

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
OCTOBER 21, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on October 21, 2024 at 6:30PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

**PRESENT:** Phil Castleberry, Jennifer Iacobucci, Mary Ellen Spennacchio-Wagner, Jim Pergolizzi, George Dounce, Barbara Servé, Tom Kidera

**ABSENT:**

**ALSO PRESENT:** April Zurowski, Planning Assistant; Bill Zink, Building Inspector; Robert Koegel, Town Attorney; Naveen Havannavar, Town Board Liaison

**ATTENDANCE:** There were 26 members of the public present.

Chairman Dounce called the meeting to order at 6:30PM.

**NEW PUBLIC HEARINGS:**

**700 Allens Creek Road – Tax ID 138.69-1-1**

Applicant is requesting relief from Town Code Section 185-113 B. (2) for the re-construction of a detached garage exceeding 12 feet in height. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

David Swinford, of 700 Allens Creek Road, introduced the application. Serge Tsvasman, of Design Works Architecture, was also in attendance on behalf of the application. Mr. Swinford explained that the existing garage is deteriorating, and he would like to reconstruct it. The height variance is requested to provide additional storage space and allow a sloped roof, where the existing garage has a flat roof. The home is approximately 40-feet-tall, so the garage height will not be out of character with the property.

Chairman Dounce asked the applicant when he plans to begin construction. Mr. Swinford stated that he hoped for approval of the new garage at the next Design Review & Historic Preservation Board (DRHPB) meeting. He will then demolish the garage in November and begin reconstruction in the Spring.

Board Member Servé asked if the garage has specifications to be met from the DRHPB. Mr. Swinford stated that the Board had no opposition to demolition and liked the new proposal. Board Member Iacobucci asked if these comments are provided in the DRHPB minutes. Ms. Zurowski confirmed.

Chairman Dounce asked for public comment. Hearing none, Board Member Iacobucci motioned to close the public hearing, seconded by Board Member Castleberry; all ayes, none opposed.

A written resolution to grant the area variance for 700 Allens Creek Road was approved. The Board voted as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Abstain
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

APPROVED MINUTES 102124

**129 Sylvania Road – Tax ID 151.06-1-8**

Applicant is requesting relief from Town Code Section 185-17 E. to install a generator within the side setback and not meeting the total side setback. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Terry Smith, of Generator Supercenter, introduced the application. Mr. Smith stated that the property is undergoing major redevelopment. He stated that additional plantings will be installed around the generator to help with possible noise and visual impacts.

Board Member Spennacchio-Wagner asked if the generator could be located closer to the garage. Mr. Smith explained that per NYS Building Code, the generator must be placed at least 5 feet away from all windows, doors, and vents. In this case, the garage will have windows and a door.

Chairman Dounce asked the applicant when he plans to begin construction. Mr. Smith stated that the generator will be installed by the end of November. Chairman Dounce asked if the property owner has spoken with her neighbors about the proposal. Mr. Smith stated that the property owner has received support for the ongoing redevelopment.

Chairman Dounce asked for public comment. Hearing none, Board Member Kidera motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner; all ayes, none opposed.

A written resolution to grant the area variance for 129 Sylvania Road was unanimously approved.

**11 Black Wood Circle – Tax ID 178.03-5-38**

Applicant is requesting relief from the Wilshire Hill Incentive Zoning approval and Town Code Sections 185-17 H. and 185-113 B. (3) for the construction of a pool within the rear setback, a hot tub and gazebo within the side setback, and installation of pool equipment forward of the rear wall of the main structure, also resulting in lot coverage exceeding 40%. This property is zoned Incentive Zoning (IZ).

Chairman Dounce opened the public hearing.

Tom Russo, of 11 Black Wood Circle, introduced the application. He has been working closely with Rob Fromberger, the Town Engineer, and with Pride Mark Homes, the Developer, to enlarge the stormwater detention pond and regrading in his backyard to provide mitigation for his requests. He has spoken with immediate neighbors and others in the subdivision and received support for his project.

Board Member Servé stated that she noticed a section of the fence had been removed and that when the regrading and installation of the pool are complete, the fenced-in yard area will be very minimal. Mr. Russo stated he understood, and that the minimal yard space will not be a problem. Board Member Servé stated that this type of lot is called a “patio lot” and is not meant for pools.

Board Member Spennacchio-Wagner asked the applicant to consider pervious pavement around the pool to help decrease the impervious coverage. Mr. Russo agreed. Ms. Zurowski stated that pervious pavement could be supported by the Board, but the calculation provided in the application does not consider this. A new drawing and calculation would need to be submitted with the pervious pavement taken into consideration.

Board Member Pergolizzi asked if the amount of surrounding open space mitigates the impervious coverage on this small of a lot. Ms. Zurowski stated that when writing the Wilshire Hill Incentive Zoning Approval, the Town did not include specific relief for impervious coverage. Therefore, the Town falls back on the Town Zoning Code that limits impervious coverage to 40%.

Board Member Spennacchio-Wagner asked if the applicant spent personal funds on expansion of the pond and regrading of the Town-owned land behind his house. Mr. Russo stated that he will spend approximately \$1,500 on the pond and \$3,600 to improve his yard drainage and fence issues.

APPROVED MINUTES 102124

Ms. Zurowski stated that similar variances were submitted for a pool at 17 Black Wood Circle. These variances were approved in 2021. She stated that this application also includes zoning violations for a hot tub and gazebo that are already installed.

Mr. Russo stated that he was unaware that the gazebo required a permit and therefore the placement was not reviewed by the Town. Board Member Spennacchio-Wagner asked if the gazebo was moveable. Mr. Russo stated that the gazebo is bolted to the concrete patio.

Chairman Dounce asked the applicant when he plans to begin construction. Mr. Russo expects to complete construction in the Spring.

Chairman Dounce asked for public comment. Hearing none, Board Member Kidera motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner; all ayes, none opposed.

A written resolution to grant the area variance for 11 Black Wood Circle was approved. The Board voted as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	No
George Dounce voted	Aye

**OTHER DISCUSSION:**

Chairman Dounce motioned to approve the minutes of September 16, 2024. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman Dounce announced that he will be resigning from the Zoning Board of Appeals at the end of the year. He thanked the Board for their dedication and support over the years. Chairman Dounce has volunteered for 33 years, serving as Chairman for both the Historic Preservation Commission and the Zoning Board of Appeals.

Chairman Dounce asked Town Board Member Havannavar for an update on the ongoing revisions to the chicken regulations. Town Board Member Havannavar stated that the discussion is still underway, but the Board is considering a 1 acre minimum to permit chickens. Chairman Dounce voiced his support for 1 acre or more.

Chairman Dounce closed the meeting at 7:34PM.

Respectfully submitted,

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April Zurowski  
Planning Assistant

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
RESOLUTION**

**Re: 700 Allens Creek Road**

**Tax Parcel: 138.69-1-1**

**Applicant: Design Works Architecture on behalf of David & Bonnie Swinford  
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-113 B. (2) to allow for the re-construction of a detached garage with a height of twenty-three (23) feet where twelve (12) feet is the maximum allowed, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on October 21, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(12) and, therefore, is 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.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

**FINDINGS OF FACT**

***As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:***

700 Allens Creek Road is a Designated Historic Landmark known as the Strong Mansion with a pre-existing non-conforming detached garage. The existing detached garage has been approved for demolition by the Design Review and Historic Preservation Board (DRHPB) and the Board has shown support for the new design. There will be no undesirable change produced in the neighborhood or detriment to nearby properties. The residence is very secluded and minimally visible from other properties. The new garage footprint is not expanding from the existing, and the design is in character with the residence.

***As to whether the benefit sought by the applicant can be achieved by other feasible means:***

The existing pre-existing non-conforming garage is within current code due its flat roof, which is challenging to maintain in this climate. It would be nearly impossible to re-build the detached garage with a sloping roof that does not exceed the maximum height allowed, plus such a structure would provide less storage to the property owner.

***As to whether the application represents a substantial variance from Code, the Board finds, as follows:***

The application does represent a substantial variance from code (92%) but is mitigated by the property's seclusion, large size of the lot, and the significant height of the residence.

***As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:***

The variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood. There is an existing detached garage that will be rebuilt within the same footprint.

***As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:***

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by the already existing pre-existing non-conforming detached garage proposed to be rebuilt on the same footprint, and the minimal impact to neighbors.

**CONDITIONS OF APPROVAL**

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated September 3, 2024, and attached hereto as Exhibit A.
2. All construction of the detached garage must be completed by December 31, 2026.

The within Resolution was moved by Zoning Board of Appeals Member Phil Castleberry, seconded by Chairman George Dounce, and voted upon by the Board, as follows:

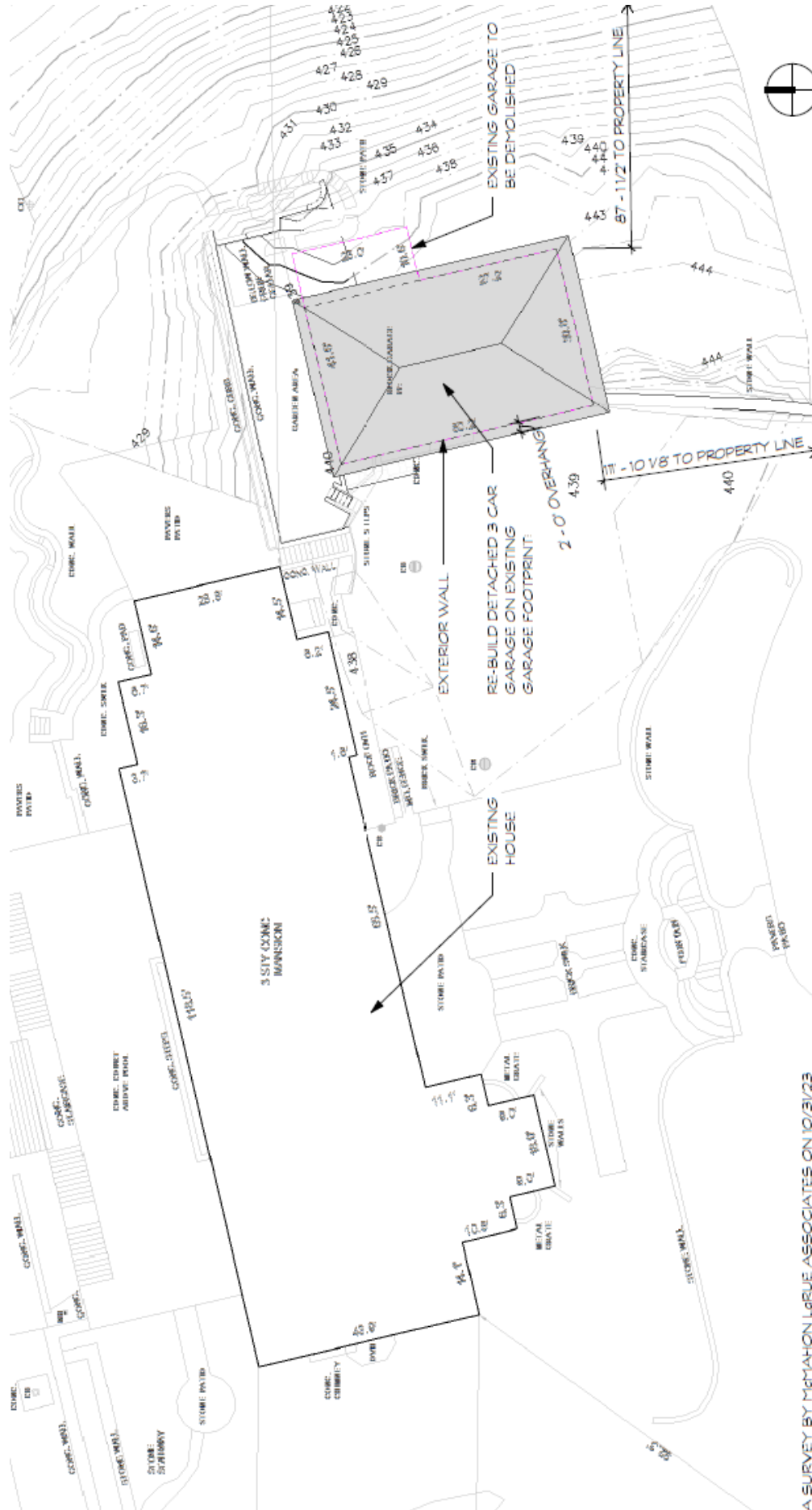
Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Abstain
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on October 21, 2024.

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April Zurowski  
Planning Assistant

# EXHIBIT A



**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
RESOLUTION**

**RE: 129 Sylvania Road**

**Tax Parcel: 151.06-1-8  
Applicant: Patricia Larrabee  
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-17 E. to allow the installation of a generator within the side setback and not meeting the total side setback required by code at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on October 21, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(16) and, therefore, is 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.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

**FINDINGS OF FACT**

***As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:***

The requested variance will not produce an undesirable change in the character of this neighborhood. The proposed location of the generator will be barely visible from the road. It is largely hidden from view by the foliage from Sylvania Road and the applicant is proposing to add additional bushes. The Town Zoning Code requires a minimum 10-foot side setback and a total side setback of 25 feet. The requested variance is to allow the generator to be placed 6 feet from the left lot line and permit a total side setback of 17.7 feet. One neighbor (123 Sylvania Road) may be impacted, but the existing and proposed foliage will obscure the unit from view.

***As to whether the benefit sought by the applicant can be achieved by other feasible means:***

The benefit sought by the applicant cannot be achieved by other feasible means due to the ongoing construction of a large addition and the existing placement of the home close to the right property line.

***As to whether the application represents a substantial variance from Code, the Board finds, as follows:***

The requested variance is substantial from Town Code (40% minimum side setback and 29% total side setback) but is mitigated by the narrow lot width and existing infrastructure, as well as the lack of any physical effect to the neighbors.

***As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:***

The requested variances will not have an adverse effect on the physical and environmental conditions of the neighborhood. The proposed generator will not be visible from the street or any neighbors.

***As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:***

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for this variance is self-created but is mitigated by the narrow lot width and the practical need for a generator, so the variance is not precluded.

**CONDITIONS OF APPROVAL**

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the applicant dated September 6, 2024, and attached hereto as Exhibit A.
2. Installation of the generator must be completed by December 31, 2025.

The within Resolution was moved by Zoning Board of Appeals Member Jennifer Iacobucci, seconded by Board Member Mary Ellen Spennacchio-Wagner, and voted upon by the Board, as follows:

Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on October 21, 2024.

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April Zurowski  
Planning Assistant





**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
RESOLUTION**

**RE: 11 Black Wood Circle**

**Tax Parcel: 178.03-5-38  
Applicant: Thomas Russo  
Zoned: RN Residential Neighborhood**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Sections 185-113 B. (3) and 185-17 H. and the Wilshire Hill Incentive Zoning Approval to allow for (i) construction of an inground pool having a rear setback of 6.5 feet where 10 feet is required by the Incentive Zoning Approval, (ii) installation of a hot tub having a side setback of 2 feet and (iii) gazebo having a side setback of 1 foot, where 7.5 feet is required by the Incentive Zoning Approval, (iv) installation of pool equipment forward of the rear wall of the main structure where this is not permitted by code, and (v) impervious lot coverage of 54.3% where 40% or less is required by code, all at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on October 21, 2024, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(16) and, therefore, is 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.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

**FINDINGS OF FACT**

***As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:***

There will be no undesirable change produced in the neighborhood or detriment to nearby properties. The property is bordered on the south by Town green space property. The neighbors on the east and west sides of the property, as well as the view from the street, will continue to be screened by an existing 6-foot-high solid wood fence and evergreen tree plantings, which will be moved slightly to accommodate the project. The proposed pool, hot tub, gazebo, and pool equipment will be located within the fenced area, so the view from outside the backyard of the property will remain largely unchanged on from the north, east, and west sides.

***As to whether the benefit sought by the applicant can be achieved by other feasible means:***

The proposed locations of the pool, hot tub, and gazebo within the rear and side setbacks, the proposed location of the pool equipment forward of the rear wall of the main structure, and the impervious lot coverage on the property are all constrained by the size of the lot and existing improvements. The current lot coverage is already 40%. The applicants could not install their proposed improvements by any other means.

***As to whether the application represents a substantial variance from Code, the Board finds, as follows:***

The application for each of the requested variances represents a substantial variance from code and the Wilshire Hill Incentive Zoning Approval, but they are all mitigated by the fact that the proposed improvements will be located within an existing board-on-board fenced area and be largely screened from view.

***As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:***

The requested variances will not have an adverse impact on the physical or environmental conditions in the neighborhood. The property will be re-graded in connection with the project. The applicant consulted with the Town Engineer, who had no objection to allowing the property to have an impervious lot coverage of 55% or less, because the applicant and developer expanded the neighborhood retention pond to mitigate additional runoff.

***As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:***

1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board's decision, but shall not, necessarily preclude the granting of a requested variance.
2. The need for these variances is self-created but are mitigated by location of the proposed improvements behind a backyard fence, screened from the view of the neighborhood.

**CONDITIONS OF APPROVAL**

The Board, in granting the within application, hereby imposes the following specific conditions:

1. These variances are granted only for the plans submitted and prepared by the applicant dated September 13, 2024, and attached hereto as Exhibit A.
2. All construction shall be completed by December 31, 2025.

The within Resolution was moved by Zoning Board of Appeals Member Jim Pergolizzi, seconded by Board Member Phil Castleberry, and voted upon by the Board, as follows:

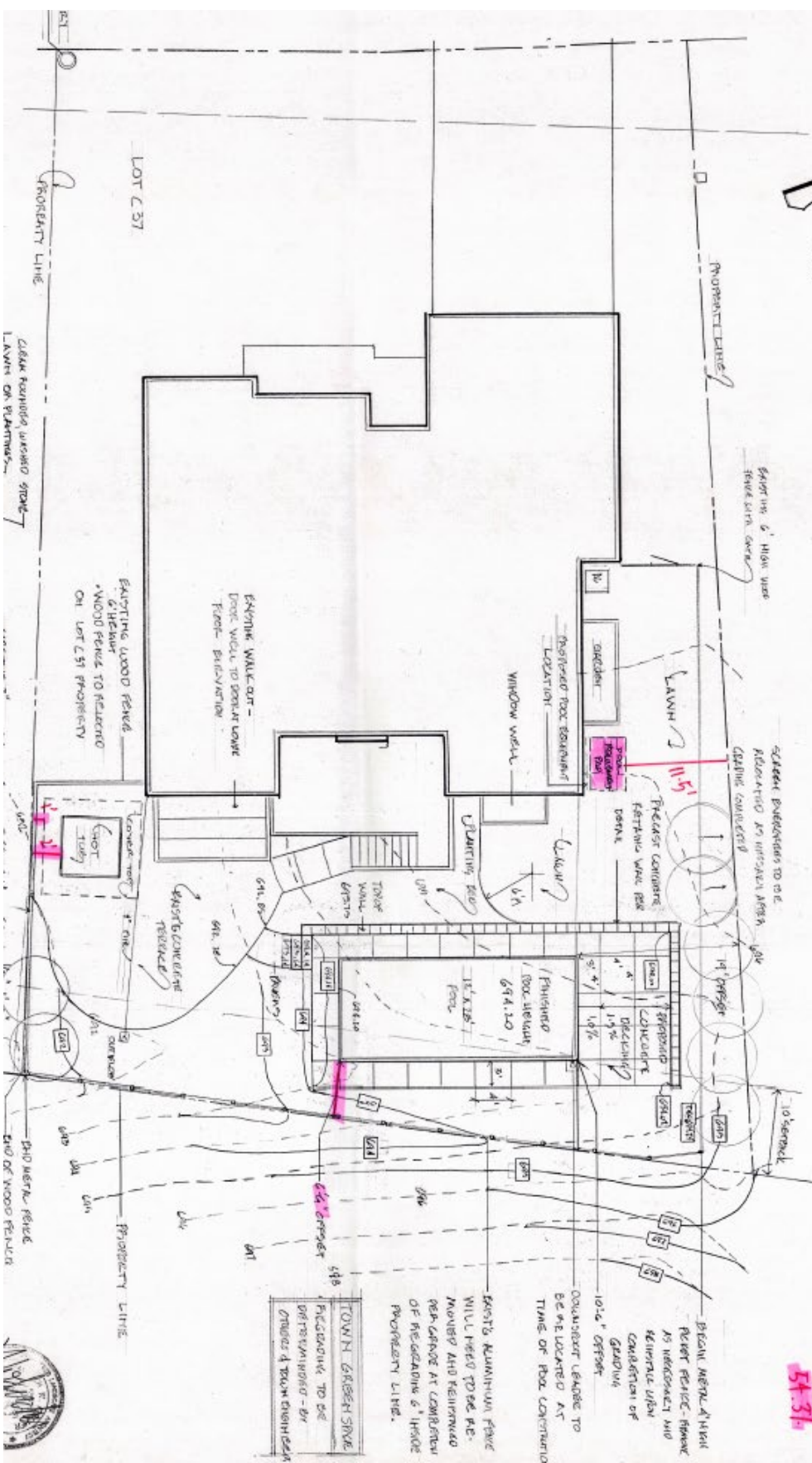
Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	No
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on October 21, 2024.

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April Zurowski  
Planning Assistant

**EXHIBIT A**



proposed important coverage: 54-31b

TOWN OF GREENSBORO  
 PRELIMINARY TO BE  
 DETERMINED - BY  
 ORDER OF TOWN ENGINEER

BEFORE MUNICIPAL REVIEW  
 AS NECESSARY AND  
 CONSISTENT WITH  
 GRADUATE  
 10'-4" OFFSET  
 OCCURRENCE LEADER TO  
 BE LOCATED AT  
 TIME OF POOL CONSTRUCTION  
 60%  
 50%  
 40%  
 30%  
 20%  
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