

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
JUNE 17, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on June 17, 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, Barbara Servé, Phil Castleberry, Jennifer Iacobucci, Tom Kidera

**ABSENT:** None

**ALSO PRESENT:** April Zurowski, Planning Assistant; Bill Zink, Building Inspector; Naveen Havannavar, Town Board Liaison

**ATTENDANCE:** There were 12 members of the public present.

Chairman George Dounce called the meeting to order at 6:31PM.

**NEW PUBLIC HEARINGS:**

**39 Rosewood Drive – Tax ID 178.20-2-3**

Applicant is requesting relief from Town Code Section 185-17 B. for the construction of a two-story garage addition extending past the building line. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Chris Hennessey, as architect for the project, introduced the application. She stated that the applicant is requesting to construct a third bay onto the existing two bay garage with an office space above. The variance is requested in efforts to save available backyard space.

Vice Chairperson Servé asked if the applicant spoke with the most affected neighbor. Ms. Hennessey heard of no neighbor opposition from the applicant. Ms. Zurowski confirmed no comments were received by the Town. Vice Chairperson Servé stated that this addition will extend farther towards the road than other homes in the neighborhood.

Chairman Dounce asked for public comments. Hearing none, Board Member Kidera moved to close the public hearing, seconded by Vice Chairperson Servé, all ayes, none opposed.

A written resolution to grant the area variance for 39 Rosewood Drive was moved by Vice Chairperson Servé, seconded by Chairman Dounce. The resolution was unanimously approved.

**9 Forestwood Lane – Tax ID 179.05-1-17**

Applicant is requesting relief from Town Code Section 185-113 B. (1) for the construction of an oversized pergola. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Vaidotas Jasinevicius, of 9 Forestwood Lane, introduced the application. He stated that the summer months make using his existing deck difficult, so a pergola with a retractable sunshade is preferred. His variance request is to allow a pergola large enough to cover the entirety of the deck.

Chairman Dounce asked the applicant when he plans to complete construction. Mr. Jasinevicius stated that he plans to complete the pergola this summer.

Town Board Member Havannavar asked the applicant how he was alerted to the need for a variance. Ms. Zurowski stated that the Town denied a building permit request, as the application did not meet Town Zoning Code.

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

A written resolution to grant the area variance for 9 Forestwood Lane was moved by Board Member Spennacchio-Wagner, seconded by Vice Chairperson Servé. The resolution was unanimously approved.

**3070 Clover Street – Tax ID 163.04-1-43**

Applicant is requesting relief from Town Code Section 185-121 A. for the installation of a 4-foot-tall fence in front of the front setback on Abbey Woods. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Rebecca Younis, of 3070 Clover Street, introduced the application. She is requesting a 4-foot-tall fence in the front setback to protect her children and future pets from the road and create a safe space to play. The neighbor at 3 Abbey Woods confirmed their support with Ms. Younis. The neighbor at 9 Abbey Woods remained neutral. Ms. Zurowski stated that no comments were submitted to the Town.

Vice Chairperson Servé stated that the fence is proposed to be board-on-board untreated wood. She asked if the wood is to be stained. Ms. Younis stated that the fence company recommended the wood stay untreated for a while before staining. Ms. Younis plans to stain the fence at a later date.

Chairman Dounce asked the applicant when she plans to complete construction. Ms. Younis stated that installation of the fence is proposed for this summer.

Chairman Dounce asked for public comment. Board Member Kidera 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 3070 Clover Street was moved by Board Member Castleberry, seconded by Board Member Pergolizzi. The resolution was unanimously approved.

**751 Linden Avenue – Tax ID 138.15-1-25**

Applicant is requesting relief from Town Code Section 185-52 C. for the construction of an addition within the side setback. This property is zoned Light Industrial (LI).

Chairman Dounce opened the public hearing.

Steve Schultz and Alan Guidera, of MRB Group, and Ben Lee, of Schoen Auto, introduced the application. Mr. Schultz stated that the applicant would like to construct a 625 square foot addition to the west side of the building to be used as office space, lobby expansion, and break room expansion. This application will require a variance from the Zoning Board of Appeals to encroach in the side setback. There is existing vegetation and screening from adjacent properties. The most affected neighbor at 739 Linden Avenue submitted a letter in support. Chairman Dounce asked the applicant when he plans to begin construction. Mr. Guidera stated that the project is planned to begin this fall.

APPROVED MINUTES 061724

Chairman Dounce asked for public comment. Hearing none, Board Member Castleberry 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 751 Linden Avenue was moved by Chairman Dounce, seconded by Board Member Castleberry. The resolution was unanimously approved.

**3 Fitzmot Glen – Tax ID 164.03-1-2.2**

Applicant is requesting relief from Town Code Sections 185-113 B. (1), (2), and (3) and 185-17 B. for the construction of an oversized and over-height storage barn forward of the rear wall of the main structure and extending past the building line. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Aaron Beyler, of BME Associates, and Dennis Wilmot, of 3 Fitzmot Glen, introduced the application. Mr. Beyler stated that the applicant is requesting four variances to construct a detached garage with gardening area and bathroom. Originally, the application included a second floor, which has now been removed. Two letters of support were submitted.

Board Member Iacobucci asked if the height of the proposed structure could be reduced. Mr. Wilmot stated that the height was slightly reduced when plans were amended to remove the second floor, but because of the slope of the roof and the cupola, the height cannot be reduced. Board Member Iacobucci expressed her concern for the proposed height and size of the structure. Chairman Dounce asked if the cupola could be removed to reduce the height of the structure. Mr. Wilmot stated that the cupola is a design feature he does not wish to lose. Board Members Pergolizzi and Castleberry were not opposed to the added height from the cupola. Chairman Dounce and Board Member Iacobucci were opposed to the added height from the cupola.

Chairman Dounce asked the applicant when he plans to complete construction. Mr. Wilmot stated that construction is planned to begin this fall.

The Board asked Mr. Wilmot to return with an application for the placement of his chickens, which currently do not meet the Town Zoning Code.

Chairman Dounce asked for public comment. Vice Chairperson Servé motioned to close the public hearing, seconded by Board Member Pergolizzi, all ayes, none opposed.

A written resolution to grant the area variance for 3 Fitzmot Glen was moved by Board Member Pergolizzi, seconded by Board Member Kidera. The resolution was voted on as follows:

|                               |     |
|-------------------------------|-----|
| Phil Castleberry              | Aye |
| James Pergolizzi              | Aye |
| Barbara Servé                 | Aye |
| Thomas Kidera                 | Aye |
| Mary Ellen Spennacchio-Wagner | Aye |
| Jennifer Iacobucci            | Aye |
| George Dounce                 | No  |

**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 opened the public hearing.

APPROVED MINUTES 061724

Todd Brockmann, of 40 Van Voorhis Road, introduced his application. He is looking to construct a 2,764 square foot storage barn. He has met with Zoning Board members on site and has heard their hesitancy for the project. He plans to resubmit for a 1,536 square foot barn and may choose an alternate location on his property. He stated that two letters of support were submitted for the project.

Board Member Iacobucci stated that the residents at 30 Van Voorhis Rad have retracted their letter and submitted a letter in opposition for the project. She stated her concerns for the size and use of the building. She asked the applicant of his proposed use of the barn. Mr. Brockmann stated that he plans to use the barn for storage of his contracting equipment and for his belongings that are currently contained within temporary storage tents on his property.

Board Member Iacobucci asked if the existing elevated shed, pool house, and new rear addition are permitted. Ms. Zurowski confirmed that these improvements do not have permits on file with the Town.

Board Member Spennacchio-Wagner asked if this would require re-grading of the yard. Mr. Brockmann confirmed.

Chairman Dounce asked Mr. Brockmann to return next month with a revised plan.

Chairman Dounce asked for public comment. Hearing none, Board Member Spennacchio-Wagner motioned to hold over the public hearing, seconded by Board Member Iacobucci, all ayes, none opposed.

**OTHER DISCUSSION:**

Chairman Dounce motioned to approve the minutes of May 20, 2024. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman George Dounce closed the meeting at 8:15PM.

Respectfully submitted,

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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: 39 Rosewood Drive**

**Tax Parcel: 178.20-2-3**

**Applicant: Will Shaffer**

**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 a two-story garage addition 43 feet from the front property line, where 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 June 17, 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)(16) 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 requested 7-foot variance to allow this two-story garage addition 43 feet from the front property line will not produce an undesirable change in the neighborhood or detriment to nearby properties.

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

Although the property has backyard space to construct the garage addition, the applicant would like to preserve outdoor space for recreation. The internal layout of the proposed addition may force relocation of the mud room to a spot not practical for the applicant's use. Therefore, the benefit sought by the applicant 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 7-foot variance is not considered a substantial variance from code (14%) and is mitigated by the fact that the garage addition depth will only be that of a standard garage (21 feet).

***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. Additions are typical in residential neighborhoods. It will not encroach into the storm sewer easement along the property line.

***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 desire for additional space while keeping backyard 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 April 24, 2024, attached hereto as Exhibit A.
2. All construction of the two-story addition must be completed by December 31, 2025.

The within Resolution was moved by Zoning Board of Appeals Vice Chairperson Barb Servé, seconded by Board Chairman George Dounce, and voted upon by the Board, as follows:

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

The Zoning Board of Appeals adopted the above resolution on June 17, 2024.

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April Zurowski  
Planning Assistant



**O'NEILL-RODAK**  
 LAND SURVEYING ASSOCIATES, P.C.  
 LAND SURVEYORS - PLANNERS  
 BOUNDARY CONSULTANTS  
 FLOOD ZONE DETERMINATIONS  
 ALTA/ACSM SURVEYS

5 SOUTH FITZSLUGH STREET  
 ROCHESTER, NY  
 14614

PHONE (585) 325-7520 FAX (585) 325-1708  
 e-mail onerodak@frontonet.net

MAP OF A SURVEY

LOT 71  
 WOODSTOCK SUBDIVISION, SECTION 5  
 TOWN OF PITTSFORD  
 MONROE COUNTY, NEW YORK

CLIENT UNDERBERG & KESSLER, LLP

SCALE  
 1" = 30'

DATE  
 04/17/2007

PROJECT NO.  
 2007-0260

ADDED CERT 4/27/2007 ASD

REFERENCES:

PUBLIC ABSTRACT CORPORATION #184472 DATED MARCH 27, 2007  
 LIBER 9116 OF DEEDS, PAGE 237  
 LIBER 163 OF MAPS, PAGE 34

NOTES

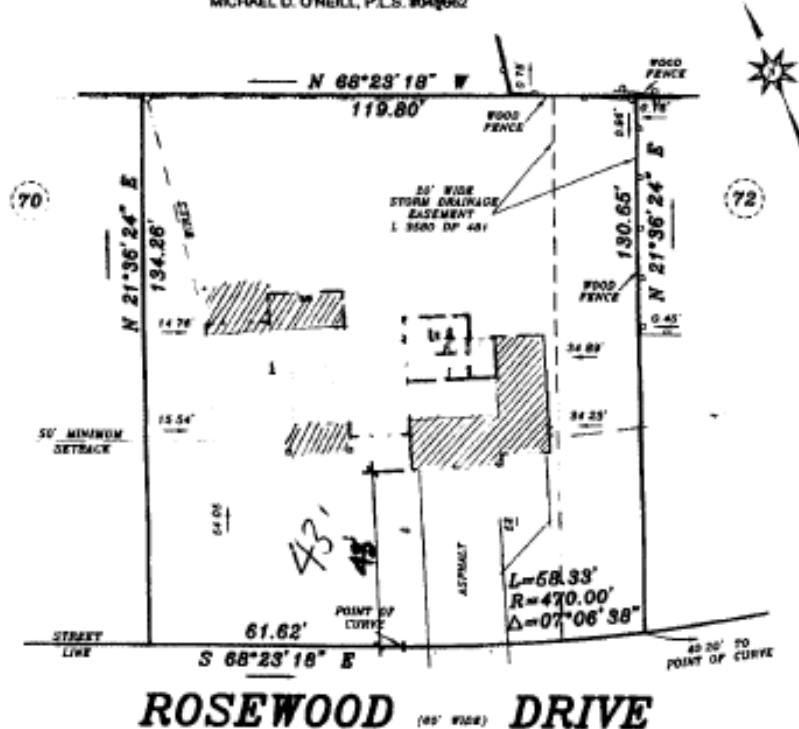
PARCEL IS SUBJECT TO AN EASEMENT GRANTED TO ROCH. GAS & ELEC. CORP. AND ROCH. TELEPHONE CORP. FOR FIXTURES AS SET FORTH IN LIBER 3580 OF DEEDS, PAGE 372.

REFERENCE IS MADE TO A GAS MAIN EASEMENT GRANTED TO ROCH. GAS & ELEC. CORP. AS SET FORTH IN LIBER 3580 OF DEEDS, PAGE 371.

PARCEL TAX ID #178 20-2-3

WE, O'NEILL-RODAK LAND SURVEYING ASSOCIATES, P.C., CERTIFY TO ABN AMRO MORTGAGE GROUP, INC., ITS SUCCESSORS AND/OR ASSIGNS; WILLIAM R. SHAFFER; PANZARELLA & COIA; FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK AND LEELEND T. WILLIAMS, ESQ. THAT THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED APRIL 12, 2007.

*Michael D. O'Neill*  
 MICHAEL D. O'NEILL, P.L.S. #000662



**ROSEWOOD DRIVE** (60' WIDE)

\*Unauthorized alteration of, or addition to, this survey map is a violation of section 7206 of the New York State Education Law\*  
 Copies of this survey map not bearing the land surveyor's inked or embossed seal shall not be considered to be a valid true copy.  
 \*Guarantees or certifications indicated hereon 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 based hereon, and to the assignees of the lending institution.  
 Guarantees or certifications are not transferable to the institutions or subsequent owners.\*

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

**RE: 9 Forestwood Lane**

**Tax Parcel: 179.05-1-17  
Applicant: Vaidotas Jasinevicius  
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-113 B. (1) to allow for the construction of an oversized pergola of 200 square feet where 180 square feet is the maximum permitted by code at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on June 17, 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)(12) 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 wishes to install a pergola kit, which includes a covering made from mesh fabric, over the current deck in his backyard. The deck is currently built and the posts for the pergola are installed surrounding the deck. There is support from the most affected neighbors.

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

The deck and backyard have direct sunlight. During the hot summer months, the sun is extremely intense in that area. Use of the deck is limited during this period. The applicant wants to screen the deck using a mesh fabric covering during these summer months which will be taken down on windy days and for the winter months. Because the deck is 200 square feet, a pergola smaller than that will not cover the entirety of the deck, therefore, the benefit sought by the applicant to cover the deck cannot be achieved by other feasible means.

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

The 20 square-foot variance does not represent a substantial variance from code (11%).

***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 the physical or environmental conditions in the neighborhood. The deck is permitted by code and the sunshade will be removable when necessary.

***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 need to resolve the intense sun and heat issues during the summer months to allow the comfortable use of the owner’s back 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 attached plans submitted and prepared by the applicant dated April 25, 2024, attached hereto as Exhibit A.
2. All construction of the pergola must be completed by December 31, 2024.

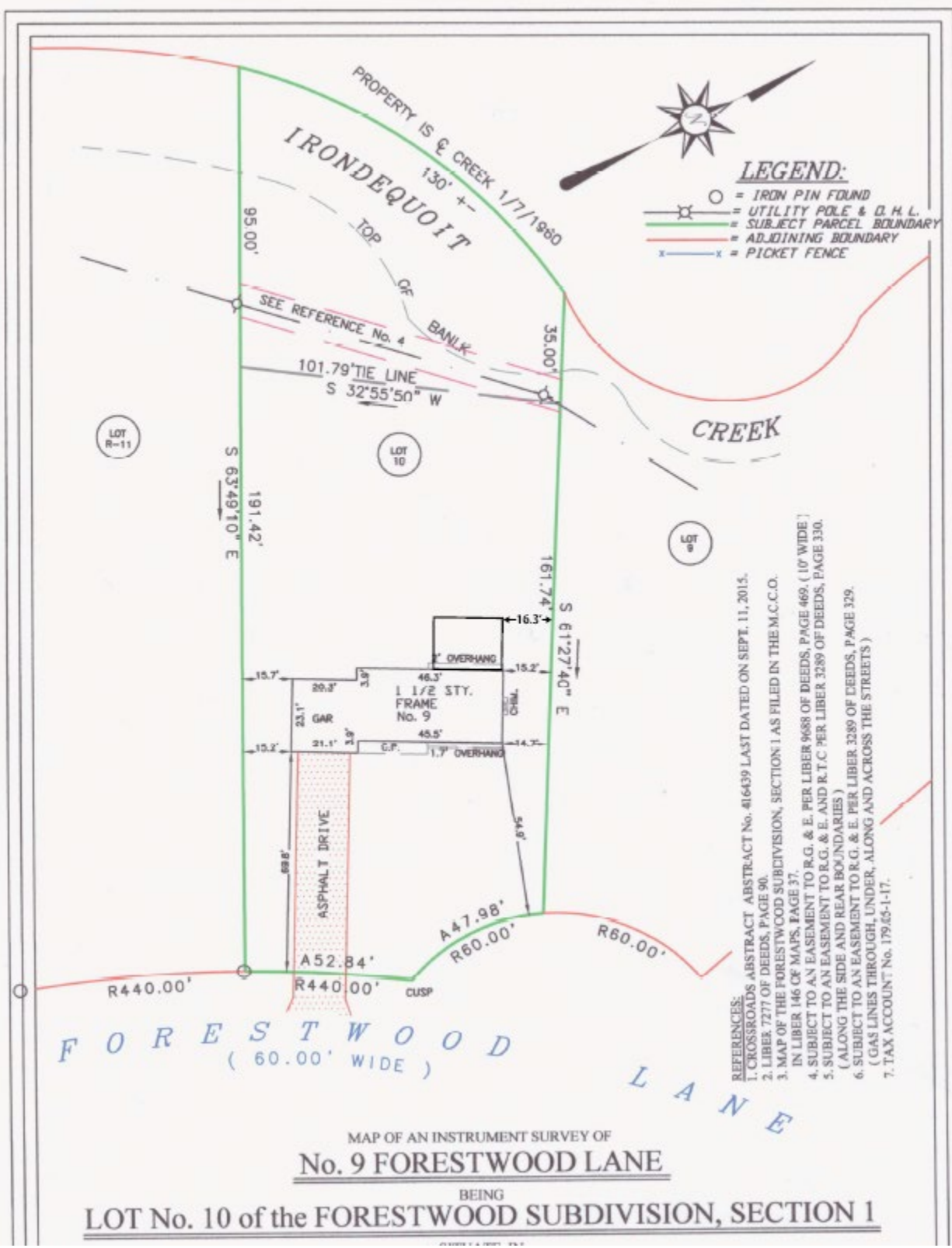
The within Resolution was moved by Zoning Board of Appeals Member Mary Ellen Spennacchio-Wagner, seconded by Board Vice Chairperson Barb Servé, and voted upon by the Board, as follows:

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

The Zoning Board of Appeals adopted the above resolution on June 17, 2024.

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April Zurowski  
Planning Assistant



**LEGEND:**  
 ○ = IRON PIN FOUND  
 ⊗ = UTILITY POLE & G. H. L.  
 — (green) = SUBJECT PARCEL BOUNDARY  
 — (red) = ADJOINING BOUNDARY  
 x—x = PICKET FENCE

- REFERENCES:
1. CROSSROADS ABSTRACT ABSTRACT No. 416439 LAST DATED ON SEPT. 11, 2015.
  2. LIBER 7277 OF DEEDS, PAGE 90.
  3. MAP OF THE FORESTWOOD SUBDIVISION, SECTION 1 AS FILED IN THE M.C.C.O. IN LIBER 146 OF MAPS, PAGE 37.
  4. SUBJECT TO AN EASEMENT TO R.G. & E. PER LIBER 9688 OF DEEDS, PAGE 469. (10' WIDE)
  5. SUBJECT TO AN EASEMENT TO R.G. & E. AND R.T.C. PER LIBER 3289 OF DEEDS, PAGE 330. (ALONG THE SIDE AND REAR BOUNDARIES)
  6. SUBJECT TO AN EASEMENT TO R.G. & E. PER LIBER 3289 OF DEEDS, PAGE 329. (GAS LINES THROUGH, UNDER, ALONG AND ACROSS THE STREETS)
  7. TAX ACCOUNT No. 179:65-1-17.

FORESTWOOD  
 ( 60.00' WIDE )  
 LANE

MAP OF AN INSTRUMENT SURVEY OF  
**No. 9 FORESTWOOD LANE**

BEING  
**LOT No. 10 of the FORESTWOOD SUBDIVISION, SECTION 1**

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

**RE: 3070 Clover Street**

**Tax Parcel: 163.04-1-43  
Applicant: Rebecca and Kyle Younis  
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-121 A. to allow for the installation of a 4-foot-tall fence in front of a front setback, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on June 17, 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)(12) and (16) 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's property faces Clover Street, but their rear and side yards face Abbey Woods and is therefore subjected to front setback code restrictions. Properties on Abbey Woods have a front-yard view into the applicant's backyard, so this fence will provide clean and appealing privacy, blocking activities and accessories from view.

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

While a three-foot fence would not require a variance, it does not provide sufficient privacy and/or safety for the applicant's children and pets. Additionally, enclosing the flattest part of the yard in the fenced area would not be possible without this variance.

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

An increase of one-foot in height where three-feet is the maximum (33%) and the placement of the taller fence in the "front yard" area is considered a substantial variance from code.

***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 the physical and/or environmental conditions in the neighborhood. The board-on-board fence may block viewsheds for some neighbors, but no opposition has been heard.

***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 the fact that the applicants' property has two front setbacks.

**CONDITIONS OF APPROVAL**

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

1. This variance is granted only for the attached plans submitted and prepared by the applicant dated May 13, 2024.
2. Construction of the fence must be completed by December 31, 2025.

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

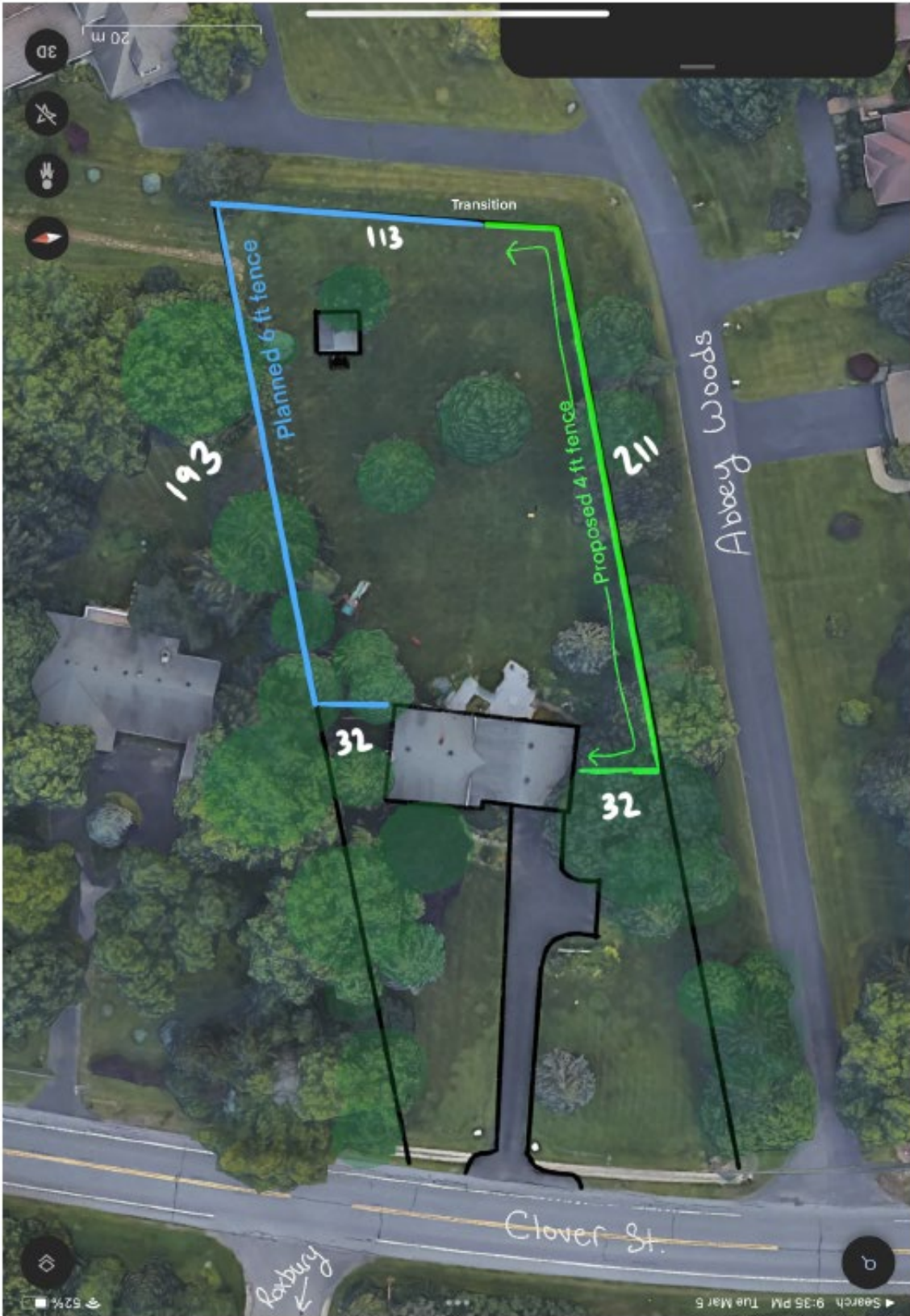
|                                     |     |
|-------------------------------------|-----|
| Phil Castleberry voted              | Aye |
| James Pergolizzi voted              | Aye |
| Barbara Servé voted                 | Aye |
| Thomas Kidera voted                 | Aye |
| Mary Ellen Spennacchio-Wagner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

The Zoning Board of Appeals adopted the above resolution on June 17, 2024.

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April Zurowski  
Planning Assistant

EXHIBIT A



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

**RE: 751 Linden Avenue**

**Tax Parcel: 138.15-1-25  
Applicant: Alexander Kellas & Benjamin Lee  
Zoned: Light Industrial (LI)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 152-52 C. to allow the construction of an addition 17 feet from the right side (west) property line where 25 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 June 17, 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)(7) and (16) 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 result in no undesirable change in the neighborhood or create a detriment to nearby properties. The addition is screened from the nearest neighbor by substantial vegetation and will be constructed where there is currently blacktop. There is no neighborhood opposition. The applicant has indicated that the most affected neighbor is in favor of the project. The light industrial character of the neighborhood will be unchanged.

***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 existing office area is on the right-hand (west) side of the property and the variance will allow needed expansion of this area. The rest of the building is shop area and not suitable for expansion of the office area.

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

The request for an 8-foot variance is substantial (32%) but is mitigated by the substantial screening from the most affected neighbor and that the property is in a light industrial zone.

***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 impact on the physical and/or environmental conditions in the neighborhood. The area of the addition is currently impervious blacktop so the impervious surface will remain unchanged.

***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 limited size of the addition and proposed vegetative screening, 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 17, 2024, attached hereto as Exhibit A.
2. All construction of the addition must be completed by December 31, 2025.
3. Subject to Final Site Plan approval from the Planning Board.

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                 | Aye |
| Thomas Kidera voted                 | Aye |
| Mary Ellen Spennacchio-Wagner voted | Aye |
| Jennifer Iacobucci voted            | Aye |
| George Dounce voted                 | Aye |

The Zoning Board of Appeals adopted the above resolution on June 17, 2024.

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April Zurowski  
Planning Assistant







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

**RE: 3 Fitzmot Glen**

**Tax Parcel: 164.03-1-2.2  
Applicant: Dennis Wilmot  
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant to the above applicant relief from Town Code Sections 185-113 B. (1), (2) and (3), and 185-17 B. to allow for the construction of an oversized (1,080 square feet where 180 square feet is the maximum) and over height (28 feet where 12 feet is the maximum) garage forward the rear wall of the main structure and extending past the front setback building line (25 feet from Fitzmot Glen where 70 feet is required) at the above location and bearing the above tax parcel number. The within resolution follows public hearings held on June 17, 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)(12) and (16) 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 requested variances will not produce an undesirable change in the neighborhood or detriment to nearby properties. The garage will be physically consistent with the characteristics of the house and surrounding residential lots. The proposed 1,080 square foot garage is not out of proportion to the size of the house on the 2.80-acre lot or that of the immediately adjacent houses. Each of the two neighbors on Fitzmot Glen have provided a letter of support, and the garage will be largely screened from view on Stone Road and other neighboring properties on the private drive.

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

The proposed location of the garage cannot be achieved by feasible means other than the requested variances. The requested size and height variances are necessary, as a smaller garage would not be feasible for the needs of the applicant for cars, storage, and a garden preparation area. The variances for building in the front setback and forward of the rear wall of the main structure are necessary to keep the garage out of the 100-year floodplain on the property. Additionally, Fitzmot Glen is a private road, and only one supportive neighbor will pass the garage to access their property.

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

The requested variances to construct an oversized and over height garage within the front setback and forward of the rear wall are each, respectively, substantial, but the effect of each is mitigated. The height (133%) and size (500%) variances are mitigated by the fact that the garage is in character with the large size of the subject lot and houses in the immediate vicinity. The proposed setback (64%) and location variances are mitigated by the fact they the relief sought is the minimal relief necessary to keep the structure out of the floodplain, and by the fact that the most affected neighbor at 5 Fitzmot Glen supports the project.

***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 variances will not have an adverse impact on the physical or environmental conditions in the neighborhood. No trees or vegetation will be removed in connection with the project. The garage will be located outside the floodplain and will be almost entirely screened from view on Stone Road.

***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.
2. The need for the requested variance is self-created but is mitigated by the need for more garage storage and does not preclude granting of the variance.

**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 17, 2024, as amended and attached hereto as Exhibit A.
2. No portion of the structure shall be used as a residential living space.
3. All construction is to be completed by December 31, 2026.

The within Resolution was moved by Zoning Board of Appeals Member James Pergolizzi, 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                 | Aye |
| Thomas Kidera voted                 | Aye |
| Mary Ellen Spennacchio-Wagner voted | Aye |
| Jennifer Iacobucci voted            | Aye |
| George Dounce voted                 | No  |

The Zoning Board of Appeals adopted the above resolution on June 17, 2024.

April Zurowski  
 Planning Assistant

**EXHIBIT A**

