

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MARCH 18, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on March 18, 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, Jennifer Iacobucci, Jim Pergolizzi

ABSENT: Barbara Servé, Tom Kidera, Phil Castleberry

ALSO PRESENT: Bill Zink, Building Inspector; Robert Koegel, Town Attorney; Naveen Havannavar, Town Board Liaison

ATTENDANCE: There were 9 members of the public present.

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

NEW PUBLIC HEARINGS:

85 Coventry Ridge – Tax ID 177.04-3-59

Applicant is requesting relief from Town Code Section 185-119 A. (1) 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.

Rami Elshaar, of 85 Coventry Ridge, introduced the application. He stated that he plans to install an inground pool in his backyard, but due to the pie-shape of his lot and the location of the existing gas line, he is proposing to place his equipment on the side of the home.

A letter from Mr. and Mrs. Chihoski, neighbors at 83 Coventry Ridge, was submitted in support of the application.

Chairman Dounce asked the applicant when he plans to begin construction. Mr. Elshaar anticipated construction to begin as soon as possible.

Chairman Dounce asked for public comment. Hearing none, Board Member Spennacchio-Wagner motioned to close the public hearing, seconded by Board Member Pergolizzi, none opposed.

A written resolution to grant the area variance for 85 Coventry Ridge was moved by Board Member Spennacchio-Wagner, seconded by Board Member Iacobucci. The resolution was unanimously approved.

OTHER DISCUSSION:

Chairman Dounce motioned to approve the minutes of January 15, 2024, seconded by Board Member Spennacchio-Wagner. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman George Dounce closed the meeting at 6:41PM.

Respectfully submitted,

Bill Zink
Building Inspector

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

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

**Re: 85 Coventry Ridge
Tax Parcel: 177.04-3-58
Applicant: Rami Elshaar
Zoned: Incentive Zoning (IZ)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-119 A. (1) to allow for the installation of pool equipment forward of the rear wall of the main structure in which Town Code requires it to be behind 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 March 18, 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 most affected neighbors at 83 Coventry Ridge are aware of the project and agree to the placement of the pool equipment. They have submitted an email of support.

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

The applicants wish to build an in-ground pool on their property, requiring specific pool equipment. The most effective and safest placement of this pool equipment is adjacent to the gas line from the home and next to the A/C units. If the pool equipment were to be placed in the back yard, it would require adding nearly 100 ft. of gas line extending out to the back yard.

The pool equipment is not visible from the road with the natural barrier of a slope. The owners and most affected neighbors will privately discuss possible screening of the equipment and work it out as needed.

Therefore, the benefit sought by the applicants to install a built in-pool and safe/proper placement of the pool equipment cannot be achieved by any other method than the granting of this variance.

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 equipment is to be placed on the side of the home and will not be placed forward of the front wall of the home, where it would be considered substantial.

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.

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 practical desire for a pool and its necessary associated pool equipment, 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 January 15, 2024, and shown in 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 Mary Ellen Spennacchio-Wagner, seconded by Board Member Jennifer Iacobucci, and voted upon by the Board, as follows:

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

The Zoning Board of Appeals adopted the above resolution on March 18, 2024.

Bill Zink
Building Inspector

