TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
January 16, 2017

PRESENT
George Dounce, Chairperson; Barbara Servé, Mary Ellen Spennacchio-Wagner, Jaime Waldman, Mike Rose, David Rowe, Barb Collins

ALSO PRESENT
Robert Koegel, Town Attorney; Doug DeRue, Director of Planning, Zoning and Development; Mark Lenzi, Building Inspector; and Susan Donnelly, Secretary to the Board

ABSENT
None

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

Staff member Mark Lenzi indicated that all of the applications before the Board this evening are exempt from Monroe County Planning Department review and are Type II actions and not subject to SEQRA review.

PUBLIC HEARING FOR AREA VARIANCE

- 9 Chelsea Park, Tax # 163.16-3-27, Applicant is requesting relief from Town Code §185-17 E to place a backup electrical generator on the south side of the home and in the side setback. The generator will be located 7' from the south property line and is proposed to be screened with plantings. Property is zoned RN – Residential Neighborhood District.

  The homeowners, Bill Sharon and Deborah Pearce, were present to discuss the application with the Board. Their desire is to replace their current portable gasoline powered generator with a natural gas powered generator. They discussed that the most affected neighbor is not opposed to the proposed generator nor are any other neighbors. A test cycle will be performed once a week in the middle of the afternoon to reduce impact on the neighbors.

  Board member David Rowe recommended that Town Code 187-113 B (6) also be referenced in this application.

  There was no public comment regarding this application.

  Mike Rose moved to close the Public Hearing. Barbara Servé seconded. All Ayes.

- 4 White Briar, Tax # 178.15-3-17. Applicant is requesting relief from Town Code §185-113 B (1) to allow construction of a 208 +/- ft², 11' 6" tall accessory structure (Gazebo). The oversized rectangular shaped accessory structure would be located in the rear yard of the property. Property is zoned RN – Residential Neighborhood District.

  The homeowner, Charles Volcy, was present to discuss the application with the Board. The Board questioned why the gazebo was so large and Mr. Volcy indicated this was a pre-fabricated unit built in advance. He indicated he would like to install the gazebo in the proposed location as soon as possible. He also indicated that he is willing to remove the trampoline currently in the yard and that he will be planting grass in the yard that was torn up by the installation of the pool.

Mike Goldman of 6 White Briar spoke in opposition to the installation of the gazebo citing that there is increased activity in the back yard at 4 White Briar and he is concerned as to how it will affect his property value. In addition he is concerned about Mr. Volcy bringing in the gazebo on his side of the property.

Mr. Volcy returned to the podium to address how he would bring the gazebo into the backyard, that it would come in between 4 and 6 White Briar but he would remove the gate to the fence and was measured and determined that the gazebo will fit.

Ahmed Matloubieh of 2 White Briar voiced his concerns that the structure doesn't belong there and that the neighborhood will become noisy as a result of activities in the gazebo.

Francis Affronti of 8 Holley Creek discussed that he did not believe a structure of that size belonged in the yard and voiced concerns that it would be a detriment to the neighborhood.

Mr. Volcy returned to the podium again to indicate that he has 4 children but 2 of them are college age and not necessarily around a majority of the time and would not contribute to additional noise.

David Rowe moved to close the Public Hearing and Jaime Waldman seconded. All Ayes.

Upon discussion, George Dounce moved to reopen the Public Hearing to allow Mr. Volcy to submit a landscape plan which would buffer the gazebo from the neighbors. Jaime Waldman seconded.

Aye – George Dounce. Nays – All others. The Public Hearing was not reopened.

CONTINUED PUBLIC HEARING FOR AREA VARIANCE

- 834 Linden Avenue, Tax # 138.15-1-7. Applicant is requesting relief from Town Code §185-53 A (1) & (2) and Town Code § 185-53 D (1) & (2) to pave a section of the property located forward of the building to display vehicles for sale. Property zoned LI – Light Industrial.

  Discussion continued on the matter of 834 Linden Avenue. Board member David Rowe presented pictures of other businesses in the area who have requested area variance for using the area in front of their businesses that have been denied expansion. Mr. Rowe indicated that intensifying or expanding the use of these areas is a violation of Town Code. Town Attorney Robert Koegel stated that this was a close call and could be argued either way and it was up to the discretion of the Board.

  Universal Imports has received a special permit in past years under the prior town code, and this request can be seen as an area variance. The question that remains is that by granting this variance would this open the door for other businesses to also apply for a similar variance. In 2000, the code was changed and car sales were no longer a permitted use. By adding blacktop to the area, the Applicant is looking to expand beyond the previous special use permit for parking cars in front of the building from 9 months of the year to year round.

DECISION FOR APPROVAL FOR 9 CHELSEA PARK - AREA VARIANCE

A written Resolution to grant the area variance for 9 Chelsea Park was moved by Barb Servé and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Barb Collins voted	Aye
Michael Rose voted	Aye
Barbara Servé voted	Aye
Jaime Waldman voted	Aye

David Rowe voted Aye
Mary Ellen Spennacchio-Wagner voted Aye
George Dounce voted 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 January 4, 2017.
2. All construction is to be completed by December 31, 2018.

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APPROVAL FOR 4 WHITE BRIAR - AREA VARIANCE

A written Resolution to grant the area variance for 4 White Briar was moved by Mary Ellen Spennacchio-Wagner and seconded by Mike Rose.

Chairman George Dounce called for a roll call vote.

Barb Collins voted Aye
Michael Rose voted Aye
Barbara Servé voted Aye
Jaime Waldman voted Aye
David Rowe voted Aye
Mary Ellen Spennacchio-Wagner voted Aye
George Dounce voted Nay

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated January 4, 2017.
2. All construction is to be completed by December 31, 2018.

The approved Resolution is on file with the Town Clerk and archived at the Pittsford Town Hall.

DENIAL OF AREA VARIANCE FOR 834 LINDEN AVENUE

A written Resolution to deny the area variance for 834 Linden Avenue was moved by David Rowe and seconded by Barbara Servé.

Chairman George Dounce called for a roll call vote.

Barb Collins voted Aye
Michael Rose voted Nay
Barbara Servé voted Aye
Jaime Waldman voted Nay
David Rowe voted Aye
Mary Ellen Spennacchio-Wagner voted Aye
George Dounce voted Nay

APPROVAL OF THE MEETING MINUTES OF November 21, 2016

Chairman George Dounce moved to accept the minutes of November 21, 2016 as written.

VOICE VOTE: Ayes – All

MEETING ADJOURNMENT

The meeting was adjourned at 8:50 pm.

VOICE VOTE: Ayes – All

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals