

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
June 15, 2020**

PRESENT

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

ALSO PRESENT

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

ABSENT

Mike Rose, David Rowe

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, June 15 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 – NEW

- **85 Knollwood Drive**, Tax # 138.17-1-5, Applicant is requesting relief from Town Code §185- 113 (B) (6) (Side Setback) and §185 – 141 (F) (1) (Outdoor Illumination of Recreational courts) to allow the construction of an outdoor recreation court (Tennis Court). The tennis court is proposed to be located in the rear yard at approximately 14 feet from the rear property line and will include 22' tall lights illuminating the play area. The size is proposed to be 60' x 120'. Property is zoned RN- Residential Neighborhood District.

Evan Gefell of Costich Engineering and Karen Kosten of Wegmans were present to discuss the application with the Board.

The applicants stated the proposed illuminated tennis court will be located directly behind the residence. Six 20 ft. arbor vitae will be planted on the side of the property line to shield adjoining properties. 22' posts will house illuminated LED lights which will provide safety lighting for the players. The applicant states that the area is heavily wooded and the residence is 18 ft. above the lighted poles.

The Board inquired how late at night the poles are proposed to be illuminated. Karen Kosten discussed that the lights could be turned off at 10 pm. She indicated that the lights would not be on too often mainly in the early evening. Jim Pergolizzi asked about the lighting contours. Phil Castleberry asked if there are additional steps that could be taken to lower the light density. Mr. Gefell responded that he felt the existing trees mitigate the lighting.

Barb Servé asked if there is neighborhood support or opposition to the project. Letters of support where received by the Town from the neighbors at 90 and 91 Knollwood Drive.

George Dounce asked for Public Comment.

Todd Nichols, representing his mother Amy Nichols who resides at 81 Knollwood Drive, discussed his concerns about the illumination from the court. The resident is concerned about light illumination in a currently dark area, noise from the court and privacy. Additionally, there are concerns as to whether the court would change any drainage to her property. Mark Lenzi recounted a previous phone conversation with Mrs. Nichols where he indicated the location of the court will be to the rear of the home and down the hill by a pond.

Evan Gefell responded that the lights are down lit from the poles and the existing vegetation and topography mitigates any ambient light. Karen Kosten discussed that the lighting contour would be .5 of a foot candle.

George Dounce asked Mr. Nichols if after this discussion if his concerns were abated. Mr. Nichols responded that there was less of a concern but still expressed problems with the lighting. It was pointed out that the variance for the lighting presents a significant deviance from code.

Mr. Dounce asked the applicant the timeline for the project should the variance be granted. The applicant stated a late summer start to construction.

Phil Castleberry recommended times when the lighting would be turned off and proposed 10 pm to 8 am. Karen Kosten indicated that this was agreeable. Town staff confirmed that times of lighting would be an enforceable standard by the Code Enforcement Office of the Town if this was one of the conditions of approval.

Further discussion about vegetative screening was brought up by Jim Pergolizzi to mitigate the effect of any ambient light.

Given the continued concern of the resident of 81 Knollwood Drive regarding the lighting, a motion was made to hold the application open to give the applicant and the homeowner at 81 Knollwood Drive an opportunity to address concerns or make any accommodations regarding the application to see if some mutual agreement could be come to.

Phil Castleberry made the motion to hold the hearing open.

Barb Servé seconded.

George Dounce called for a roll call vote.

George Dounce voted aye

Barb Servé voted aye

Mary Ellen Spennacchio-Wagner voted aye

James Pergolizzi voted aye

Phil Castleberry voted aye

The motion was carried to hold the application open.

- **32 Wexford Glen**, Tax # 163.04-4-26, Applicant is requesting relief from Town Code §185- 113 B (1) & (2) for the construction of an oversized accessory structure (Pavilion) located in the rear yard. The structure is proposed to be approximately 224 Sq. Ft. and approximately 13'3" in height. Property is zoned RN- Residential Neighborhood District.

The homeowner, Brian DeJoy and contractor, Gil Vargas were present to discuss the application with the Board. Mr. Vargas indicated that the structure will be in keeping with the look of the residence and only presents a slight variance from code (1 ft. 3") regarding height. Mr. DeJoy

Stated that the south side of the structure will be sheltered by pines and the north side cannot be seen from the back patio. There are also woods behind the residence which shelter the view.

There was no Public Comment.

Barb Servé moved to close the Public Hearing.

George Dounce seconded.

George Dounce asked for a roll call of the Board.

Barb Servé voted aye
George Dounce voted aye
Phil Castleberry voted aye
Mary Ellen Spennacchio-Wagner voted aye
James Pergolizzi voted aye

DECISION FOR 32 WEXFORD GLEN – AREA VARIANCE

A written Resolution to grant the area variance for 32 Wexford Glen was moved by Mary Ellen Spennacchio-Wagner and seconded by Phil Castleberry.

Chairman George Dounce called for a roll call vote.

Barbara Servé voted aye
Mary Ellen Spennacchio-Wagner voted aye
George Dounce voted aye
Phil Castleberry voted aye
James Pergolizzi 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 March 9, 2020.
 2. All construction is to be completed by December 31, 2021.
- **22 East Park Road**, Tax # 151.17-3-13, Applicant is requesting relief from Town Code § 185 -17 (B) (1) for the construction of an addition with a front setback of approximately 40'. Town Code requires a 50' minimum front setback. Property is zoned RN – Residential Neighborhood District

The applicants and homeowners Bruno and Laura Wolf were present to discuss the application with the Board. Mr. Wolf discussed that they are appearing before the Board to amend their previous application to expand their kitchen slightly larger.

Mr. Wolf discussed that he has spoken with the most affected neighbor and that they are in favor of the additional 2'. This will face the neighbor's garage.

There was no Public Comment.

Mary Ellen Spennacchio-Wagner moved to close the Public Hearing.

Phil Castleberry seconded.

George Dounce asked for a roll call of the Board.

Barb Servé voted aye
George Dounce voted aye
Phil Castleberry voted aye
Mary Ellen Spennacchio-Wagner voted aye
James Pergolizzi voted aye

DECISION FOR 22 EAST PARK ROAD– AREA VARIANCE

A written Resolution to grant the area variance for 22 East Park Road was moved by Barb Servé and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Barbara Servé voted aye
Mary Ellen Spennacchio-Wagner voted aye
George Dounce voted aye
Phil Castleberry voted aye
James Pergolizzi 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 October 24, 2019 and modified June 4, 2020.
 2. All construction is to be completed by December 31, 2021.
- **78 Willard Road**, Tax # 177.02-1-11, Applicant is requesting relief from Town Code §185- 113 B (1) for the construction of an oversized accessory structure (Storage Shed) located in the rear yard. The structure is proposed to be approximately 364 Sq. Ft. Property is zoned AG – Agricultural District.

The homeowner Chad Phillips was present to discuss the application with the Board.

The Board inquired about the timeline for the project and Mr. Phillips indicated that he would like to start within the next month.

There was no Public Comment.

Phil Castleberry moved to close the Public Hearing.

Barb Servé seconded.

George Dounce asked for a roll call of the Board.

Barb Servé voted aye
George Dounce voted aye
Phil Castleberry voted aye
Mary Ellen Spennacchio-Wagner voted aye
James Pergolizzi voted aye

DECISION FOR 78 WILLARD ROAD - AREA VARIANCE

A written Resolution to grant the area variance for 78 Willard Road was moved by George Dounce and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Barbara Servé voted aye

Mary Ellen Spennacchio-Wagner voted aye
George Dounce voted aye
Phil Castleberry voted aye
James Pergolizzi 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 April 2, 2020.
 2. All construction is to be completed by December 31, 2021.
- **7 Duxbury Way**, Tax # 151.11-1-19, Applicant is requesting relief from Town Code §185- 113 B (1) & (6) for the construction of an oversized accessory structure (Storage Shed) located in the rear yard. The structure is proposed to be approximately 280 Sq. Ft. Property is zoned RN- Residential Neighborhood District.

The homeowner Ryan Mooney was present to discuss the application with the Board. He indicated that the accessory structure would not be visible from the street or other neighbors due to a wooded area.

There was no Public Comment.

Mary Ellen Spennacchio-Wagner moved to close the Public Hearing.

James Pergolizzi seconded.

George Dounce asked for a roll call of the Board.

Barb Serve voted aye
George Dounce voted aye
Phil Castleberry voted aye
Mary Ellen Spennacchio-Wagner voted aye
James Pergolizzi voted aye

7 DUXBURY WAY – AREA VARIANCE

A written Resolution to grant the area variance for 7 Duxbury Way was moved by George Dounce and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Barbara Servé voted aye
Mary Ellen Spennacchio-Wagner voted aye
George Dounce voted aye
Phil Castleberry voted aye
James Pergolizzi 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 April 30, 2020.
 2. All construction is to be completed by December 31, 2021.
- **105 Stuyvesant Road**, Tax # 178.11-1-18, Applicant is requesting relief from Town Code §185- 113 B (6) for the construction of a garden shed located in the rear yard and encroaching into the side

setback. The structure is proposed to be located approximately 4' from the right side setback and outside of the rear buffer zone. Property is zoned RN- Residential Neighborhood District.

The applicants John and Robin Beal were present to discuss the application with the Board. Mr. Beal indicated this was a minimal variance request.

The applicants indicated they would like to begin their project within the week.

There was no Public Comment.

Phil Castleberry moved to close the Public Hearing.

James Pergolizzi seconded.

George Dounce asked for a roll call of the Board.

Barb Servé voted aye
George Dounce voted aye
Phil Castleberry voted aye
Mary Ellen Spennacchio-Wagner voted aye
James Pergolizzi voted aye

DECISION FOR 105 STUYVESANT ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 105 Stuyvesant Road was moved by Barbara Servé and seconded by George Dounce.

Chairman George Dounce called for a roll call vote.

Barbara Servé voted aye
Mary Ellen Spennacchio-Wagner voted aye
George Dounce voted aye
Phil Castleberry voted aye
James Pergolizzi 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 May 14, 2020.
 2. All construction is to be completed by December 31, 2021.
- **393 Thornell Road**, Tax # 178.04-1-59.1, Applicant is requesting relief from Town Code §185- 113 B (1) & (6) for the construction of an oversized accessory structure (Storage Shed) located in the rear yard and encroaching into the left side setback. The structure is proposed to be approximately 192 Sq. Ft. with a right side setback of 5'. Property is zoned RN- Residential Neighborhood District.

George Dounce announced that the applicant has withdrawn the application for this evening. The variance will be revised and heard at next month's meeting.

OTHER

It was announced that the next meeting location for July is yet to be determined as deemed appropriate by the Governor's directive. There is potential for a zoom or in person meeting. Mark Lenzi will keep Board members apprised.

POINT PERSONS FOR July 20, 2020 MEETING

1 Stone Road – Barb Serve
15 Woodbury Place – Phil Castleberry
25 Copper Woods – George Dounce
25 Parker Drive – David Rowe
28 Butternut Drive – George Dounce
44 Harper Drive – James Pergolizzi
393 Thornell Road – Mary Ellen Spennacchio-Wagner
Alpine Ridge Greenhouse/Community Center – David Rowe
85 Knollwood Drive (held over) – Phil Castleberry

REVIEW OF THE MARCH 16, 2020 MINUTES

George Dounce moved to approve the minutes of the March 16, 2020 meeting as written.

George Dounce called for a roll call vote.

Phil Castleberry voted aye
George Dounce voted aye
Mary Ellen Spennacchio-Wagner voted aye
Barb Servé voted aye
James Pergolizzi voted aye

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 8:42 pm.

George Dounce called for a roll call vote.

Phil Castleberry voted aye
George Dounce voted aye
Mary Ellen Spennacchio-Wagner voted aye
Barb Servé voted aye
James Pergolizzi voted aye

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals