

APPROVED MINUTES 121624

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
DECEMBER 16, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on December 16, 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 9 members of the public present.

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

**NEW PUBLIC HEARINGS:**

**3 Fitzmot Glen – Tax ID 164.03-1-2.2**

Applicant is requesting relief from Town Code Sections 185-113 B. (3) and 185-120 C. for a chicken coop located forward of the rear wall of the main structure and not meeting the minimum 150-foot setback requirements on three sides. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Dennis Wilmot, of 3 Fitzmot Glen, introduced the application. Chairman Dounce noted that the chickens and chicken coop was discovered during a site visit and noted as a zoning violation at a previous Zoning Board of Appeals meeting. Mr. Wilmot confirmed. Ms. Zurowski stated that upon further review of the submitted property survey, the shed next to the chicken coop is also out of compliance and will require a variance. Mr. Wilmot agreed to submit a variance application for the shed.

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

A written resolution to grant the area variance for 3 Fitzmot Glen was unanimously approved.

**28 Trotters Field Run – Tax ID 164.17-1-30**

Applicant is requesting relief from Town Code Section 185-17 I. for the construction of an inground pool within the rear buffer. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Brett Crane, of Ted Collins Tree & Landscape, introduced the application. Mr. Crane stated that the proposed location of the pool preserves the existing vegetation and open backyard while providing a pool for the homeowners. Board Member Servé asked if neighbors were contacted. Mr. Crane stated that the homeowners discussed the project with neighbors and no opposition was heard. Board Member Spennacchio-Wagner asked if additional landscaping was proposed. Mr. Crane confirmed. Chairman Dounce asked the applicant when he plans to begin construction. Mr. Crane stated that construction is planned for Spring 2025.

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

APPROVED MINUTES 121624

A written resolution to grant the area variance for 28 Trotters Field Run was unanimously approved.

**116 Stoneleigh Court – Tax ID 138.18-1-14**

Applicant is requesting relief from Town Code Section 185-17 E. for the construction of an addition not meeting the total side setback requirement. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Jim Brasley, architect for the project, introduced the application. The existing home is already out of compliance with the Residential Neighborhood Zoning District setbacks. The neighbors have been contacted and no opposition was heard. Chairman Dounce asked the applicant when he plans to begin construction. Mr. Brasley stated that construction is planned for Spring 2025.

Chairman Dounce asked for public comment. Hearing none, Board Member Servé 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 116 Stoneleigh Court was unanimously approved.

**4000 East Avenue – Tax ID 151.06-2-45**

Applicant is requesting relief from Town Code Section 185-121 A. for the substitution and relocation of a 4.5-foot fence in front of the front setback off of East Avenue. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Dan Hackett, as agent for the project, introduced the application. The existing fence was placed during the construction of the inground pool in 2005, though the Town Building Inspector at the time failed to adhere to the Zoning Code and the fence was placed out of compliance. The noncompliant fence was later submitted to the Zoning Board of Appeals for approval to remain, which was granted, along with a 6-foot-tall board-on-board sound wall placed interior to the wrought iron fence closer to the home. This sound wall was not constructed. The applicant is now returning with an altered request to replace a portion of the existing 4.5-foot-tall wrought iron fence for a 4.5-foot-tall board-on-board fence pushed back slightly further than the existing fence.

Board Member Servé stated that a 4.5-foot-tall solid fence at East Avenue will not serve the same benefit to the homeowners as the previously proposed sound wall would have. She suggested additional plantings instead, which could serve as a sound barrier and visual screen from East Avenue to the backyard. Board Member Servé stated that there is not one solid fence in the front yards of residents along East Avenue, especially not a solid fence taller than 3 feet in height. She asked Mr. Hackett to point out the benefits to the proposed fence. Mr. Hackett stated that the solid fence will be screened. Board Member Servé stated that this fence is out of character with the neighborhood.

Board Member Pergolizzi stated that part of the reason that the 6-foot-tall solid sound wall was approved previously is its distance from East Avenue. Though this fence is shorter than that previously approved, the fence is significantly closer to the road.

Board Member Iacobucci asked the applicant why the existing approved fence is no longer favorable. Mr. Hackett stated that the wrought-iron fence does not provide enough privacy screening and does not manage sound from East Avenue. Mr. Hackett stated that a 4-foot-tall fence is required by NYS Building Code for an inground pool and due to this lot being a corner lot, the fence must meet two front setbacks on the two planes of the home. So, a 4-foot-tall fence would only comply if the fence were placed at the western-most plane of the home, which would divide the backyard. He stated that the existing fence is placed 7 feet from the right-of-way on East Avenue, where the new fence would be 21 feet and would be accompanied with plantings.

The Board requested Mr. Hackett returned at the next meeting with a revised plan to include further consideration to visual impacts along the East Avenue corridor. Mr. Hackett agreed.

APPROVED MINUTES 121624

Chairman Dounce asked for public comment. Hearing none, Chairman Dounce motioned to hold over the public hearing, seconded by Board Member Kidera; all ayes, none opposed.

**OTHER DISCUSSION:**

Chairman Dounce motioned to approve the minutes of October 21, 2024. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman Dounce stated that this final meeting concludes his time with the Zoning Board of Appeals and thanked the Board for their continued service.

Chairman Dounce closed the meeting at 7:49PM.

Respectfully submitted,

---

April Zurowski  
Planning Assistant

OFFICIAL MINUTES ARE ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT

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

**RE: 3 Fitzmot Glen**

**Tax Parcel: 164.03-1-2.2  
Applicant: Dennis Wilmot  
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. (3) and 185-120 C. to allow for a chicken coop located forward of the rear wall of the main structure and not meeting the minimum 150-foot setback requirements on three sides at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on December 16, 2024 and reviewed 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)(17) 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 in the neighborhood or detriment to nearby properties if this application is granted. The variance is requested to allow an existing chicken coop and enclosure fence. At the present time, the code does not specify that a fenced area surrounding a coop is permitted, however, the Town Zoning Code is in the process of being updated to allow such a fenced space for chickens outside of the coop. The Zoning Board acknowledges the importance of an open-air area for the animals to remain in good health. The current enclosure fence is 5.6 feet tall and sits behind the front setback, so it does meet the current fence code. A large group of trees sitting between the fenced chicken coop and the north property line minimizes any potential visual or audible issues and the neighbor to the north has written in support of this application. To the west of the property, there is a large pond and several large willow trees, which will not be changed or impacted by this application in any fashion.

***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. The existing chicken coop and fence were constructed over 5 years ago and requiring them to be demolished or relocated is not justifiable under the current circumstances.

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

The application to allow for an 83-foot setback on the right lot line; a 110-foot front setback; and a 115-foot rear setback, where 150 feet is required on all three sides, does represent substantial variances from Code.

***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 variance will not have an adverse impact on the physical or environmental conditions in the neighborhood. The proposed fenced in coop has existed at this location for over 5 years and has not adversely impacted the neighborhood to date. The most directly impacted neighbor has written in support of the application and has noted that the structure fits well aesthetically with the neighboring homes.

***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 support of the neighborhood as well as the placement of this coop behind the residence and located at least 83 to 115 feet from the property lines, 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 October 7, 2024 and attached hereto as Exhibit A.
2. No roosters are permitted.

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

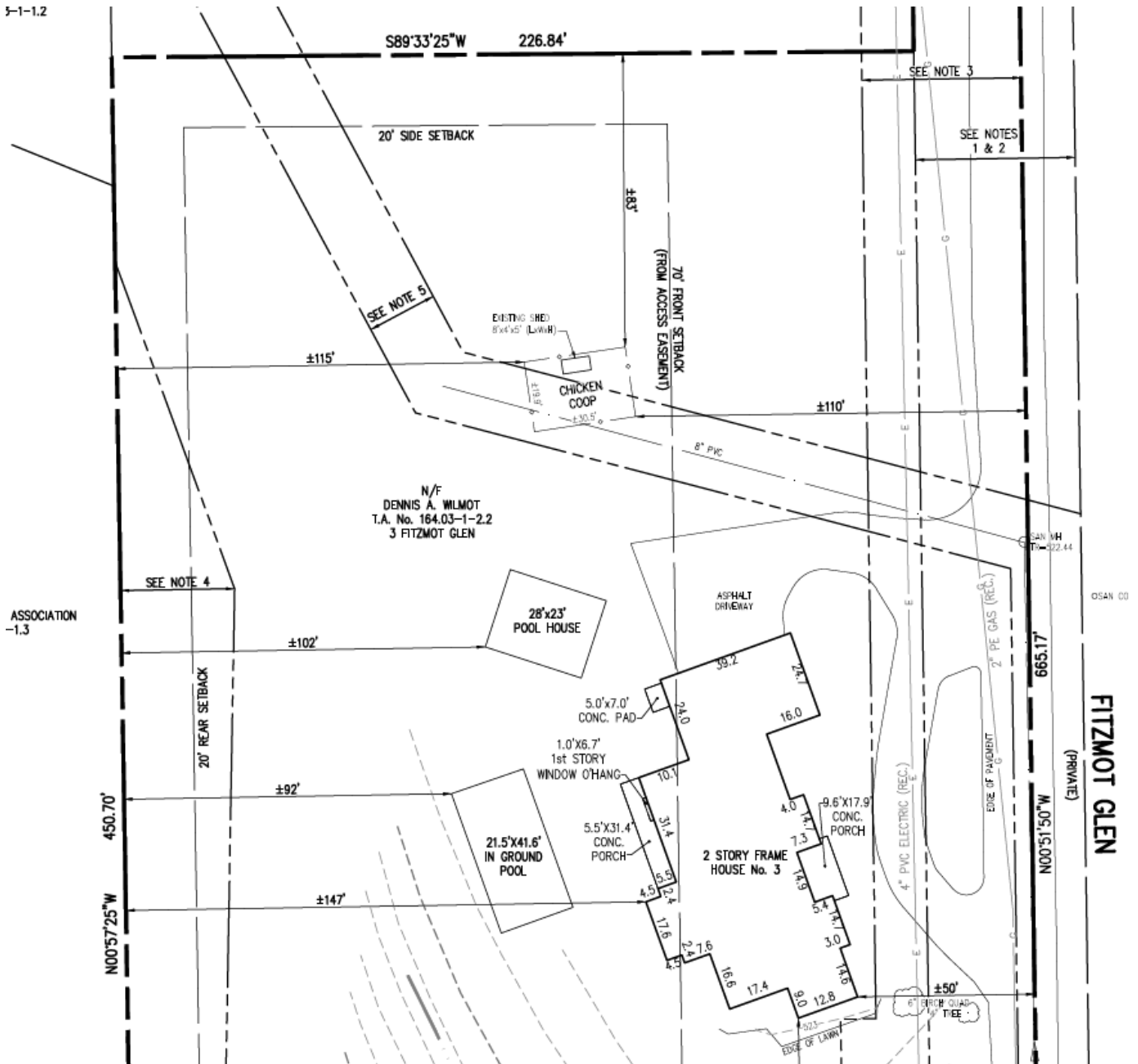
Phil Castleberry voted	Aye
James Pergolizzi voted	Aye
Barbara Servé voted	Aye
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on December 16, 2024.

---

April Zurowski  
Planning Assistant

**EXHIBIT A**



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

**Re: 28 Trotters Field Run**

**Tax Parcel: 164.17-1-30**

**Applicant: Ted Collins Tree & Landscape on behalf of Melissa DiCesare  
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 I. to allow for the construction of an inground pool within the rear buffer, specifically 14 feet where 20 feet is required by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on December 16, 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:***

There will be no undesirable change produced in the neighborhood or detriment to nearby properties. Existing vegetation and trees will be maintained, as will existing drainage patterns, ensuring little to no change to existing conditions.

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

The selected location for the pool ensures minimal or no removal of existing trees and vegetation, which provide visual and noise screening to both the applicant and the most impacted neighbors.

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

A variance of 6 feet is substantial (30%) but is justified by causing less impact to existing trees and vegetation than other options that could be considered.

***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.

***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 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 attached plans submitted and prepared by the applicant dated November 14, 2024 and attached hereto as Exhibit A.
2. All construction of the inground pool must be completed by December 31, 2026.

The within Resolution was moved by Zoning Board of Appeals Member Phil Castleberry, seconded by Board Member Jim Pergolizzi, 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

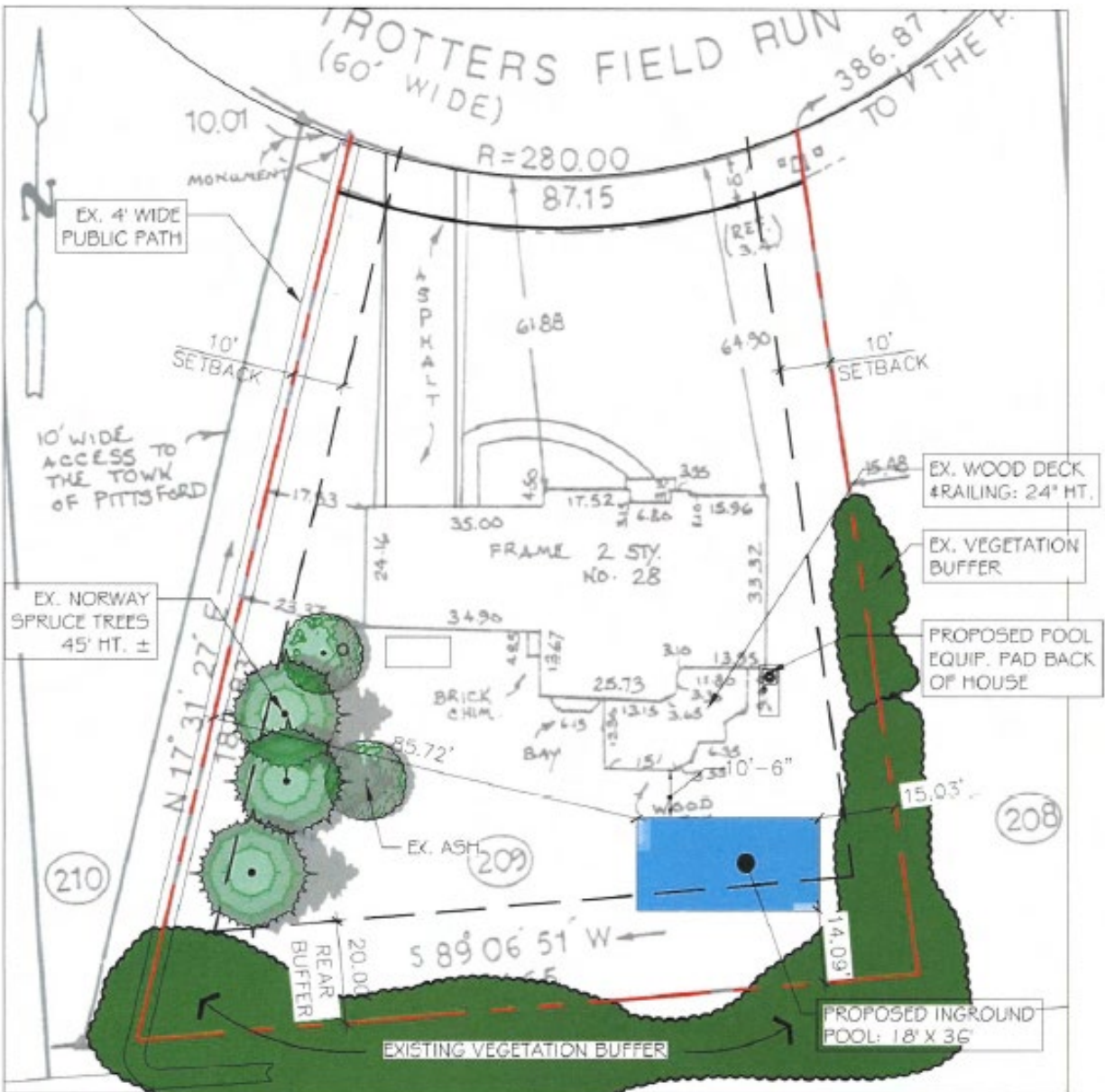
The Zoning Board of Appeals adopted the above resolution on December 16, 2024.

---

April Zurowski  
Planning Assistant



EXHIBIT A



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

**RE: 116 Stoneleigh Court**

**Tax Parcel: 138.18-1-14  
Applicant: Joy and Jonathan Getnick  
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 a one-story bedroom addition not meeting the total side setback required by code, where proposed total setback is 24.3' and a total of at least 25' is required by Code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on July 15, 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)(17) 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 proposed variance will not produce an undesirable change in the neighborhood or detriment to nearby properties. The view of the house from the street will not change with the new addition because of the orientation of the house on the lot and screening from existing trees. Additionally, the neighborhood contains houses with various size side setbacks, which mitigates the effect of the requested variance, and at least one neighbor (108 Stoneleigh Court) has previously received a side setback variance in 2023.

***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. Extending the existing 19-foot wing of the rear of the house is the most natural and feasible way to create an addition onto the house. Narrowing or changing the location of the addition would create issues with roof lines or unnecessary angles in the exterior walls of the structure.

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

The requested total side setback variance of 2.8% is minimal.

***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 variance will have no adverse impact on the physical and/or environmental conditions in the neighborhood. Storm drainage will be provided by extending the existing gutters and downspouts.

***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 fact that the addition will not change the view of the house from the street, 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 November 12, 2024, and attached hereto as Exhibit A.
2. All construction of the addition must be completed by December 31, 2026.

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	Aye
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on December 16, 2024.

---

April Zurowski  
Planning Assistant

EXHIBIT A

