

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
March 15, 2021**

PUBLIC HEARING FOR AN AREA VARIANCE

- 17 Black Wood Circle, Tax # 178.03-5-36, Applicant is requesting relief from Town Code §185-119 (A) (1) & §185-30 (G) to construct an in-ground swimming pool encroaching into the rear setback, to place the pool heater and filter equipment on the side of the home and to exceed the maximum impervious lot coverage of the lot. This property is zoned IZ - Incentive Zoning.

How to view the meeting:

1. Zoom

- In your web browser, go to <https://townofpittsford.zoom.us/j/81922824936?pwd=dDdCME5iSG1DZE9YVzJLQUR4YnllZz09>
You will be connected to the meeting.

2. Telephone

- You can access the meeting by phone. Use any of the phone numbers below, then enter the meeting ID when prompted. The Meeting ID is 819 2282 4936. No password is necessary.

(929) 205-6099	(312) 626-6799
(253) 215-8782	(301) 715-8592
(346) 248-7799	(669) 900-6833

draft
**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
February 15, 2021**

PRESENT

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

ALSO PRESENT

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

ABSENT

Mike Rose

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, February 15, 2021 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

- 6 Canal Park Place, Tax # 150.19-1-5.71, Applicant is requesting relief from Town Code §185-17 (E) & §185 – 113 (B) (1) & (2) for the construction of a covered deck encroaching into the side setback and for an oversized and over height accessory structure (Cabana). This property is zoned RN – Residential Neighborhood District

George Dounce opened the Public Hearing.

The homeowners, Mandy and Scott Cooper, were present. Mr. Cooper discussed how they wish to maintain the scenic backyard without disturbing a lot of the foliage while being able to enjoy their pool area with a covered pavilion and safer new deck.

They have discussed the project with both neighbors and they have no problems with the plan.

There was no public comment.

The timeframe was discussed – the deck will be built first in the spring of 2021 and the pavilion will follow after the installation of an in-ground pool. The homeowners hope to be finished with the project by mid-September 2021.

Barbara Serve moved to close the public hearing.

David Rowe seconded.

All Ayes.

DECISION FOR 6 CANAL PARK PLACE – AREA VARIANCE

A resolution to grant an area variance to 6 Canal Park Place was moved by Zoning Board of Appeals member Mary Ellen Spennacchio-Wagner, seconded by Board member Phil Castleberry, and voted upon by the Board members, as follows:

Michael Rose was	absent
Barbara Servé voted	aye
James Pergolizzi voted	aye
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry voted	aye

The Board, in granting the application, imposed the following specific conditions:

1. This variance is granted only for the locations shown on the plot map received by the Zoning Board on January 13, 2021.
 2. All construction is to be completed by December 31, 2022.
 3. The application requires the approval of the Design Review and Historic Preservation Board.
- 115 Ellingwood Drive, Tax # 138.18-1-54, Applicant is requesting relief from Town Code §185 – 17 (B) (1) for the construction of a second story addition forward of the building line. This property is zoned RN – Residential Neighborhood District

George Dounce opened the Public Hearing.

Serge Tsvasman of Design Works Architecture was present to represent the homeowners.

There is no neighborhood objection to the second story addition.

There was no public comment.

The timeline is to start this year pending the contractor's availability.

Mary Ellen Spennacchio Wagner moved to close the Public Hearing.

Barbara Servé seconded.

All Ayes.

DECISION FOR 115 ELLINGWOOD DRIVE – AREA VARIANCE

A resolution to grant an area variance to 115 Ellingwood Drive was moved by Zoning Board of Appeals member David Rowe, seconded by Board member Jim Pergolizzi, and voted upon by the Board members, as follows:

Michael Rose was	absent
Barbara Servé voted	aye
James Pergolizzi voted	aye
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry voted	aye

The Board, in granting the application, imposed the following specific conditions:

1. This variance is granted only for the plans and survey received by the Zoning Board on January 13, 2021.
 2. This application is subject to Design Review and Historic Preservation Board review.
 3. All construction is to be completed by December 31, 2023.
- 9 Northstone Rise, Tax # 164.15-1-66, Applicant is requesting relief from Town Code §185 – 17 (E) for the construction of a three season room encroaching into the side setback. Property is zoned RN – Residential Neighborhood District.

George Dounce opened the public hearing.

The homeowner, Brett Caroselli and Dominick Caroselli were present.

The variance is necessary because zoning changes required a 15 ft. setback as opposed to the previous 10 ft.

Mr. Caroselli has talked to both neighbors and showed drawings and there is no objection.

There was no public comment.

This application will need to be reviewed by the Design Review and Historic Preservation Board.

Phil Castleberry moved to close the Public Hearing.

Barbara Servé seconded.

All Ayes.

DECISION FOR 9 NORTHSTONE RISE – AREA VARIANCE

A resolution to grant an area variance to 9 Northstone Rise was moved by Zoning Board of Appeals member James Pergolizzi, seconded by Board member Mary Ellen Spennacchio-Wagner, and voted upon by the Board members, as follows:

Michael Rose was	absent
Barbara Servé voted	aye
James Pergolizzi voted	aye
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry voted	aye

The Board, in granting the application, imposed the following specific conditions:

1. This variance is granted only for the site plan received by the Zoning Board on January 13, 2021.
 2. All construction is to be completed by December 31, 2022.
 3. This application is subject to the approval of the Design Review and Historic Preservation Board.
- 180 Kilbourn Road, Tax # 138.17-1-27, Applicant is requesting relief from Town Code §185 – 17 (B) (1) and 185 – 17 (K) (2) for the construction of a new home forward of the building line and encroaching into the side setback for the property. This property is a corner lot and is zoned RN – Residential Neighborhood District

George Dounce opened the public hearing.

The architect, Patrick Morabito, was present.

Mr. Morabito explained how this lot is a corner lot with 40 ft. front setbacks and 20 ft. side setbacks. The new two story home is proposed to be built in the same footprint of the previous ranch home however the setbacks have changed since the construction of the original home.

The neighbors next to this site have no problem with the construction.

The timeframe is to start in April of 2021.

George Dounce called for public comment. Mr. John Cake of 31 Overbrook Drive stated that he has no objections to this project. There will still be 75-80 ft. of separation from his property and he feels that the new construction will be a substantial improvement in the neighborhood.

Mary Ellen Spennacchio-Wagner moved to close the public hearing.

Barbara Servé seconded.

All Ayes.

DECISION FOR 180 KILBOURN ROAD – AREA VARIANCE

A resolution to grant an area variance to 180 Kilbourn Road was moved by Zoning Board of Appeals member Barbara Servé, seconded by Board member Phil Castleberry, and voted upon by the Board members, as follows:

Michael Rose was	absent
Barbara Servé voted	aye
James Pergolizzi voted	aye
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry voted	aye

The Board, in granting the application, imposed the following specific conditions:

1. This variance is granted only for the plans received by the Zoning Board on dated January 14, 2021.
2. All construction is to be completed by December 31, 2023.
3. This application is subject to the approval of the Design Review and Historic Preservation Board.

REVIEW OF MEETING MINUTES OF DECEMBER 21, 2020

George Dounce moved to approve the minutes of December 21, 2020 as written.

All Ayes.

POINT PERSONS FOR MARCH 15, 2021 MEETING

15 Blackwood Circle – Phil Castleberry

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 7:50 pm.

All Ayes.

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals

DRAFT

Zoning Board of Appeals Referral Form Information

Property Address:

17 Black Wood Circle PITTSFORD, NY 14534

Property Owner:

Jill Harter
17 Black Wood Circle
Pittsford, NY 14534

Applicant or Agent:

Jill Harter
17 Black Wood Circle
Pittsford, NY 14534

Present Zoning of Property: IZ Incentive Zoning
Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0
Left Lot Line:	0	Left Lot Line:	0	Left Lot Line:	0.0
Front Setback:	0	Front Setback:	0	Front Setback:	0.0
Rear Setback:	10	Rear Setback:	5	Rear Setback:	5.0
Height:	0	Height:	0	Height:	0.0
Lot Coverage:	40%	Lot Coverage:	53.7%	Lot Coverage:	-13.7%

Code Section(s): 185-119 A 1 185-30 G

Description: Applicant is requesting relief from Town Code to construct an in-ground swimming pool encroaching into the rear setback, to place the pool heater and filter equipment on the side of the home and to exceed the maximum impervious lot coverage of the lot.

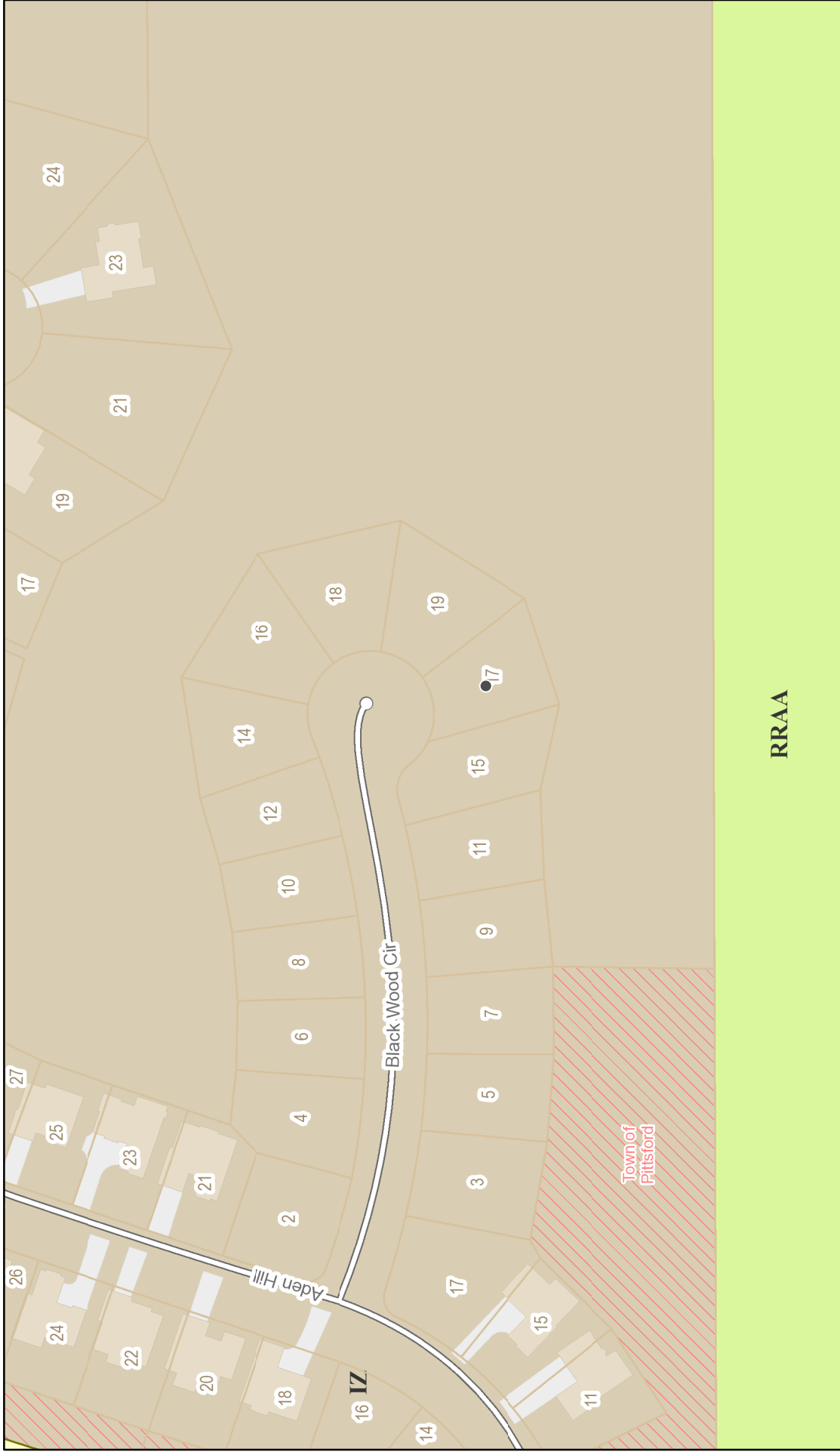
March 04, 2021



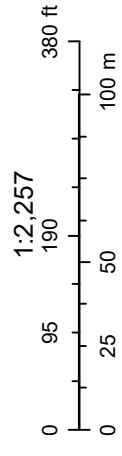
Date

Mark Lenzi - Building Inspector CEO

RN Residential Neighborhood Zoning



Printed March 4, 2021



Town of Pittsford GIS

The information depicted on this map is representational and should be used for general reference purposes only. No warranties, expressed or implied, are provided for the data or its use or interpretation.



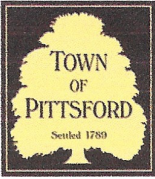
Lexton Way

Escena Rise

Aden Hill

Mendon Center Road





TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: 2/12/21 Hearing Date: 3/15/21

Applicant: Jill and Don Lennox

Address: 17 Black Wood Circle, Pittsford, NY 14534

Phone: 585-729-5725 E-Mail: jlennox357@gmail.com

Agent: _____
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

Property Owner: _____
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

(If applicant is not the property owner please complete the Authorization to Make Application Form.)

Property Location: 17 Blackwood Circle Current Zoning: Residential

Tax Map Number: 264689 178.03-5-36

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

The proposed project for which we seek a variance is the installation of a small fiberglass pool in the back yard of our property in the Wilshire Hill neighborhood. As part of our application we are requesting a variance to allow us to build within the rear 10' setback and to locate the pool equipment on the east side of the house, to be surrounded by landscaping. Our goal is to have the pool installed this summer by Northeastern Pools and the landscaping completed by Wayside Garden Center as well, so that our backyard will be be attractive and functional for use during the warm weather.

SWORN STATEMENT: As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.


(Owner or Applicant Signature)

2/10/21
(Date)

Disclosure Form E

STATE OF NEW YORK
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

LENNOX POOL VARIANCE
(Project Name)

The undersigned, being the applicant(s) to the...

- Town Board
- Zoning Board of Appeals
- Planning Board
- Architectural Review Board

...of the Town of Pittsford, for a...

- change of zoning
- special permit
- building permit
- permit
- amendment
- variance
- approval of a plat
- exemption from a plat or official map

...issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.

I do further certify that there is no officer of the State of New York, the County of Monroe or of the Town of Pittsford or of any other municipality of which the Town of Pittsford is a part who is interested in the favorable exercise of discretion by said Board as to this application, except for those named below:

Name(s)

Address(es)

Matthew Hennox
(Signature of Applicant)

2/10/21
(Dated)

17 Black Wood Circle
(Street Address)

Pittsford, NY 14534
(City/Town, State, Zip Code)

TESTS FOR GRANTING AREA VARIANCES

- 1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:**

We are requesting a two-part variance from the Zoning Board of Appeals so that we are able to install an inground pool in the backyard of our new home in the Wilshire Hill subdivision. We are asking for the Board's approval to allow the pool to sit less than 10 feet from the rear lot line and for permission to place the pool equipment on the east side of our house, rather than behind it. The impact of this improvement to our back yard will not produce an undesirable change in the character of the neighborhood, as it is barely visible to others in our area and our plans include landscaping designed to mitigate any visual impact on neighboring properties. There are several other inground pools in Wilshire Hill and they do not take away from the character of the neighborhood when tastefully done and landscaped. Most importantly, the pool will be minimally visible to neighbors on either side and from the street due to the proposed positioning in the far rear corner and the way the houses are oriented on the adjacent lots. We are located is at the top of a hill with nothing but woods behind us. On the east side there is a large berm that allows some additional privacy, and the neighbors on the west side are set slightly forward of ours so that they will have a limited view of the pool from their homes. We have a level rear lot and well below us is a culvert that handles runoff from the hillside. Beyond that is a town walking trail and woods. It is extremely private and there are no neighbors behind us that would be impacted by a pool. We plan to put extensive landscaping along the sides of the property to insure privacy, tastefully hide the pool equipment and to protect the neighbors' line of sight. We strongly believe that an inground pool that is well designed and landscaped will truly not be a detriment in any respect to the character of the street (where it will barely be visible) or to our neighbors.

- 2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:**

We have a small house on a small lot - .22 acres - and are limited to just one corner of the rear lot which can accommodate a pool. This particular lot was chosen by us because of the privacy, the open land and unobstructed view behind, the flat back yard area, and having a bit more usable space than some of the neighboring lots, to better the likelihood of being able to accommodate a pool. The proposal will only require a variance along the 10' rear setback and no need for a variance along the 7.5' side lot line setback. There is no other option to position the pool in such a way that we are able to use and fully enjoy our backyard without a variance along the rear lot line. The second part of our request regarding locating the pool equipment on the east side of the house is necessary also due to the small size of the lot, which leaves us a limited area for seating and a patio next to the pool, and behind the house. Pool equipment adjacent to the small patio would be noisy, obtrusive and would substantially interfere with the enjoyment of the limited outdoor space that we have.

- 3. Please explain whether the requested area variance is minimal or substantial:**

The requested area variance as shown would be considered substantial only as to the rear setback of 10'. We have positioned the pool in such a way that it has no significant impact on the 7.5 side setback since the pool's edge sits outside of the setback. We have selected a small pool where the water's edge still has a 5' setback and sits well within the lot lines. The only patio area will be next to the house and porch on the north and west side of the proposed pool. There will not be any further encroachment on the rear property line beyond the actual dimensions of the pool itself. The request to allow the pool equipment to be located outside the gate of the fence on the east side of the house has a minimal impact aesthetically. The exact distance from the house will be determined by the manufacturer's requirements. We plan to landscape around the equipment to mitigate any visual impact and insure that it meets code, is attractive, fits in with the character of the neighborhood, and blends with the overall landscape theme of the patio and pool area.

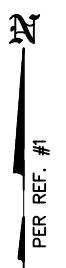
4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

We are committed to putting a small pool and patio area that will optimize our use of the backyard space, but have a minimal footprint. As previously noted, we back up to an open wooded area and there is no neighbor behind us that could be negatively impacted by our use of a pool in the back yard. We plan to address any grading and/or drainage issues so that we are not adversely affecting the environment or any other homes in our immediate area. There do not appear to be any issues based on the area grading plan provided by the Town. Morrell Builders has also been re-grading the berm that sits directly to the east of us and will be addressing any drainage between the lots when that lot is ultimately developed. The way our house is situated at the top of the cul-de-sac is very private and while the houses are close together, they are positioned so that there is maximum privacy. Currently none of the houses on our street have any rear landscaping, trees or privacy plantings. Our landscaping plan is designed to blend with and highlight the beauty of the land that surrounds us, while maximizing our privacy as well as the neighbors to either side of us.

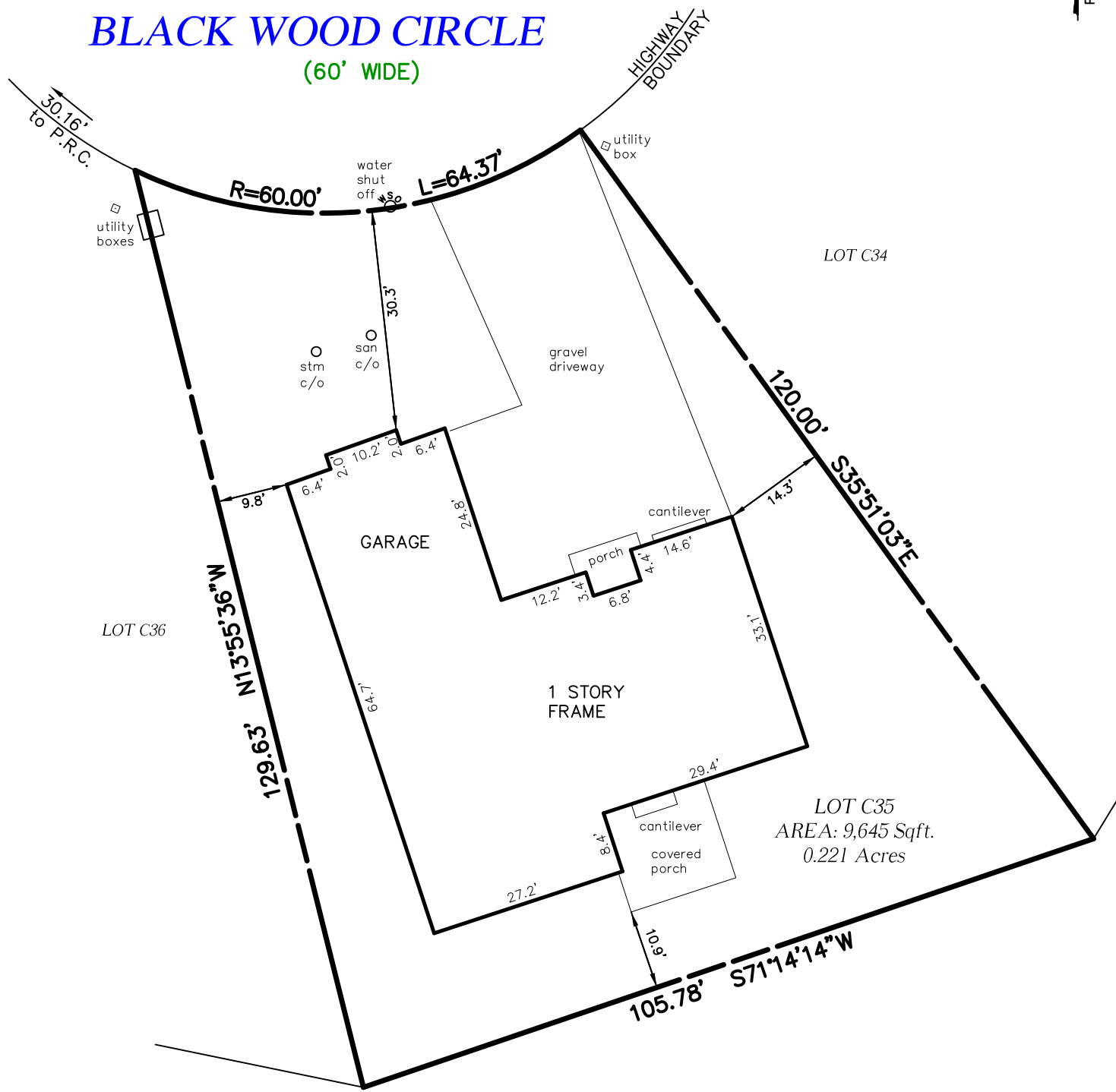
5. Is the alleged difficulty self-created?

I would say that installing any improvement on one's property that requires a variance is a self-created problem. Despite the need to be granted a variance, we are optimistic that any difficulty can be remedied with a well-designed plan that adheres to the requirements set by the Zoning Board. We asked when we purchased the lot whether putting in a small pool would be a problem or negatively impact the neighborhood. We were advised that it would not as long as it did not violate town code requirements or any neighborhood covenants. It appeared to us from the basic subdivision map that was used to select the lot that it was deep enough to accommodate potentially a small-medium sized pool. The positioning of the home on the lot as shown on the instrument survey reveals the limited area in which a pool can be located. It is our hope that with a variance to the rear setback, and allowing the pool equipment to sit on the side of the house, we can be successful in achieving our goal of having a backyard that is attractive, functional and maximizes our enjoyment of our beautiful lot, with minimal impact to the surrounding area.

MAP OF A SURVEY
LOT C35—WILSHIRE HILL SECTION 3
 TOWN OF PITTSFORD, MONROE COUNTY, N.Y.
 SCALE 1" = 20'



BLACK WOOD CIRCLE
 (60' WIDE)



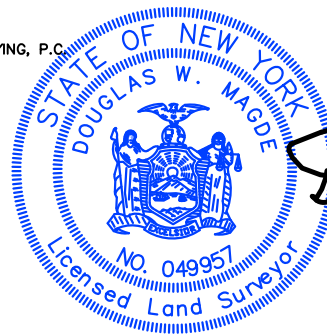
LOT C35
 AREA: 9,645 Sqft.
 0.221 Acres

REFERENCES:

1. "WILSHIRE HILL SUBDIVISION—SECTION 3B"
 FILED AS LIBER 358 OF MAPS, PAGE 99.
2. NO ABSTRACT OF TITLE PROVIDED FOR SURVEY.



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WE, MAGDE LAND SURVEYING, P.C., HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM NOTES OF A FIELD SURVEY COMPLETED ON MAY 19, 2020 AND FROM THE REFERENCES LISTED HEREON. SUBJECT TO ANY FACTS AN UPDATED ABSTRACT OF TITLE MAY REVEAL.

Douglas W. Magde
 DOUGLAS W. MAGDE, L.S. LIC. #049957

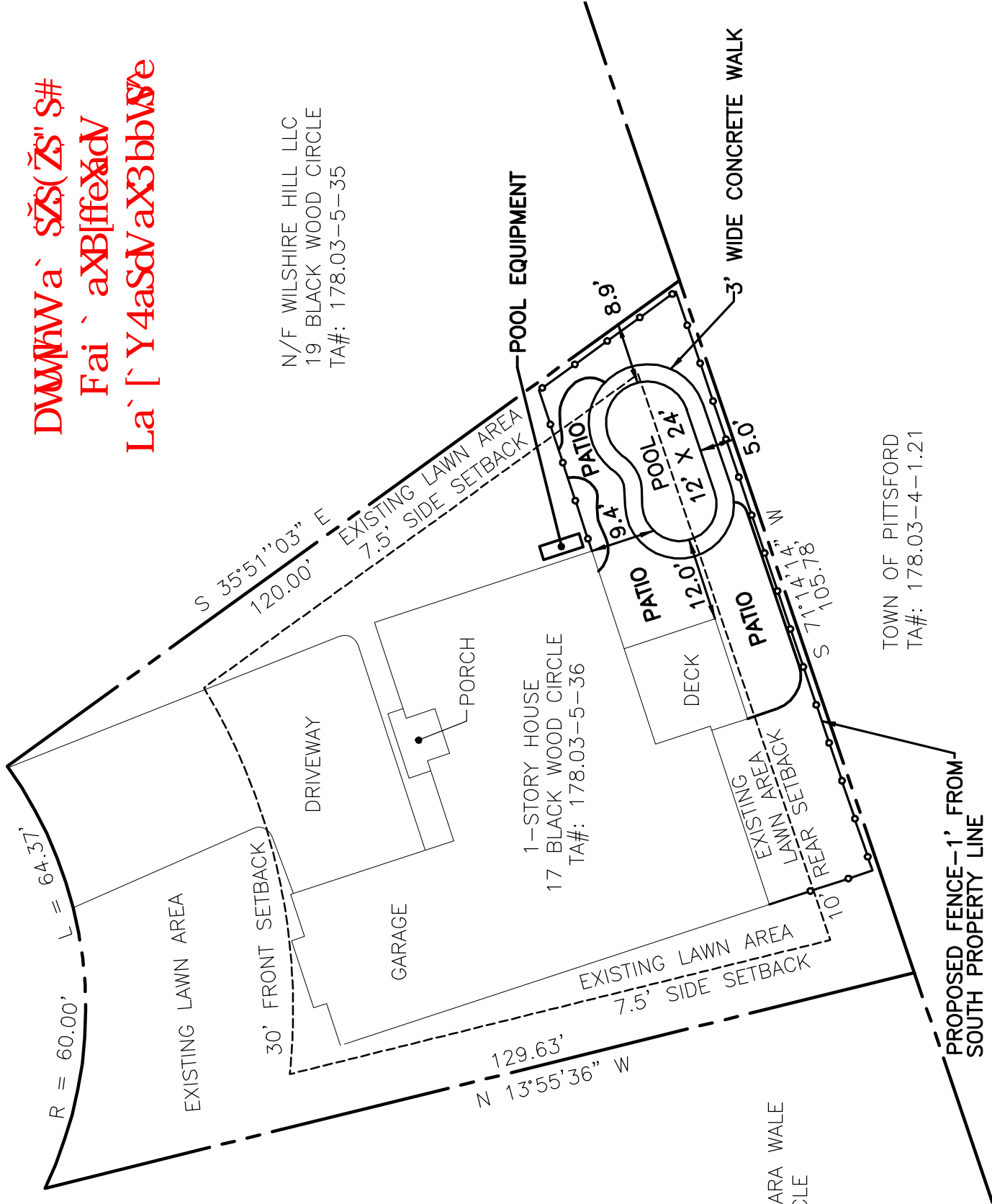
ROCHESTER OFFICE
 4460 CULVER ROAD
 ROCHESTER, N.Y. 14622
 (585) 654-5897
 dmagde@magdesurvey.com

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

Only boundary survey maps with the surveyor's embossed seal are genuine true and correct copies of the surveyor's original work and opinion

Certifications hereon are not transferable.
 The location of underground improvements or encroachments are not always known and often must be estimated.

BLACK WOOD CIRCLE



**DWMWa` sZS(ZS" S#
 Fai` aXBjffeXdV
 La` [Y4aScV aX3bbWVe**

LOT COVERAGE:

EXISTING CONDITIONS

HOUSE	2627.6 SF
DRIVEWAY	1348.6 SF
DECK	204.8 SF
PORCH	54.0 SF
TOTAL	4235.2 SF

TOTAL LOT SIZE: 9644.7 SF

TOTAL EXISTING LOT COVERAGE: 4235.2 SF/9644.7 SF = 43.9%

PROPOSED CONDITIONS

HOUSE	2627.6 SF
DRIVEWAY	1348.6 SF
DECK	204.8 SF
PORCH	54.0 SF
POOL, WALK & PATIO	935.5 SF
POOL EQUIPMENT	12.0 SF
TOTAL:	5179.7 SF

TOTAL PROPOSED LOT COVERAGE 5179.7 SF/9644.7 SF = 53.7%

LEGEND

- EXISTING PROPERTY LINE
- - - EXISTING SETBACK LINE
- - - ○ - - - PROPOSED FENCE LINE



SCALE: 1" = 20'

REVISIONS
 DATE: 2/25/21 - COVERAGE CALCULATIONS
 DATE: 2/26/21 - OWNER'S REVIEW



PROPOSED POOL AND IMPROVEMENTS

17 BLACK WOOD CIRCLE

TOWN OF PITTSFORD, MONROE COUNTY, NEW YORK STATE

PROFESSIONAL ENGINEERING GROUP

7171 VICTOR - PITTSFORD ROAD
 VICTOR, NEW YORK 14564

TEL: (585) 924-1860 EMAIL: PROENGINEER1@PRODIGY.NET

CLIENT:

DON & JILL LENNOX
 17 BLACK WOOD CIRCLE
 PITTSFORD, NY 14534
 (585)729-5725

DATE: FEB 2021

ENGINEER: S.A.H

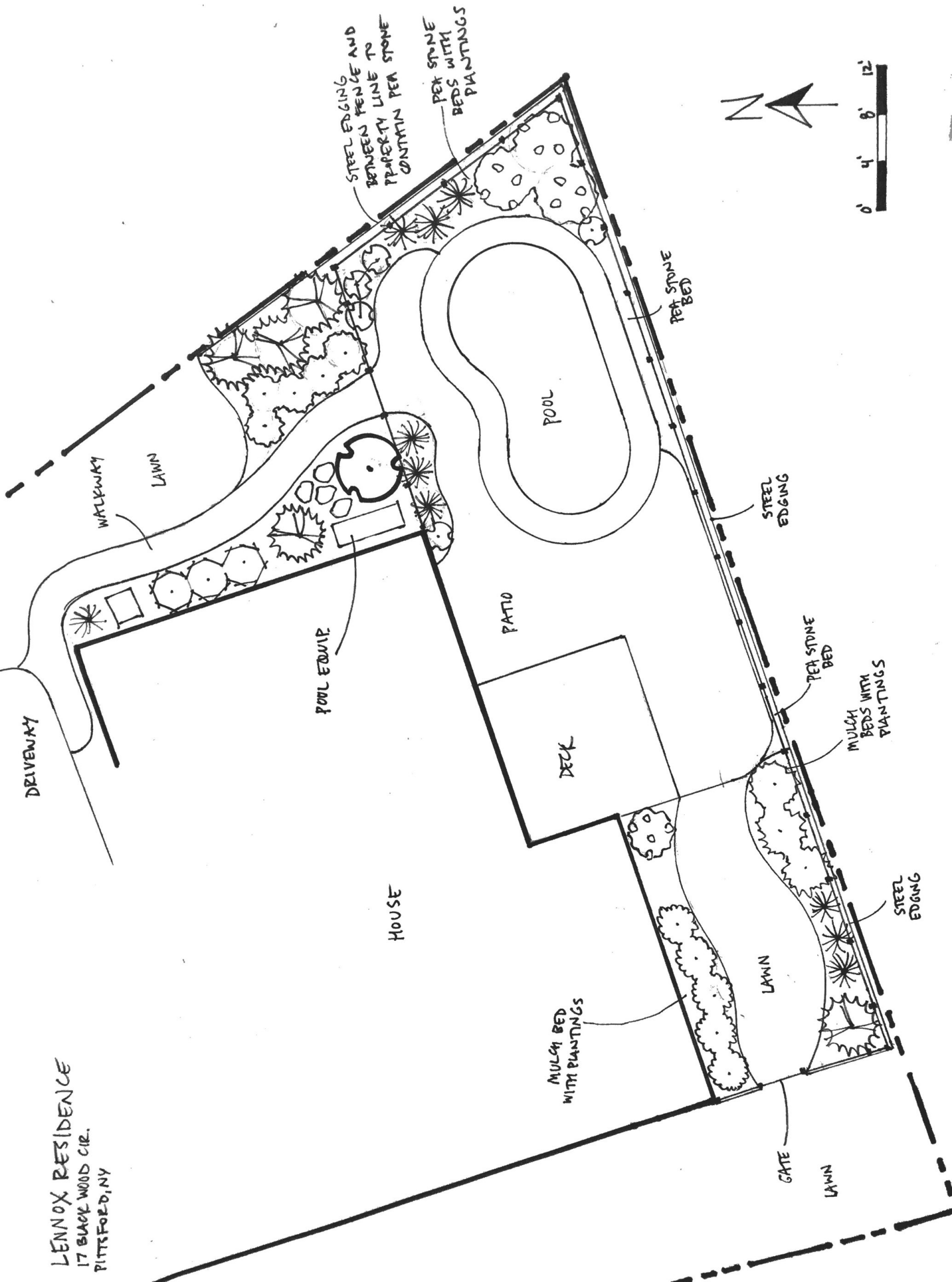
DRAWN BY: A.A.L.

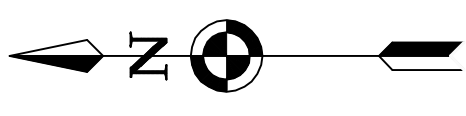
SCALE: 1" = 20'

SHEET NO.: 1 of 1

DRAWING NO.: 21020LSP1

LENNOX RESIDENCE
17 BLACK WOOD CIE.
PITTSFORD, NY





SCALE: 1" = 20'

REVISIONS
 DATE: 2/25/21 - COVERAGE CALCULATIONS
 DATE: 2/26/21 - OWNER'S REVIEW

LOT COVERAGE:

EXISTING CONDITIONS	
HOUSE	2627.6 SF
DRIVEWAY	1348.6 SF
DECK	204.8 SF
PORCH	54.0 SF
TOTAL	4235.2 SF

TOTAL LOT SIZE: 9644.7 SF
 TOTAL EXISTING LOT COVERAGE: 4235.2 SF/9644.7 SF = 43.9%

PROPOSED CONDITIONS

HOUSE	2627.6 SF
DRIVEWAY	1348.6 SF
DECK	204.8 SF
PORCH	54.0 SF
POOL, WALK & PATIO	935.5 SF
POOL EQUIPMENT	12.0 SF
TOTAL:	5179.7 SF

TOTAL PROPOSED LOT COVERAGE 5179.7 SF/9644.7 SF = 53.7%

PROPOSED POOL AND IMPROVEMENTS

17 BLACK WOOD CIRCLE

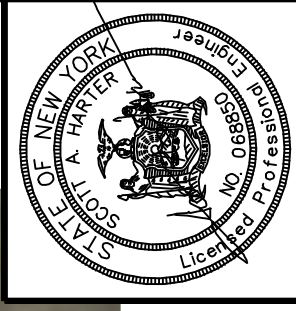
TOWN OF PITTSFORD, MONROE COUNTY, NEW YORK STATE

PROFESSIONAL ENGINEERING GROUP

7171 VICTOR - PITTSFORD ROAD
 VICTOR, NEW YORK 14564
 TEL: (585) 924-1860 EMAIL: PROENGINEER1@PRODIGY.NET

CLIENT:

DON & JILL LENNOX
 17 BLACK WOOD CIRCLE
 PITTSFORD, NY 14534
 (585)729-5725



DATE: FEB 2021
 ENGINEER: S.A.H
 DRAWN BY: A.A.L.
 SCALE: 1" = 20'
 SHEET NO.: 1 of 1
 DRAWING NO.: 21020LSP1