

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
JANUARY 15, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on January 15, 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: George Dounce, Mary Ellen Spennacchio-Wagner, Tom Kidera, Phil Castleberry, Jennifer Iacobucci

ABSENT: Barbara Servé, Jim Pergolizzi

ALSO PRESENT: April Zurowski, Planning Assistant; Naveen Havannavar, Town Board Liaison

ATTENDANCE: There were 9 members of the public present.

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

NEW PUBLIC HEARINGS:

78 State Street – Tax ID 164.07-2-4

Applicant is requesting relief from Town Code Sections 185-17 I. and 185-113 B. (1) & (2) for the construction of an oversized over-height detached garage within the rear setback. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Steve Goldberg, of 78 State Street, introduced the application. He stated he has heard no neighbor opposition. The existing trees along the backside of the proposed garage will remain.

Board Member Spennacchio-Wagner stated that the Board received a letter of support from Art and Mary Jo Pires, of 70 State Street.

Chairman Dounce asked the applicant when he plans to begin. Mr. Goldberg anticipated construction to begin at the end of February. The detached garage must be approved by the Design Review and Historic Preservation Board prior to construction.

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

A written resolution to grant the area variance for 78 State Street was moved by Board Member Spennacchio-Wagner, seconded by Board Member Kidera. The resolution was unanimously approved.

717 Stone Road – Tax ID 164.03-1-3.1

Applicant is requesting relief from Town Code Section 185-17 B. for the construction of a new home forward of the building line. This property is zoned Residential Neighborhood (RN).

Chairman Dounce stated that this is an open public hearing.

APPROVED MINUTES 011524

Wendy Meagher, of Meagher Engineering, introduced the application. Kevin and Catherine Cannan, of 34 Chatham Woods and future residents at 717 Stone Road, were also in attendance. She explained that the lot abuts a private drive, Fitzmot Glen, and faces Stone Road, so the lot is considered a corner lot. The existing home, that recently received approval for demolition, does not meet the 70-foot front setback off Fitzmot Glen. The proposed home is similar in distance off Fitzmot Glen. A 34.3-foot variance is requested for the new home. Neighboring homes on Fitzmot Glen also do not meet the minimum front setback.

Chairman Dounce asked if the applicant had spoken to neighbors across from Stone Road. Mr. Cannan stated that he had not spoken with neighbors across the street, just abutting neighbors.

Chairman Dounce asked the applicant when he plans to begin construction. Mr. Cannan is anticipating construction to begin as soon as approvals are received.

Chairman Dounce asked for public comment. He stated that two comments in favor of the project were received from Om Popli, of 725 Stone Road, and Dennis Wilmot, of 3 Fitzmot Glen.

Bob Cooper, of 9 Stefenage Court, asked if the home will be shifted towards or away from Stone Road in comparison to the existing home. Ms. Meagher stated that the home will shift slightly towards Stone Road to align with neighboring homes.

Board Member Kidera motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner, none opposed.

A written resolution to grant the area variance for 717 Stone Road was moved by Board Member Castleberry, seconded by Chairman Dounce. The resolution was unanimously approved.

OTHER DISCUSSION:

Chairman Dounce motioned to approve the minutes of November 20, 2023. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman George Dounce closed the meeting at 6:55PM.

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: 78 State Street

**Tax Parcel #164.07-2-4
Applicant: Steven P. Goldberg
Zoned: Residential Neighborhood (RN)**

I move that the Pittsford Zoning Board of Appeals grant to the above applicant relief from Code Sections 185-17 I. and 185-113 B. (1) & (2), to allow the construction of an oversized (648 sq. ft in which Code limits 180 sq. ft); over-height (21.4 ft in which Code limits 12 ft.) detached garage within the rear setback (12.9 ft. in which Code requires 20 ft.) at the above location and bearing the above Tax Parcel number. The within Resolution follows a public hearing held on January 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)(12) & (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:

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 house was built circa 1830. The owners have demolished the current garage and will be removing the existing shed still on the property so as to build an updated garage for vehicles and storage. The storage space is necessary as the house does not have a basement to accommodate storage. The Board received a letter of support from Art and Mary Jo Pires, of 70 State Street. No neighbor opposition was heard.

As to whether the benefit sought by the applicant can be achieved by feasible means, other than the requested variance, the Board finds, as follows:

The lot is a three-sided lot resulting in a limited option to construct a functioning and accessible detached garage with adequate storage space from the current driveway and within rear setback. The garage will be located behind the house and will be shielded from the road by existing trees and shrubs.

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

The three variances are all substantial. The rear setback variance requested is 7.1 ft. where a 20 ft. rear setback is required (35%). The height variance requested is 9.4 ft. where 12 ft. is the limit by Code (78%). The size variance requested is 468 sq. ft. to accommodate the building of a 648 sq. ft. structure, in which Code limits size to 180 sq. ft. (260%). Although these variances may be considered substantial, the plan submitted proposes a structure that will be functional to accommodate the needs of the owners. This detached garage is proposed to replace a recently demolished detached garage and therefore should not preclude the granting of these variances.

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 variances 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 is aware of the fact 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 the detached garage is self-created but is mitigated by the practical need for a garage and does not preclude the granting of the variance.

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 28, 2023, and attached hereto as Exhibit A.
2. All construction of the detached garage is to be completed by December 31, 2025.

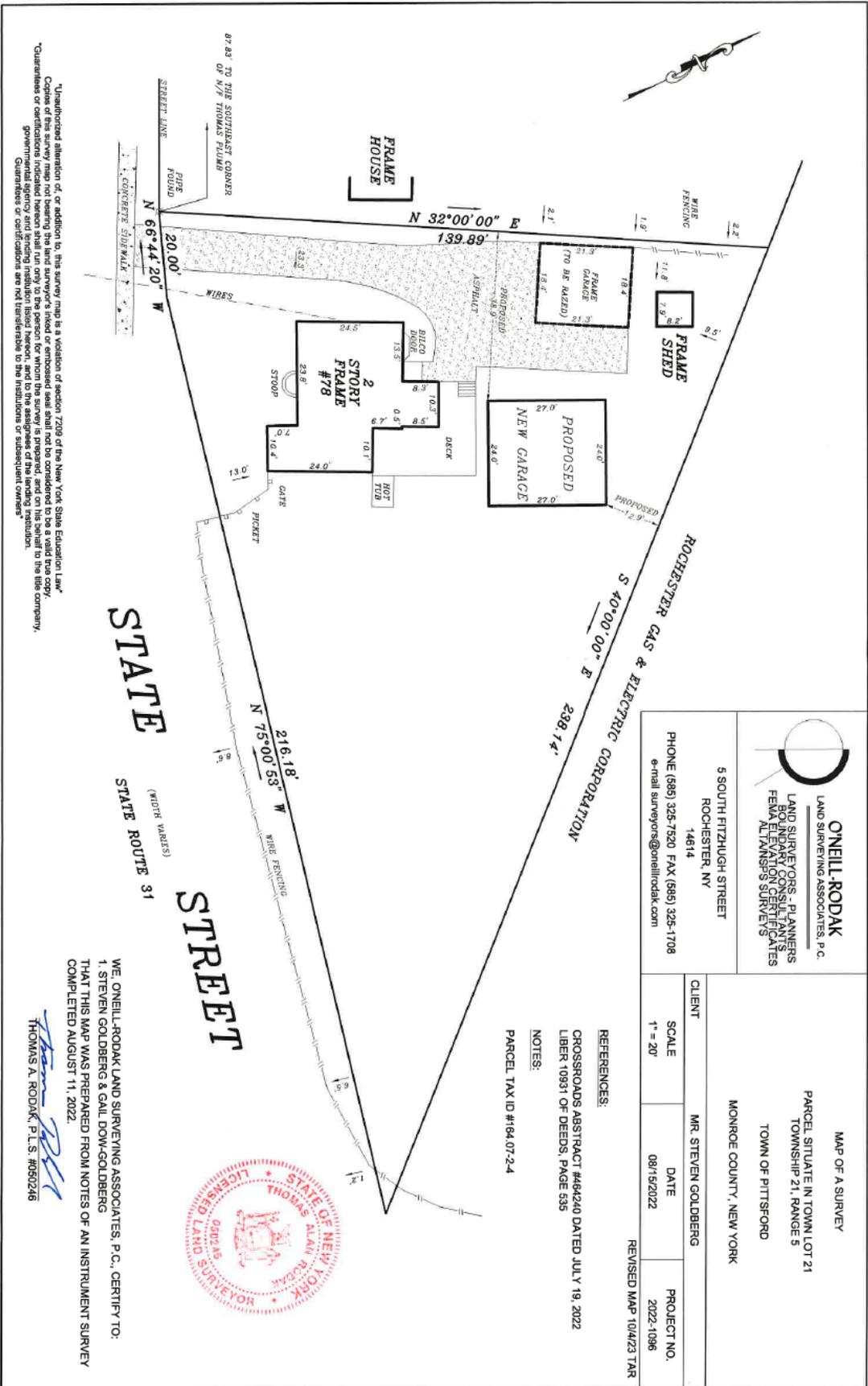
The within Resolution was moved by Zoning Board of Appeals Member Mary Ellen Spennacchio-Wager, seconded by Board Member Tom Kidera, and voted upon by the Board members, as follows:

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

The Zoning Board of Appeals adopted the above resolution on January 15, 2024.

April Zurowski
Planning Assistant

EXHIBIT A



"Unauthorized alteration of, or addition to, this survey map is a violation of section 7209 of the New York State Education Law." Copies of this survey map not bearing the land surveyor's seal or enclosed seal shall not be considered to be a valid true copy. The land surveyor, his or her assistants, and the land surveyor's company, shall be held responsible for the accuracy of the survey. Governmental agency and including inclusion listed herein, and to the assignees of the land surveyor. Guarantees or certifications are not transferable to the institutions or subsequent owners.

STATE STREET
 (WIDTH VARIES)
 STATE ROUTE 31



WE, ONEILL, RODAK LAND SURVEYING ASSOCIATES, P.C., CERTIFY TO:
 1. STEVEN GOLDBERG & GAIL DOW-GOLDBERG
 THAT THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY
 COMPLETED AUGUST 11, 2022.

THOMAS A. RODAK, P.L.S. #050246

ONEILL RODAK
 LAND SURVEYING ASSOCIATES, P.C.
 LAND SURVEYORS, PLANNERS
 & ELEVATION CONSULTANTS
 FEMA ELEVATION CERTIFICATES
 ALI/VANSPS SURVEYS

5 SOUTH FITZHUGH STREET
 ROCHESTER, NY 14614
 PHONE (585) 325-7520 FAX (585) 325-1708
 e-mail surveyors@oneillrodak.com

CLIENT		MR. STEVEN GOLDBERG	
SCALE	DATE	PROJECT NO.	
1" = 20'	08/15/2022	2022-1096	

REFERENCES:
 CROSSROADS ABSTRACT #464240 DATED JULY 19, 2022
 LIBER 10831 OF DEEDS, PAGE 535
NOTES:
 PARCEL TAX ID #164.07-2-4

REVISED MAP 10/4/23 TAR

MAP OF A SURVEY
 PARCEL SITUATE IN TOWN, LOT 21
 TOWNSHIP 21, RANGE 5
 TOWN OF PITTSFORD
 MONROE COUNTY, NEW YORK

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

RE: 717 Stone Road

**Tax Parcel: 164.03-1-3
Applicant: Kevin Cannan
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant to the above applicant relief from Town Code Section 185-17 B. to allow for the construction of a new home extending 34.3' feet past the front setback on Fitzmot Glen, where 70 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 January 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)(11) and (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 34.3' setback variance from the private drive, Fitzmot Glen, for construction of a new home will not produce an undesirable change in the neighborhood or detriment to nearby properties. The proposed home will be 35.7' from the eastern boundary of the road. Fitzmot Glen provides access to three (3) single family homes, each of which encroaches into the front setback on the west side of the private drive. Existing vegetation creates a buffer along the eastern side of the road. This vegetation will not be removed in connection with the proposed construction of the new home. The Board received two comments in favor of the project from Om Popli, of 725 Stone Road, and Dennis Wilmot, of 3 Fitzmot Glen.

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

The proposed location of the new home cannot be achieved by feasible means other than the requested variance. The buildable width of this corner lot, between the 20' side setback along the eastern property line and the 70' front setback along Fitzmot Glen, is narrow at only about 40'. The location of the existing home relative to Fitzmot Glen is non-conforming. Access from Fitzmot Glen would not be allowed, which means that the position of the home on the lot cannot be reconfigured. The proposed home will retain the general configuration of the existing home and extend only 0.8 additional feet into the front setback towards Fitzmot Glen.

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

The requested front setback variance is substantial at 49% of the 70' allowed by code, but it is mitigated by the distance of the home from the Stone Road, which is the nearest public road, by the vegetation along the boundary of Fitzmot Glen, and by the similar location of the other homes along Fitzmot Glen, which also extend into the front setback on the west side of the private drive. The closest corner of the home located at 3 Fitzmot Glen is only 20' from the right of way.

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. Existing vegetation along the setback at issue will be maintained. Drainage will continue to be directed to existing drainage paths after site grading, such that there will be no detriment to neighboring properties from any increased stormwater 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.
2. The need for the requested variance is not self-created, because the existing home predates Fitzmot Glen. The existence of Fitzmot Glen made this a corner lot, greatly reduced the buildable area on the lot, and created the need for the requested front setback variance.

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 20, 2023, and attached hereto as Exhibit A.
2. All construction of the new home must be completed by December 31, 2027.

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	Absent
Barbara Servé voted	Absent
Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Abstain
George Dounce voted	Aye

The Zoning Board of Appeals adopted the above resolution on January 15, 2024.

April Zurowski
Planning Assistant

EXHIBIT A

