

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
MINUTES  
July 20, 2020**

**PRESENT**

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, Barbara Servé, Phil Castleberry, James Pergolizzi, David Rowe

**ALSO PRESENT**

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

**ABSENT**

Mike Rose

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, July 20 at 7:00 P.M. local time. The meeting took place with Board members and applicants participating remotely using Zoom virtual meeting software.

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

The applications before the Board this evening are Type II Actions under 6-NYCRR §617.5 (c) (7) or (12) & (13) and, therefore, is not subject to Environmental Review under SEQRA. The applications are 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 – RETURNING**

- 85 Knollwood Drive, Tax # 138.17-1-5, Applicant is requesting relief from Town Code §185- 113 (B) (6) (Side Setback) and §185 – 141 (F) (1) (Outdoor Illumination of Recreational courts) to allow the construction of an outdoor recreation court (Tennis Court). The Applicant has submitted a letter to the Town of Pittsford to withdraw this application.

Mark Lenzi announced that the application for 85 Knollwood Drive has been withdrawn by the applicant in writing via email.

On this basis, Chairman George Dounce moved to close the Public Hearing.

Phil Castleberry seconded.

A poll was taken of the Board.

George Dounce voted aye  
Mary Ellen Spennacchio-Wagner voted aye  
Barbara Servé voted aye  
Phil Castleberry voted aye  
Jim Pergolizzi voted aye  
David Rowe voted aye

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

- 1 Mendon Center Road, Tax # 164.03-1-30.1, Applicant is requesting relief from Town Codes §185 – 113 B (3) for the construction of an accessory structure (Arbor) located forward of the rear wall of the home. This property is zoned RN-Residential Neighborhood.

The applicant Victoria Lehr was present via Zoom to discuss the application with the Board.

George Dounce opened the Public Hearing for 1 Mendon Center Road.

Ms. Lehr addressed the Board and expressed apology for unknowingly constructing the arbor which required a variance. She has talked to her neighbor and there is no concern. Peter Spinelli representing the neighboring Founder's Green homeowner's association expressed no opposition to the project.

There was no further public comment.

Barbara Servé moved to close the Public Hearing.

Jim Pergolizzi seconded.

George Dounce called for a roll call vote.

Dounce voted aye  
Servé voted aye  
Pergolizzi voted aye  
Spennacchio-Wagner voted aye  
Castleberry voted aye  
Rowe voted aye

## **DECISION FOR 1 MENDON CENTER ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 1 Mendon Center Road was moved by Barbara Servé and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Dounce voted aye  
Servé voted aye  
Pergolizzi voted aye  
Spennacchio-Wagner voted aye  
Castleberry voted aye  
Rowe 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 July 8, 2020.
2. This application is subject to the approval of the Design Review and Historic Preservation Board.

- 15 Woodbury Place Tax # 137.68-1-14.1, Applicant is requesting relief from Town Code §185-113 B (6) & 185 – 17 I to locate an accessory structure (standby generator) encroaching on the rear setback of the property. This property is zoned RN – Residential Neighborhood District

George Dounce opened the Public Hearing.

Chris Pilosi of Pilosi Electric was present to represent the homeowner Carol Aroesty.

Phil Castleberry inquired about the timeline for installation of the unit. Mr. Pilosi indicated the generator would be ordered with in the next month.

Barb Serve stated that the proposed location of the generator is in a hidden, protected area and the Homeowner’s Association has no objection.

There was no public comment.

Mary Ellen Spennacchio-Wagener moved to close the public hearing.

Barbara Servé seconded.

A poll was taken of the Board.

Dounce voted aye  
Spennacchio-Wagner voted aye  
Servé voted aye  
Castleberry voted aye  
Pergolizzi voted aye  
Rowe voted aye

**DECISION FOR 15 WOODBURY PLACE - AREA VARIANCE**

A written Resolution to grant the area variance for 15 Woodbury Place was moved by Phil Castleberry and seconded by Barb Serve.

Chairman George Dounce called for a roll call vote.

Dounce voted aye  
Servé voted aye  
Pergolizzi voted aye  
Spennacchio-Wagner voted aye  
Castleberry voted aye  
Rowe 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 June 5, 2020.
2. All construction is to be completed by December 31, 2021.

- 25 Copper Woods, Tax # 178.03-1-45, Applicant is requesting relief from Town Code §185-113 B (3), & (6) and §185 – 17 E to allow construction of a shed located forward of the rear wall and encroaching into the side setback. Property is zoned RN – Residential Neighborhood District.

This application was withdrawn by the applicant in a request made in writing to the Town of Pittsford.

25 Parker Drive, Tax # 164.10-2-67, Applicant is requesting relief from Town Code § 185 -113 B (1) & (2) and § 185 -17 E to construct an addition encroaching into the side setback and for the construction of an over height and oversized accessory structure located in the rear yard. This property is zoned RN – Residential Neighborhood District.

The homeowners, Justin and Sheena Hamilton, were present to discuss this application with the Board. They referenced the need for additional storage space and a wood shop and room in the garage for their SUV and truck vehicles. He indicated that the timeframe would be to do construction in the fall or spring.

George Dounce asked for public comment.

Lynn Early of 20 Parker Drive indicated that she is not affected by the changes and thinks it is a great idea for the homeowners to do this.

Margaret Donohue of 29 Parker Drive expressed her concerns on how the closeness of the garage addition will negatively affect her property as the expansion of the garage will back up to her property. She feels that this addition is also disproportionate to the sizes of other homes in the neighborhood.

Jim Pergolizzi asked the applicant if he would consider moving the garage and Mr. Hamilton indicated he does not wish to do so because it would decrease the size of the play area in the yard for his family.

David Rowe discussed potentially removing the man door and pulling the garage over but the opinion of the applicant was that this would not work with the house.

There was no further public comment.

Phil Castleberry moved to close the public hearing.

Barbara Servé seconded.

All Ayes.

The Board continued discussion. Barbara Servé and George Dounce agreed that they could appreciate the neighbor at 29 Parker Drive concerns. David Rowe felt he could sympathize with both the applicant needs and the neighbor's concerns. Mary Ellen Spennacchio-Wagner inquired as to what modification might be made to satisfy the applicant and appease the neighbor. Buffering vegetation was discussed but it was determined that it would still be too close to the neighbor and garage. Phil Castleberry noted that that the lot is deep, that the garage faces the neighbor's garage and the applicant has made a good effort to cooperate with the situation. Mark Lenzi noted that if the applicant were to put in a long garage to comply with code that it may create more problems than it solves for the neighbor.

## DECISION FOR 25 PARKER DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for an *oversized accessory structure* at 25 Parker Drive was moved by David Rowe and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Dounce voted aye  
Servé voted aye  
Pergolizzi voted aye  
Spennacchio-Wagner voted aye  
Castleberry voted aye  
Rowe 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 15, 2020.
2. All construction is to be completed by December 31, 2022.
3. This structure is subject to the approval of the Design Review and Historic Preservation Board.

A written Resolution to grant the area variance for the addition of a *two-car garage* for 25 Parker Drive was moved by David Rowe and seconded by Phil Castleberry.

Chairman George Dounce called for a roll call vote.

Dounce voted nay  
Servé voted nay  
Pergolizzi voted aye  
Spennacchio-Wagner voted aye  
Castleberry voted aye  
Rowe voted nay

The motion did not carry and the resolution for the two-car garage was not approved.

- 28 Butternut Drive, Tax # 165.09-1-10, Applicant is requesting relief from Town Code §185-113 B (1) & (2) to allow construction of an over height and oversized accessory structure located in the rear yard. Property is zoned RN – Residential Neighborhood District.

The applicant John Hanson was present to discuss this application with the Board.

After review of the application, there was no further discussion from the Board.

There was no Public Comment.

Mr. Hanson indicated that no trees would be cleared for the project.

Jim Pergolizzi moved to close the Public Hearing.

Phil Castleberry seconded.

Chairman George Dounce called for a roll call vote.

Dounce voted aye  
Servé voted aye  
Pergolizzi voted aye

Spennacchio-Wagner voted aye  
Castleberry voted aye  
Rowe voted aye

**DECISION FOR 28 BUTTERNUT DRIVE – AREA VARIANCE**

A written Resolution to grant the area variance for 28 Butternut Drive was moved by George Dounce and seconded by Barbara Servé.

Chairman George Dounce called for a roll call vote.

Dounce voted aye  
Servé voted aye  
Pergolizzi voted aye  
Spennacchio-Wagner voted aye  
Castleberry voted aye  
Rowe 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 July 8, 2020.
  2. All construction is to be completed by December 31, 2021.
- 44 Harper Drive, Tax #178.07-1-28, Applicant is requesting relief from Town Code §185-113 B (3) to allow construction of a shed located forward of the rear wall of the home. The shed is proposed to be located in the side yard. Property is zoned RN – Residential Neighborhood District.

George Dounce open the Public Hearing.

No representative was present to discuss the application with the Board.

It was confirmed that this review is for a shed which already been placed on site.

There was no further Board discussion after a review of the submission materials and site visit.

There was no public comment.

David Rowe moved to close the Public Hearing.

George Dounce seconded.

A poll was taken of the Board.

Dounce voted aye  
Spennacchio-Wagner voted aye  
Servé voted aye  
Castleberry voted aye  
Pergolizzi voted aye  
Rowe voted aye

**DECISION FOR 44 HARPER DRIVE – AREA VARIANCE**

A written Resolution to grant the area variance for an oversized accessory structure at 25 Parker Drive was moved by David Rowe and seconded by Mary Ellen Spennacchio-Wagner.

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Chairman George Dounce called for a roll call vote.

Dounce voted aye  
Servé voted aye  
Pergolizzi voted aye  
Spennacchio-Wagner voted aye  
Castleberry voted aye  
Rowe 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 29, 2020.
- 393 Thornell Road, Tax # 178.04-1-59.1, Applicant is requesting relief from Town Code §185- 113 B (1) & (6) and §185 – 17 L for the construction of an oversized accessory structure (Storage Shed) located in side yard and encroaching into the side setback. The structure is proposed to be approximately 192 Sq. Ft. Property is zoned RN- Residential Neighborhood District.

The applicant, Steven Kleindienst, was present to discuss the application with the Board.

He indicated that the most affected neighbor has indicated they have no concerns about the project.

There was no Public Comment.

Barbara Servé moved to close the Public Hearing.

George Dounce seconded.

A poll was taken of the Board.

Dounce voted aye  
Spennacchio-Wagner voted aye  
Servé voted aye  
Castleberry voted aye  
Pergolizzi voted aye  
Rowe voted aye

#### **DECISION FOR 393 THORNELL ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 393 Thornell Road was moved by Mary Ellen Spennacchio-Wagner and seconded by Barbara Servé.

Chairman George Dounce called for a roll call vote.

Dounce voted aye  
Servé voted aye  
Pergolizzi voted aye  
Spennacchio-Wagner voted aye  
Castleberry voted aye  
Rowe 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 July 8, 2020.

2. All construction is to be completed by December 31, 2021.
- 40 Skylight Trail Tax # 192.06-1-99, Applicant is requesting relief from Town Code §185- 113 B (1) & (2) for the construction of an oversized accessory structure (Community Garden Building) located in the Alpine Ridge Subdivision. Property is zoned RN- Residential Neighborhood District.

Jeff Morrell of Morrell Builders was present to discuss the application with the Board.

Mr. Morrell described the oversized accessory structure will serve as a Community Center/Greenhouse for the Alpine Ridge Community which is currently being developed. It would be a winterized building and will serve the entire community. Sidewalks will be installed to connect the building with the community. There will be no commercial parking lot. The location has been approved by the Planning Board.

The timeframe for the project is that the developer is looking to start as soon as possible pending approval from the Design Review and Historic Preservation Board and the issuance of a building permit.

There was no Public Comment.

David Rowe moved to close the Public Hearing

Mary Ellen Spennacchio-Wagner seconded.

George Dounce voted aye  
Mary Ellen Spennacchio-Wagner voted aye  
Barbara Servé voted aye  
Phil Castleberry voted aye  
Jim Pergolizzi voted aye  
David Rowe voted aye

#### **DECISION FOR 40 SKYLIGHT TRAIL – AREA VARIANCE**

A written Resolution to grant the area variance for 40 Skylight Trail was moved by David Rowe and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Barbara Servé voted aye  
Mary Ellen Spennacchio-Wagner voted aye  
George Dounce voted aye  
Phil Castleberry voted aye  
James Pergolizzi voted aye  
David Rowe 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 15, 2020.
2. All construction is to be completed by December 31, 2021.
3. The proposed Accessory Building (Community Garden) is subject to review and approval of Design Review & Historic Preservation Board.

**OTHER**

David Rowe announced that he will not be in attendance at the August 17, 2020 meeting.

Mark Lenzi relayed August 17<sup>th</sup> meeting whether it will be in person or via Zoom is dependent on any announcement regarding public meetings from the Governor in response to the COVID-19 pandemic.

**POINT PERSONS FOR August 17, 2020 MEETING**

**55 N. Country Club Drive – Mary Ellen Spennacchio-Wagner**

**31 Merry Hill Drive – George Dounce**

**21 Wind Mill Road – Barb Servé**

**16 Cedarwood Circle – Phil Castleberry**

**76 Knollwood Drive – Jim Pergolizzi**

**3765 East Avenue – Phil Castleberry**

**REVIEW OF THE JUNE 15, 2020 MINUTES**

George Dounce moved to approve the minutes of the June 15, 2020 meeting as written.

George Dounce called for a roll call vote.

- Phil Castleberry voted aye
- George Dounce voted aye
- Mary Ellen Spennacchio-Wagner voted aye
- Barb Servé voted aye
- James Pergolizzi voted aye
- David Rowe voted aye

**MEETING ADJOURNMENT**

George Dounce moved to adjourn the meeting at 9:02 pm.

George Dounce called for a roll call vote.

- Phil Castleberry voted aye
- George Dounce voted aye
- Mary Ellen Spennacchio-Wagner voted aye
- Barb Servé voted aye
- James Pergolizzi voted aye
- David Rowe voted aye

Respectfully submitted,

Susan K. Donnelly  
Secretary to the Zoning Board of Appeals