

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
MINUTES  
July 15, 2019**

**PRESENT**

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, 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

**ABSENT**

Phil Castleberry, Mike Rose

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 RV SPECIAL PERMIT - RETURNING**

- 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

This public hearing remained open from the previous meeting.

The homeowner, Douglas Hannie, was present. Mr. Hannie has planted three 6 ft. hemlock trees between his home and the property at 3 Sassafras Lane and reduced the requested special permit time allowance to three months from six.

Susan Neal of 44 Burr Oak testified that the new work done by the Hannie's furthered obscured the RV from view.

Sara Malgieri of 3 Sassafras Lane who shares a common property line with the Hannie's reiterated her concerns regarding the RV. She expressed that the changes have not made a difference to her perspective. She has concerns for her property value. She referenced pictures and an email that she had provided to the Town. She expressed concerns about the lack of information of what the pad will look like.

It was noted that Town staff has received an email of support from the homeowners at 40 Burr Oak.

Rauni English of 36 Burr Oak indicated that she cannot see the RV from her vantage point and gave the owners of 1 Sassafras Lane credit for concealing the RV from sight. She did question the appropriate distance from neighboring properties for an RV of this size and that the concerns of who is affected the most be taken into account.

Barbara Servé commented that the Mr. Hannie has taken efforts to conceal the RV behind the home and minimize the time that the RV is on site.

David Rowe moved to close the Public Hearing.

Jaime Waldman seconded.

All Ayes.

#### **PUBLIC HEARING FOR AN AREA VARIANCE – RETURNING**

- 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.

Mark Lenzi announced that the Applicant for 160 Mill Road has withdrawn the application.

#### **PUBLIC HEARING FOR AN AREA VARIANCE - NEW**

- 21 Merry Hill Lane, Tax # 163.16-2-1, Applicant is requesting relief from Town Code §185-113 B (6) & 185 – 17 E to allow the placement of a 8' x 14' garden shed approximately 4 feet from the right side property line. Property zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public Hearing.

Daniel and April Daniele were present to discuss the application with the Board.

Mr. Daniele shared that the shed was placed in its current location in order to be in the most inconspicuous place on their property. He stated that if the shed was placed in the location within code, it could be seen from the road.

Barbara Serve stated that the shed is located in a more preferable location out of the way of a French drain.

A letter of opposition was received from the neighbor at 20 Merry Hill Lane.

There was no public comment.

Jaime Waldman moved to close the Public Hearing.

David Rowe seconded.

All Ayes.

- 1762 Calkins Road, Tax # 163.03-1-68, Applicant is requesting relief from Town Codes §185 – 121 A; §185 - 113 B (1) & (2) to construct an 8' 4" tall gated driveway entry fence forward of the front wall of the home approximately 43' 2" from the edge of the road and to relocate an existing 420 Sq. Ft. 14' tall accessory structure to the rear yard. Town Code limits the height of fences to 3 feet when placed forward of the front of a home. This property is zoned RRAA-Rural Residential District.

Chairman George Dounce opened the Public Hearing.

Wendy Meagher of Meagher Engineering was present to review the application with the Board.

Ms. Meagher indicated the requested fence would be used for privacy and security and be surrounded by extensive landscaping. She stated it would be 30+ feet from Calkins Road. Mark Lenzi clarified that the application and legal ad specified 43' 2" from the road and Ms. Meagher indicated that this is acceptable. It was agreed that the gate height would not exceed 6' 6".

The Board made note that there are not many gates of this nature in Pittsford.

In addition, a garage will be moved from near the road to be repurposed and renovated as a pool house. This structure will require approval by the Design Review and Historic Preservation Board.

There was no public comment.

Barbara Serve moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- 305 W. Bloomfield Road, Tax # 192.01-1-29.1, Applicant is requesting relief from Town Code §185-113 B (1) & (2) for the construction of a Residential Storage Building approximately 40' x 60' with a 12' x 60' covered open area (3120 Sq. Ft.) located in the rear yard. The building is proposed to be approximately 25' tall at the cupola. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

Michael Krenzer and Leigh Van Ostrand were present to discuss the application with the Board.

The requested variance involves the demolition of a current garage and the construction of a pole barn to store cars and lawn equipment. The height is required to store the vehicles on lifts. The barn will be constructed on a property that is 5 acres.

There was no public comment.

Jaime Waldman moved to close the Public Hearing.

George Dounce seconded.

All Ayes.

- 39 Van Voorhis Road, Tax # 192.02-1-19, Applicant is requesting relief from Town Code §185-113 B (1) & (2) construction of a Residential Storage Building of approximately 512 sq. ft. located in the rear yard. The oversized accessory structure will be constructed to a height of approximately 17'. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The homeowner, Brian Roes, was present.

Mr. Roes indicated that his property is on a two-acre lot and the shed would be located in the backyard in an area that is covered with brush. The shed will store toys, lawn and snow equipment. The color has not been decided but Mr. Roes indicated that it will be similar in color to the home. There will be no driveway to the shed. The shed will be built off site and brought in.

The timeframe for construction is this year.

There was no public comment.

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

David Rowe seconded.

All Ayes.

- 36 Founders Green, Tax # 164.03-5-17, Applicant is requesting relief from Town Code §185 – 113 B (3) to place a hot tub located forward of the rear wall of the home. Town Code requires accessory structures to be located behind the rear wall of the home. This property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The homeowner, Mary Sarkis, was present.

She indicated the hot tub will not be visible as it will be fenced in and landscaped. She added that the next door neighbor has a hot tub. She has permission from the Homeowner's Association as referenced in an email received by the Town by the Homeowner's Association president. In addition, the proposed white vinyl fence has already been approved by the HOA. She would like to do the install in August.

There was no public comment.

Jaime Waldman moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

## **DECISION FOR 1 SASSAFRAS LANE – SPECIAL USE PERMIT**

A written Resolution to grant a special use permit for 1 SassafRAS Lane was moved by Barbara Servé and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
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	absent

The approved Resolution contains the following Specific Conditions:

1. This special permit is granted to allow the storage of the existing recreational vehicle or one equal to or smaller, located on the north side of the property line between garage and hedgerow of plantings described in the June 5, 2019 application.
2. The owner shall install a gravel/asphalt pad leading from the driveway to the parking area to create a parking pad for this recreational vehicle. The access way and the parking pad shall be approved by the Building Department.

3. The recreational vehicle shall be allowed for extended parking on the property between June 30 and September 30 yearly.

### **DECISION FOR 21 MERRY HILL LANE – AREA VARIANCE**

A written Resolution to grant the area variance for 21 Merry Hill Lane was moved by Mary Ellen Spennacchio-Wagner and seconded by George Dounce.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
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	absent

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 20, 2019.

### **DECISION FOR 1762 CALKINS ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 1762 Calkins Road Trail was moved by George Dounce and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
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	absent

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated July 2, 2019.
2. All construction is to be completed by December 31, 2021.
3. The accessory structure is subject to the approval of the Design Review & Historic Preservation Board.

### **DECISION FOR 305 WEST BLOOMFIELD ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 305 West Bloomfield Road was moved by Barb Serve and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
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	absent

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated July 1, 2019.
2. All construction is to be completed by December 31, 2021.
3. This application is subject to the approval of the Design Review & Historic Preservation Board.

### **DECISION FOR 39 VAN VOORHIS ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 39 Van Voorhis Road was moved by David Rowe and seconded by George Dounce.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
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	absent

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 15, 2019.
2. This application is subject to Design Review and Historic Preservation Board review.
3. All construction is to be completed by December 31, 2021.

### **DECISION FOR 36 FOUNDERS GREEN – AREA VARIANCE**

A written Resolution to grant the area variance for 36 Founders Green was moved by David Rowe and seconded by Jaime Waldman.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
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	absent

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated 6/13/2019.
2. Installation is to be completed by December 31, 2021.

### **APPROVAL OF THE MEETING MINUTES OF JUNE 17, 2019**

George Dounce moved to accept the minutes of June 17, 2019 with corrections.

VOICE VOTE: Ayes – All

**OTHER – Point Persons for August 19 meeting**

5 Kalleston Drive – George Dounce

Clover Street – Barbara Servé

345 Kilbourn Road – Mary Ellen Spennacchio-Wagner

5 Krislynn Drive – Jaime Waldman

David Rowe announced he would not be at the August meeting and Barbara Serve announced she would not be at the September meeting.

**MEETING ADJOURNMENT**

George Dounce moved to adjourn the meeting at 8:25 pm.

VOICE VOTE: Ayes – All

Respectfully submitted,

Susan Donnelly  
Secretary to the Zoning Board of Appeals