

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
June 17, 2019**

PRESENT

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, Phil Castleberry, Mike Rose, David Rowe, Barbara Servé, Jaime Waldman

ALSO PRESENT

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

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

Mark Lenzi indicated that the applications before the Board this evening are Type II Actions under 6-NYCRR §617.5(c) (7) or (12) & (13) and, therefore, are 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.

PUBLIC HEARING FOR AN AREA VARIANCE

- 25 Harwood Lane, Tax # 138.19-1-3, Applicant is requesting relief from Town Code §185-113 B (1), (2) & (6) and §185 – 17 E to allow construction of an addition of approximately 500 ft² attached to an existing 400 ft² detached garage. The oversized accessory structure will be constructed to a height of approximately 14 feet at the front and approximately 20 feet at the rear. The addition will encroach into the side setback approximately 11 feet. Property is zoned RN – Residential Neighborhood District.

Mark Lenzi announced that the Applicant withdrew this application prior to the Public Hearing.

PUBLIC HEARING FOR A RV SPECIAL PERMIT

- 1 Sassafras Lane, Tax # 179.09-1-11, Applicant is requesting a special permit pursuant to §148-9 C to allow the storage of a 30' long 10' 6" high recreational vehicle to be located on the side of the garage. The recreational vehicle is proposed to be stored at the property from April 30 to October 30. Property zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public Hearing.

The homeowner, Doug Hannie, was present.

Mr. Hannie indicated that the recreational vehicle will be located behind the home and they have cut down bushes and trees to accommodate pulling the RV farther forward. He indicated that there are 3 large trees and 20 bushes behind the home. Only two neighbors can now see the vehicle. He also indicated that they are willing to change the length of time the RV will be stored from the end of June until the end of September. He estimated the RV will be gone about 45 days of that time due to family commitments and loaning the vehicle to friends. Mr. Hannie showed views from across the street from 47 Burr Oak and indicated that this neighbor's dining room is directly in view of the RV and they have no problem with it. He stated that he was willing to plant more trees so that the neighbor at 3 Sassafras Lane has more buffering.

The Chairman called for public comment.

Susan Neal of 44 Burr Oak Drive is the neighbor across the street on Burr Oak. She indicates she is in support of this RV as it promotes the well-being of the family.

Cassie Hanley of 47 Burr Oak Drive indicated her full support of the RV.

Bill Balderston of 5 Sassafras Lane stated that the RV is not in keeping with the area and changes the flavor of the cul de sac.

Sara Malgieri of 3 Sassafras Lane feels that the RV infringes on the natural environment of the area. Ms. Malgieri is the most affected neighbor and has concerns about, emissions, noise and refuse matters. She states safety concerns as there are propane tanks associated with the RV and there are sometimes fireworks and a fire pit on the owner's property. She would have to tolerate the loading and unloading of the RV and feels that an RV would affect her property value. She feels the Board should set boundaries and require the owner to store the RV elsewhere. She referenced the petition that went out to neighbors in support of the application but she felt the neighbors were provided with limited information. When asked if a shorter time limit would help the situation she responded that she does not want the RV there at all. Mr. Hannie stated that the petition referenced that the RV would be there from May 1st to October 1st.

Barbara Serve asked if foliage could shield or camouflage the RV from her view. Ms. Malgieri feels that bushes do not address this.

Mike Rose asked how she is affected as her garage is on the side closest to 1 Sassafras Lane. She feels that the enjoyment of the office space, mudroom and bathroom of her home are affected.

David Rowe indicated he would like to see the new placement of the RV.

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

All Ayes.

Discussion from the Board drew additional comment from the public so George Dounce moved to reopen the Public Hearing. Mike Rose seconded.

All Ayes.

The Board decided they would like to go to the site or see pictures of the new placement. The Applicant and homeowner at 3 Sassafras Lane agreed to have pictures taken from each of their views. Mr. Hannie invited the Board to visit his property when the RV was there.

The result was to delay the decision until more information could be gathered.

PUBLIC HEARING FOR AN AREA VARIANCE

- 160 Mill Road, Tax # 178.04-1-72, Applicant is requesting relief from Town Codes §185 – 121 A to construct a 6 foot tall fence forward of the front wall of the home on the north and south property lines. Town Code limits the height of fences to 3 feet when placed forward of the front of a home. This property is zoned RN-Residential Neighborhood.

Chairman George Dounce opened the Public Hearing.

Eric Geoca was the representative for this application. The property owner was not present.

Mr. Geoca explained that the application is amended to the construction of a 6 foot tall fence forward of the front wall of the home on the north end only. The fence will be wooden to blend into the background.

Board members inquired about the following :

Why can't the fence cannot be within code? Mr. Geoca responded that this fence is intended to be a privacy fence.

How many trees will be taken down? 8-10 dead trees will be removed.

Will the rock wall stay? Yes.

Public Comment was heard.

Evan and Monique Spindelman of 4 Cedarwood Circle expressed their concerns. A new fence is entirely visible and they feel their property would be negatively impacted. Mr. Spindeleman indicated that he would prefer to look at a hedgerow instead of a fence.

Steve Freiga of 6 Cedarwood Circle discussed how he feels the fence infringes on the character of the neighborhood.

Paul Zachman of 166 Mill Road feels that the fence is out of character for the neighborhood.

Andrew Kane of 155 Mill Road expressed that he doesn't like fences and is happy that the south fence was reduced.

The Board moved to leave the hearing open.

Barb Serve abstained due to a conflict of interest.

Jamie Waldman and George Dounce voted no to leaving the hearing open.

All other Board members voted to leave the hearing open.

The Board asked to see the following information:

1. Where the house will be staked out.
2. What style is the proposed fence.

Mark Lenzi announced that the next meeting is July 15, the meeting is held open and no further notification will be made to the public.

- 1 Glencannon Trail, Tax # 164.07-2-7.1, Applicant is requesting relief from Town Code §185-17 I to locate an accessory structures (Hot tub) in the rear setback of the property at approximately 5 feet from the property line. Town Code requires a 20 foot rear setback. This Property is located on the corner of two streets and is zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public Hearing.

The homeowner, Evan Selinger, was present.

He discussed how he reviewed the plan with his neighbor at 5419 Palmyra Road and he had no objection.

There was no public comment.

Mary Ellen Spennacchio-Wagner moved to close the Public Hearing and Barbara Servé seconded.

All Ayes.

- 153 Mendon Center Road, Tax # 178.05-1-87, Applicant is requesting relief from Town Code §185-17 B (1); §185 – 113 B (3); §185 – 119 A (1) §185 – 121 A. to construct an in-ground swimming pool located forward of the rear wall of the home and forward of the building line. The pool filter and heater will be located forward of the rear wall of the home and the swimming pool area will be enclosed by a 4 foot high fence. The fence will be located forward of the front of the home. This property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The homeowner, Lauren Lilly, was present. She explained that her property was extended 25 ft. by a Monroe County agreement. She is replacing an older pool with a new better looking one. The proposed location is the only location the pool can be placed due to the septic placement on the property.

The neighbors at 148 and 156 Mendon Center Road cannot see the pool and have no objections.

There was no public comment.

Jaime Waldman moved to close the Public hearing and Mike Rose seconded.

All Ayes.

DECISION FOR 1 GLENCANNON TRAIL – AREA VARIANCE

A written Resolution to grant the area variance for 1 Glencannon Trail was moved by David Rowe and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

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
Phil Castleberry 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 5/13/2019.

2. Installation is to be completed by December 31, 2020.

DECISION FOR 153 MENDON CENTER ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 153 Mendon Center Road was moved by Jaime Waldman and seconded by Georg Dounce.

Chairman George Dounce called for a roll call vote.

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
Phil Castleberry 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 13, 2019.
2. All construction to be completed by 12/31/2021.

APPROVAL OF THE MEETING MINUTES OF MAY 20, 2019

George Dounce moved to accept the minutes of May 20, 2019 with a correction.

VOICE VOTE: Ayes – All

OTHER – Point Persons for July 15 meeting

21 Merry Hill Lane – Mary Ellen Spennacchio-Wagner

305 West Bloomfield Road - Barbara Servé

39 Van Voorhis – David Rowe

36 Founders Green – David Rowe

1762 Calkins Road – George Dounce

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 9:07 pm.

VOICE VOTE: Ayes – All

Respectfully submitted,

Susan Donnelly
Secretary to the Zoning Board of Appeals