

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
July 18, 2022**

TOWN CLERK
TOWN OF
PITTSFORD, NY

2022 AUG 17 P 12:00

PRESENT

George Dounce, Chairperson; Barbara Servé, Vice Chair; Mary Ellen Spennacchio-Wagner, James Pergolizzi, Tom Kidera, Phil Castleberry, Jennifer Iacobucci

ALSO PRESENT

Kate Munzinger, Town Board liaison; Robert Koegel, Town Attorney; Bill Zink, Building Inspector; Doug DeRue, Director of Planning and Zoning; Susan Donnelly, Secretary to the Board

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, June 30, 2022 at 7:00PM local time.

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

The applications before the Board this evening are Type II Actions under 6-NYCRR §617.5 (c) and, therefore, are 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 HEARINGS FOR AN AREA VARIANCE - NEW

- 80 Barker Road, Tax # 178.09-1-27, Applicant is requesting relief from Town Code §185-113 B. (1) and 185 K. (2) for a proposed oversized accessory structure, shed in the side setback. Property is a corner lot and zoned RN - Residential Neighborhood.

George Dounce opened the Public Hearing.

Andrew Drebek was present to discuss the application with the Board.

Two letters of support have been received by the Town from neighbors regarding the project.

The Board inquired about the timeframe. The applicant would like to begin as soon as the permit is issued sometime this year as the family needs more storage space.

Phil Castleberry moved to close the Public Hearing.

Barb Servé seconded.

All Ayes.

- 354 Canfield Road, Tax # 191.04-2-3, Applicant is requesting relief from Town Code §185-113 B. (1), (2) for a proposed oversized and over height accessory structure, shed. Property is zoned RRSP – Rural Residential South Pittsford.

George Dounce opened the Public Hearing.

The homeowner, Dean Smith, was present.

Mr. Smith indicated that the height of the garage he is requesting has been changed to 26'. The construction will be for a 2 bay garage and carport.

The timeline for construction is this year if he can secure a contractor for the excavation.

There was no public comment.

George Dounce moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- 263 East Street, Tax # 178.12-1-32, Applicant is requesting relief from Town Code §185-113 B. (1), (2) for a proposed oversized and over height accessory structure, garage. Property is zoned RN - Residential Neighborhood.

George Dounce opened the Public Hearing.

The homeowner, Michael Kelly, was present.

The proposed structure (garage) will be 24' x 24'. The current garage will be reclaimed as living space. Mr. Kelly stated that his neighbors have no problem with this proposed project.

The timeline would be to start summer of 2022.

There was no public comment.

Jennifer Iacobucci moved to close the Public Hearing.

Barb Servé seconded.

All Ayes.

- 7 Lusk Farm Circle, Tax # 164.15-1-86, Applicant is requesting relief from Town Code §185-119 A. (1) to place the pool filter and or heater equipment on the side of the home. This property is zoned Residential Neighborhood – (RN).

George Dounce opened the Public Hearing.

The homeowner Adam Dziorny and Jake Johnson of Oasis Pools was present.

Mr. Johnson discussed the reasons of not being able to place the pool equipment in the rear of the property. He indicated the equipment will be “barely” visible from the road.

Mr. Dziorny stated that he has not talked to his neighbors but there are no living areas in the adjacent property where the neighbor will be looking at the equipment.

George Dounce stated that the pump is very quiet.

There was no public comment or comment from Town staff.

There was no further discussion from the Board.

Jim Pergolizzi moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- 4 Millstone Court, Tax # 178.11-2-36, Applicant is requesting relief from Town Code §185 - 17 E for a proposed garden shed located less than the required minimum side setback. This property is zoned Residential Neighborhood – (RN).

George Dounce opened the Public Hearing.

There was no representative present but the Board felt comfortable going ahead with the review.

It was stated that the neighbor to the left also has a shed.

There was no public comment.

There was no further comment from the Board.

Jennifer Iacobucci moved to close the Public Hearing.

Tom Kidera seconded.

All Ayes.

APPLICATION FOR AREA VARIANCES – CONTINUED

- 14 Trotters Field Run Tax # 164.17-1-22.1, Applicant is requesting relief from Town Code §185 - 113 B. (3), for pool equipment and a sport court forward of the rear wall, §185 – 17 E. (1) for a sport court within the side setback, §185 – 17 H. for greater than 40% impervious lot coverage. This property is zoned Residential Neighborhood (RN).

This hearing was closed at the June 20th meeting.

The applicant and 6 members of the public were present for this discussion.

Town Attorney, Robert Koegel, announced that three separate emails had been sent to the Board directly from neighbors of 14 Trotters Field Run after the closing of the hearing on June 20th. Mr. Koegel stated that it is not proper procedure for comments to be sent directly to the Board and should always be directed to the Town staff first. Mr. Koegel then directed the Board to disregard any remarks that were communicated to the Board by the public after the hearing was closed. He indicated that the comments have no new merit and the Board should not base their decision on any comments sent after the hearing is closed. Furthermore, Mr. Koegel also informed that regarding the threat of litigation directed towards the Board by the public that the Board is not liable for their actions in their determinations and the Town of Pittsford would stand behind them in their official capacity as a member of the Zoning Board of Appeals.

The Board addressed the issues of the outdoor recreational court, impervious lot coverage and the pool equipment location.

Regarding the pool equipment, the Board felt comfortable with locating the pool equipment in its present location as long it is hidden by solid fencing or similar enclosure. The Board also determined that the 45.1% lot coverage where code allows 40% is not what is creating the drainage issue for the neighbor and as such is acceptable.

Regarding the outdoor recreational court, if the Basketball pole and hoop are removed then there is no need for the variance requested under current Town code. It was noted that the applicant proposed fencing and arbor vitae plantings near the sport court area. It was determined that if the area is no longer an outdoor recreational court that an approximate 5% overage does not justify a fence and plantings. It was discussed that any further future concerns of the neighbors regarding noise and lighting of this area should be directed to the Town of Pittsford Code Enforcement Officer and is not in the purview of the Zoning Board of Appeals.

The majority of the Board felt comfortable with a discussion of the granting of the variance regarding the pool equipment and impervious lot coverage and the denial of the variances required for the surface to serve as a recreational sport court.

DECISION FOR 80 BARKER ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 80 Barker Road was moved by Barb Servé and seconded by Board Member George Dounce.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	Aye
Iacobucci	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated May 26, 2022.
2. All construction is to be completed by December 31, 2023.

DECISION FOR 354 CANFIELD ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 354 Canfield Road was moved by Tom Kidera and seconded by Board Member Mary Ellen Spennacchio-Wagner.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	Aye
Iacobucci	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated June 17, 2022.
2. All construction is to be completed by December 31, 2023.

DECISION FOR 263 EAST STREET – AREA VARIANCE

A written Resolution to grant the area variance for 263 East Street was moved by Jim Pergolizzi and seconded by Board Member Phil Castleberry.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye

Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	Aye
Iacobucci	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated June 9, 2022.
2. All construction is to be completed by December 31, 2023.

DECISION FOR 7 LUSK FARM CIRCLE – AREA VARIANCE

A written Resolution to grant the area variance for 7 Lusk Farm Circle was moved by George Dounce and seconded by Board Member Tom Kidera.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	Aye
Iacobucci	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated June 3, 2022.
2. All construction is to be completed by December 31, 2022.

DECISION FOR 4 MILLSTONE COURT – AREA VARIANCE

A written Resolution to grant the area variance for 4 Millstone Court was moved by Jennifer Iacobucci and seconded by Board Member Jim Pergolizzi.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Dounce	Aye
Iacobucci	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated June 2, 2022.
2. All construction is to be completed by December 31, 2023.

DECISION FOR 14 TROTTERS FIELD RUN – AREA VARIANCE

A written Resolution to grant the area variance for 14 Trotters Field Run was moved by Phil Castleberry and seconded by Board Member George Dounce.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Nay
Castleberry	Aye
Kidera	Aye
Dounce	Aye
Iacobucci	Aye

The approved Resolution contains the following Specific Conditions:

1. Variances are granted only for Town Code Sections 185 – 119 A.(1) for pool equipment forward of the rear wall; and 185 – 17 H. to allow 45.1% impervious lot coverage where 40% is allowed as indicated on the application submitted to the Zoning Board of Appeals, dated May 14, 2022, and the attached survey.
2. The spotlight on the north side of the applicant's house shall be removed, and no other lighting shall be installed or used to illuminate the former outdoor recreational court area in violation of Town Code.
3. Effective immediately, the area previously used as an outdoor recreational court shall not be used as such and the basketball hoop and pole and the spotlight on the north side of the applicant's house shall be removed by September 19, 2022.
4. Solid fencing or a similar enclosure shall be installed around the sides of the pool equipment and 6 inches +/- above the equipment (not necessarily covering the top), to reduce noise by December 31, 2022.
5. Failure to comply with any or all of the terms and conditions of this resolution will be deemed to be a violation of the Town zoning code and will be enforceable by the Town as such.

POINT PERSONS FOR August 15 MEETING

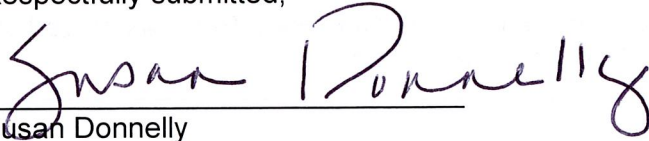
7 Buchanan Road – Barb Servé

ADJOURNMENT/MINUTES APPROVAL

Chairman George Dounce motioned to approve the minutes of June 20, 2022 with a correction. Following a unanimous voice vote, the minutes were approved as written.

The meeting was adjourned at 9:05 pm.

Respectfully submitted,

A handwritten signature in black ink that reads "Susan Donnelly". The signature is written in a cursive style with a large, looped "S" and "D".

Susan Donnelly
Secretary to the Zoning Board of Appeals