conditioner, which is also forward the rear wall of the house, and there will be landscaping to screen the equipment. Additionally, the equipment faces the garage side of the most impacted neighbor's house.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

An existing deck and planned patio to accompany the planned inground pool eliminate desirable options for placing the equipment behind the rear wall.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The requested variance is not substantial as the applicant has identified a location near the rear wall of the home.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The variance will have no adverse effect or impact on physical and/or environmental conditions in the neighborhood or district.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by its minimal impact to neighbors and sufficient screening by the existing air conditioner and planned landscaping.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated June 12, 2024, and attached hereto as Exhibit A.
2. Installation of the pool equipment must be completed by December 31, 2025.

The within Resolution was moved by Zoning Board of Appeals Member Phil Castleberry, seconded by Board Member Mary Ellen Spennacchio-Wagner, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Absent
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Absent
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on July 15, 2024.

April Zurowski
Planning Assistant

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 39 Knollwood Drive

**Tax Parcel: 138.13-1-9
Applicant: Matt Bender
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-17 E. and 185-113 B. (3) to allow placement of an A/C unit forward of the front wall of the home and not meeting the total side setback required by code, with a total side setback of 62 feet where 90 feet is required by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on July 15, 2024 and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(17) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

The proposed variance will not result in an undesirable change in the neighborhood or create a detriment to nearby properties. The A/C unit will be totally screened from the street by plantings of year-round vegetation, which will also act as an acoustic buffer. There is no neighborhood opposition.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The benefit sought by the applicant cannot be achieved by other feasible means. Placement of the unit in front of the house is necessitated by backyard flood zone limitations. The unit cannot be placed further north due to mechanical limitations of an approved generator.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The request for the two variances is considered substantial but is mitigated by the fact that the location is screened with year-round plantings that double as an acoustic barrier.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The requested variance will have no adverse impact on the physical and/or environmental conditions in the neighborhood.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board’s decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by the year-round screening of the A/C unit, so the variance is not precluded.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

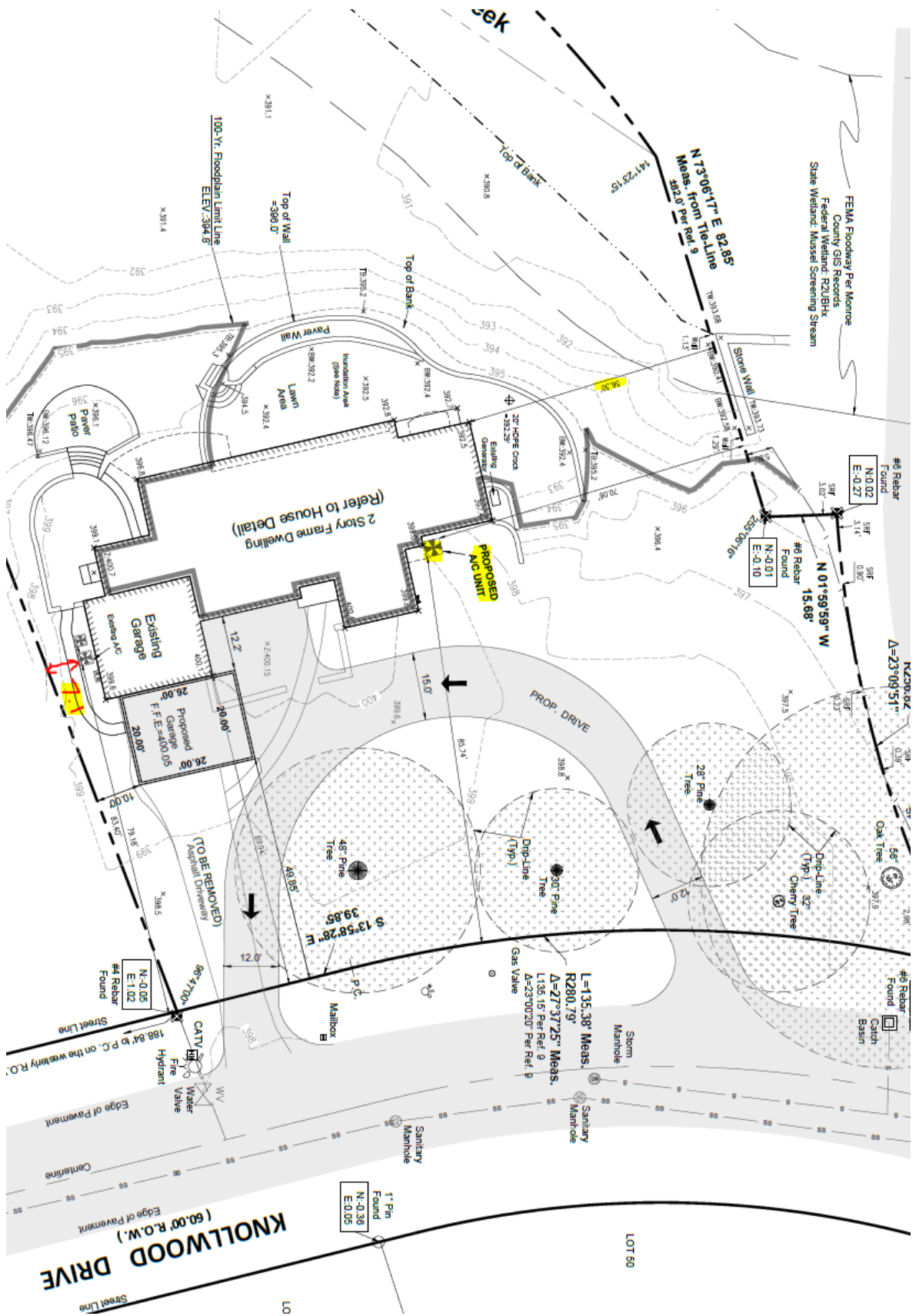
1. This variance is granted only for the plans submitted and prepared by the applicant dated April 10, 2024, and attached hereto as Exhibit A.
2. Plantings are to be installed by December 31, 2024 and must be maintained year-round.

The within Resolution was moved by Zoning Board of Appeals Chairman George Dounce, seconded by Board Member Phil Castleberry, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Absent
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Absent
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on July 15, 2024.

April Zurowski
Planning Assistant



KNOLLWOOD DRIVE
 (50.00' R.O.W.)

LOT 50

LO

FEMA Floodway Per Monroe
 County GIS Records
 Federal Wetland: R2UBHx
 State Wetland: Mussel Screening Stream

N 73°06'11" E 82.85'
 Meas. from Tie-Line
 452.0' Per Ref. 9

N 42°00'04" E 23°09'51" Δ

N 01°59'59" W 15.68'

L=135.38' Meas.
 R280.79'
 Δ=27°37'25" Meas.
 L135.15' Per Ref. 9
 Δ=23°00'20" Per Ref. 8

2 Story Frame Dwelling
 (Refer to House Detail)

100-Yr. Floodplain Limit Line
 ELEV. 394.8

Street Line
 Edge of Pavement
 Centerline
 Edge of Pavement

Street Line
 188.84' to P.C. on the westerly R.O.

(NO BE REMOVED)
 Asphalt Driveway

Street Line
 Edge of Pavement
 Centerline
 Edge of Pavement

Street Line
 Edge of Pavement
 Centerline
 Edge of Pavement

Street Line
 Edge of Pavement
 Centerline
 Edge of Pavement

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 2534 Lehigh Station Road

**Tax Parcel: 177.03-2-5
Applicant: Laurie Smith
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Sections 185-17 B. (1), E., and I. to allow the construction of a garden shed forward of the building line, 48 feet where 70 feet is required by code, within the rear buffer, 15 feet where 20 feet is required by code, and not meeting the total side setback requirement, 31 feet where 40 feet is required by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on July 15, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(17) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change produced in the neighborhood or detriment to nearby properties by granting these variances. The 120 square-foot garden shed will be in the northeast corner of the property. The property is surrounded by farmland and residential properties where the homes sit far off the road. The shed is planned in a spot surrounded by existing hedgerows, so it will be shielded from the road.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

Due to the 70-foot setback off of Lehigh Station Road, there is no feasible place to locate a shed. The property is approximately 75 feet deep. The location of the home does not even meet the current setback requirements. The need for additional outdoor storage cannot be achieved by other feasible means.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The requested variances are considered substantial. The shed is proposed in 48 feet from Lehigh Station Road where 70 feet is required (31%), 15 feet from the rear property line where 20 feet is required (25%), and resulting in a 31-foot total side setback where 40 is required (23%).

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The shed placement in the northeast corner will not have an adverse impact on physical and/or environmental conditions in the neighborhood or district.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by the shallow lot depth and practical need for outdoor storage space, so the variance is not precluded.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated June 14, 2024, and attached hereto as Exhibit A.
2. All construction of the shed must be completed by December 31, 2025.

The within Resolution was moved by Zoning Board of Appeals Chairman George Dounce, seconded by Board Member Mary Ellen Spennacchio-Wagner, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Absent
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Absent
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on July 15, 2024.

April Zurowski
Planning Assistant

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 8 Canal Park Place

**Tax Parcel: 150.19-1-5.5
Applicant: Richard Doolittle
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-17 L. (1) to allow the installation of a generator 38 feet from the left (east) property line, where 60 feet is required by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on July 15, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(17) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change in the neighborhood or detriment to nearby properties if this variance is granted. The house is secluded and sits in a position off the cul-de-sac. The proposed placement of the generator will be shielded from view from the street. The view from the neighbor at #5 is obstructed by trees, a shed, and a six-foot fence. The view from the neighbor at #7 is also obstructed by mature bushes on the island between the two properties. Both neighbors have expressed to the applicant that they have no objection to the proposed location of this generator.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The benefit sought by the applicant cannot be achieved by other feasible means. The only location on the property that would not require a variance would be where the current deck is located in the back of the residence. That location is also the furthest point from incoming gas and electric and would unnecessarily raise the cost of the project.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

A variance to allow a generator 38 feet from the left (east) property line where a 60-foot setback is required does represent a substantial variance from code (37%).

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The requested variance will not have an adverse impact on physical and/or environmental conditions in the neighborhood or district. The proposed placement of the generator leaves it shielded from view from the front street, and mostly shielded from view from the two nearest neighbors. Moreover, these neighbors have indicated to the applicant that they have no objection to the placement or installation of the generator.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by the location of the generator and the limited visibility from the road or neighboring properties, so the variance is not precluded.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated June 14, 2024, and attached hereto as Exhibit A.
2. Installation of the generator must be completed by December 31, 2025.

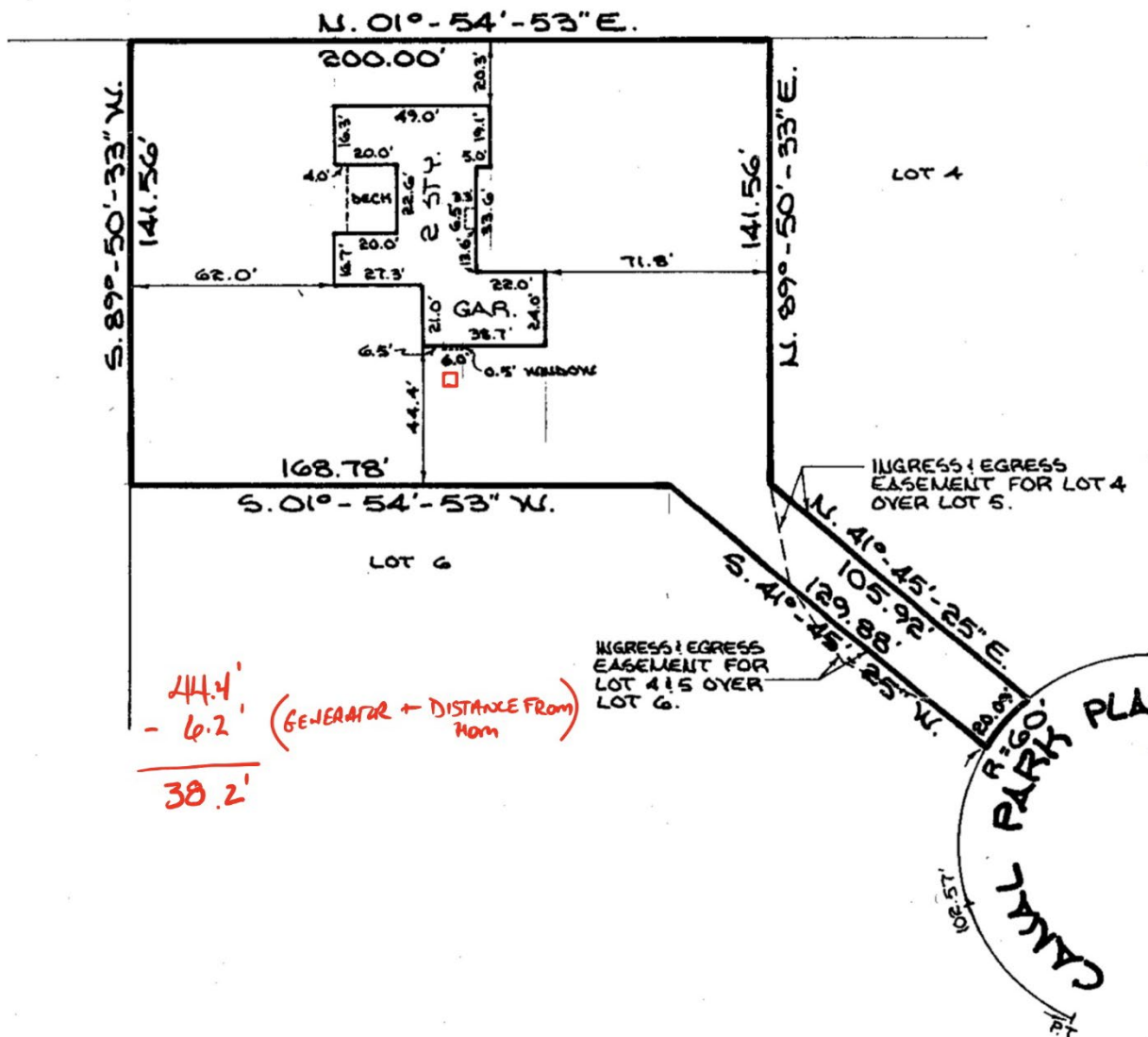
The within Resolution was moved by Zoning Board of Appeals Member Tom Kidera, seconded by Chairman George Dounce, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Absent
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Absent
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on July 15, 2024.

April Zurowski
Planning Assistant

NORTH



$$\begin{array}{r} 44.4' \\ - 6.2' \\ \hline 38.2' \end{array}$$
 (GENERATOR + DISTANCE FROM
 FROM)

MAP OF AN INSTRUMENT SURVEY

LOT 5 OF THE CANAL PARK ESTATES

SITUATE IN
 TOWN OF PITTSFORD, MONROE COUNTY
 SCALE: 1" = 50'

[Open Microsoft 365 \(Office\)](#)
 SEPTEMBER 4, 1986

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 11 Smead Road

**Tax Parcel: 151.14-1-73.1
Applicant: Gregory L. Goforth
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-17 B. to allow for the construction of an addition for an entry door bump out 47.7 feet from the front property line, where fifty (50) feet is required by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on July 15, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(17) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change produced in the neighborhood or detriment to nearby properties. The proposed bump out extends only 2.3 feet past the building line. The proposed design aligns with the architectural style and scale of the home and other nearby homes.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The property already sits forward the required 50' building line by 0.3 feet. There are no feasible means for the applicant to achieve the benefit sought by adding front door entry space to the home other than the requested variance. The bump out will not extend past the existing exterior stoop.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The variance does not represent a substantial variance from Code. The applicant is seeking a 2.3-foot variance (4.6%). The property was built prior to the establishment of the fifty (50) foot building line, such that it is already 0.3 feet ahead of that line without the variance.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The variance will have no adverse effect or impact on physical and/or environmental conditions in the neighborhood.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision but shall not necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by its minimal impact to neighbors and how the style and scale of the project fits the character of the neighborhood.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated June 14, 2024, and attached hereto as Exhibit A.
2. Construction of the front bump out must be completed by December 31, 2026.

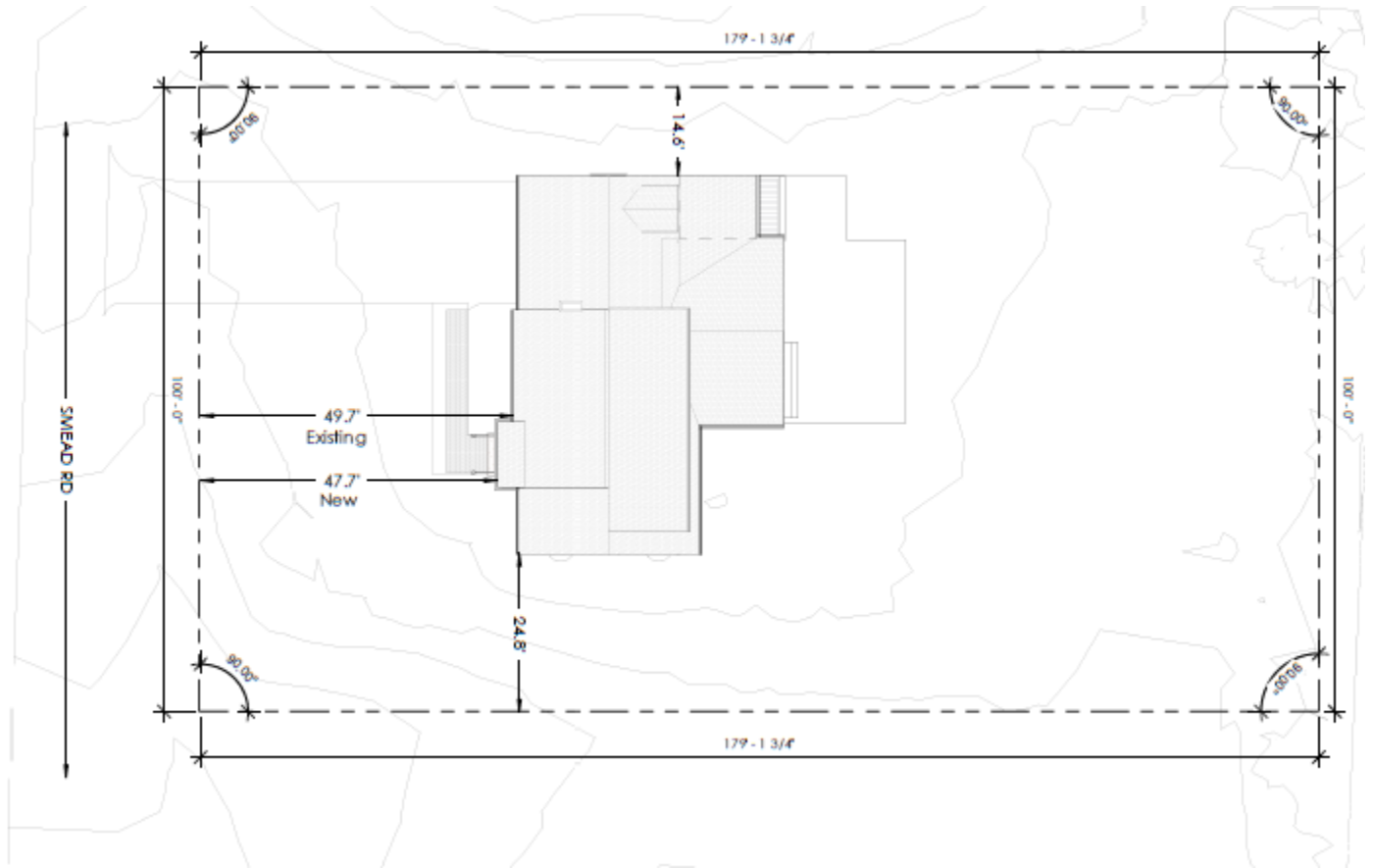
The within Resolution was moved by Zoning Board of Appeals Member Jim Pergolizzi, seconded by Board Member Mary Ellen Spennacchio-Wagner, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Absent
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Absent
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on July 15, 2024.

April Zurowski
Planning Assistant

EXHIBIT A



**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

**Re: 11 Smead Road
Tax Parcel: 151.14-1-73.1
Applicant: Gregory L. Goforth
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-17 B. (1) to allow for the construction of an addition for a covered porch 43.5 feet from the front property line, where fifty (50) feet is required, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on July 15, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(17) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

There will be no undesirable change produced in the neighborhood or detriment to nearby properties. The proposed porch extends 6.5 feet past the building line and façade area. The proposed design aligns with the architectural style and scale of the home and other nearby homes.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The property already sits forward the required 50' building line by 0.3 feet. There are no feasible means for the applicant to achieve the benefit sought by adding outdoor and entry space to the front home other than the requested variance.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The variance represents a substantial variance from Code. The applicant is seeking a 6.5-foot variance (13%). The request is mitigated by the fact that the property was built prior to the establishment of the fifty (50) foot building line, such that it is already 0.3 feet ahead of that line without the variance.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The variance will have no adverse effect or impact on physical and/or environmental conditions in the neighborhood.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision but shall not necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by its minimal impact to neighbors and how the style and scale of the project fits the character of the neighborhood.

CONDITIONS OF APPROVAL

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated June 14, 2024, attached hereto as Exhibit A.
2. Construction of the front porch must be completed by December 31, 2026.

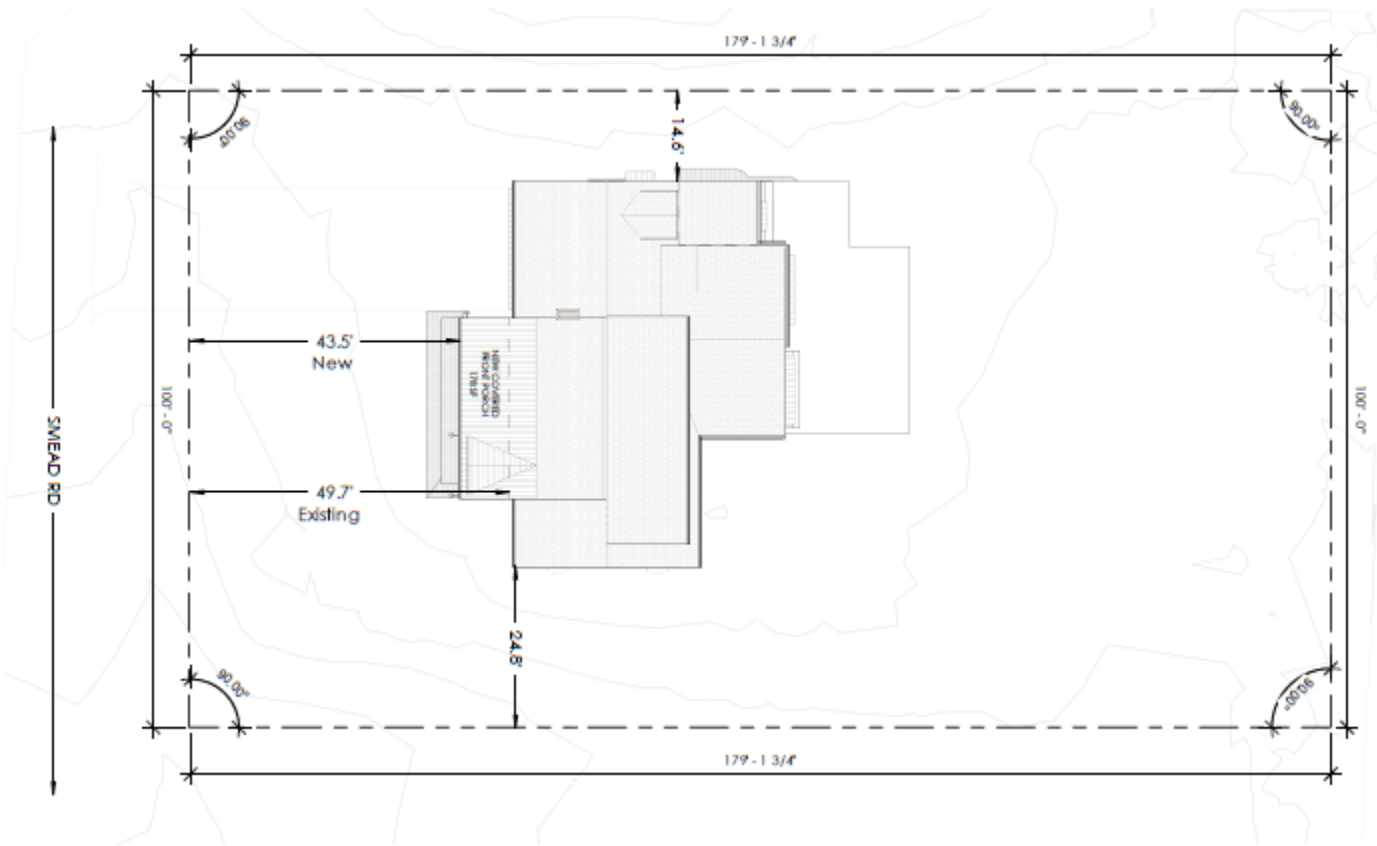
The within Resolution was moved by Zoning Board of Appeals Member Jim Pergolizzi, seconded by Board Member Mary Ellen Spennacchio-Wagner, and voted upon by the Board, as follows:

Phil Castleberry voted
James Pergolizzi voted
Barbara Servé voted
Thomas Kidera voted
Mary Ellen Spennacchio-Wagner voted
Jennifer Iacobucci voted
George Dounce voted

The Zoning Board of Appeals adopted the above resolution on July 15, 2024.

April Zurowski
Planning Assistant

EXHIBIT A



1/8" = 1'-0"

