

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
MINUTES  
October 19, 2020**

**PRESENT**

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

**ALSO PRESENT**

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

**ABSENT**

Mike Rose, Barbara Servé

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, October 19 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.

**DISCUSSION - LEAD AGENCY FOR OAK HILL COUNTRY CLUB PROJECT**

George Dounce moved for the Zoning Board of Appeals to decline the lead agency role for the proposed Oak Hill Country Club project.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

**PUBLIC HEARING FOR AN AREA VARIANCE - RETURNING**

- 345 Kilbourn Road, Tax # 138.18-3-1, Applicant is requesting relief from Town Code §185 – 17 (H); 185 -17 (E) & 185 113 (B) (6) to allow the placement of an air conditioning compressor, grill structure and deck encroaching into the side setback. Also, the lot coverage of the lot exceeds the maximum allowed by code. Property is zoned RN – Residential Neighborhood District.

This public hearing remained open.

Pat and Kim Bailey were present.

George Dounce indicated that the Board has received the updated survey map.

There was no further comment from the Board.

The Board moved to add the comments regarding the land swap with Oak Hill Country Club in the resolution.

There was no public comment.

George Dounce moved to close the public hearing.

Phil Castleberry seconded.

All Ayes.

### **DECISION FOR 345 KILBOURN ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 345 Kilbourn Road was moved by David Rowe and seconded by Mary Ellen Spennacchio-Wagner.

George Dounce called for a roll call vote.

Dounce	aye
Servé	absent
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	aye
Rowe	aye
Rose	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 August 13, 2020 and the map updated on October 16, 2020.
2. All construction is to be completed by December 31, 2022.
3. This variance is subject to the approval of the land swap between Oak Hill Country Club and the Applicants.

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

- 18 Greentree, Tax # 163.16-1-12, Applicant is requesting relief from Town Codes §185 – 121 (A) for the construction of a fence forward of the front wall of the home exceeding the height requirement of code. This property is zoned RN-Residential Neighborhood.

George Dounce moved to open the public hearing.

The homeowner, Helen Newman, was present.

The home on the lot is set back and does not have much of a backyard. The owner wishes to keep her dogs safe in the front yard and requires a taller fence.

The time frame for installation of an black aluminum fence is by this winter.

There was no public comment.

Jim Pergolizzi moved to close the public hearing.

Phil Castleberry seconded.

All Ayes.

**DECISION FOR 18 GREENTREE – AREA VARIANCE**

A written Resolution to grant the area variance for 18 Greentree was moved by George Dounce and seconded by David Rowe.

George Dounce called for a roll call vote.

Dounce	aye
Servé	absent
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	aye
Rowe	aye
Rose	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 September 17, 2020.
  2. All construction is to be completed by December 31, 2021.
- 23 Hepburn Lane Tax # 177.03-3-53, Applicant is requesting relief from Town Code §185-119 (A) (1) to locate the filter and heater of an in-ground swimming pool forward of the rear wall of the home. This property is zoned RN – Residential Neighborhood District

George Dounce moved to open the public hearing.

The homeowners, Shane and Amanda Murphy, were present. They cited the constraints they have at the rear of the home in relation to placing the pool equipment. George Dounce noted that the garage of the most affected neighbor faces the area in question.

There was no public comment.

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

David Rowe seconded.

All Ayes.

**DECISION FOR 23 HEPBURN LANE – AREA VARIANCE**

A written Resolution to grant the area variance for 23 Hepburn Lane was moved by Jim Pergolizzi and seconded by Phil Castleberry.

George Dounce called for a roll call vote.

Dounce	aye
Servé	absent
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	aye
Rowe	aye
Rose	absent

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the application submitted and prepared by the Applicant dated September 10, 2020.

2. All construction is to be completed by December 31, 2021.
- 28 Mitchell Road, Tax # 164.12-1-1, Applicant is requesting relief from Town Code §185 – 121 (A) to allow construction of an entrance gate (fence) forward of the front wall of the home exceeding the height requirement of code. This property is zoned RN-Residential Neighborhood.

George Dounce opened the public hearing.

Evan Gefell of Costich Engineering was the representative for the applicants.

The gate will extend across the driveway but be recessed from the road. The lights will be kept. The high point of the gate is 6 foot but will match the height of the existing pillars and hedges.

There was no public comment.

David Rowe moved to close the public hearing.

Phil Castleberry seconded.

All Ayes.

### **DECISION FOR 28 MITCHELL ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 28 Mitchell Road was moved by Phil Castleberry and seconded by George Dounce.

George Dounce called for a roll call vote.

Dounce	aye
Servé	absent
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	aye
Rowe	aye
Rose	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 September 18, 2020.
  2. All construction is to be completed by December 31, 2021.
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- 33 Alpine Drive. Tax # 138.18-2-59, Applicant is requesting relief from Town Code §185-113 (B) (6) to allow the construction of a shed located in the rear yard encroaching into the side yard setback. Property is zoned RN – Residential Neighborhood District.

George Dounce opened the public hearing.

The homeowner, Jamie Fagan was present.

It was discussed that the proposed shed will be located in an area that has the least impact on the neighbor. There is a large pine tree that blocks most of the view.

There was no public comment.

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

Jim Pergolizzi seconded.

All Ayes.

**DECISION FOR 33 ALPINE DRIVE – AREA VARIANCE**

A written Resolution to grant the area variance for 33 Alpine Drive was moved by David Rowe and seconded by Mary Ellen Spennacchio-Wagner.

George Dounce called for a roll call vote.

Dounce	aye
Servé	absent
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	aye
Rowe	aye
Rose	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 September 2, 2020.
  2. All construction is to be completed by December 31, 2021.
- 60 Pickwick Drive, Tax # 150.08-1-45, Applicant is requesting relief from Town Code §185-113 B (6) to allow the placement of an electrical standby generator encroaching into the side yard setback. Property is zoned RN – Residential Neighborhood District.

George Dounce opened the Public Hearing.

The homeowners, Stuart and Illa Loeb, were present.

There were no comments from the Board.

There was no public comment.

David Rowe moved to close the public hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

There was no further Board discussion.

**DECISION FOR 60 PICKWICK DRIVE – AREA VARIANCE**

A written Resolution to grant the area variance for 60 Pickwick Drive was moved by George Dounce and seconded by Jim Pergolizzi.

George Dounce called for a roll call vote.

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

Rose 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 September 15, 2020.
  2. All construction is to be completed by December 31, 2021.
- 132 East Street, Tax # 178.02-1-3.1, Applicant is requesting relief from Town Code §185-11.2 (A) to allow construction of a 2<sup>nd</sup> floor addition forward of the building line. Property is zoned AG – Agricultural District.

George Dounce opened the public hearing.

The architect, Dan Pope, and homeowner, Andrew and Jantyda Scherdin were present.

Mr. Pope indicated that this current older home is a non-conforming structure in accordance with the current setback requirements.

There was no public comment.

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

David Rowe seconded.

All Ayes.

**DECISION FOR 132 EAST STREET – AREA VARIANCE**

A written Resolution to grant the area variance for 132 East Street was moved by George Dounce and seconded by Phil Castleberry.

George Dounce called for a roll call vote.

Dounce	aye
Servé	absent
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	aye
Rowe	aye
Rose	absent

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the architect, Daniel Pope dated September 8, 2020.
  2. All construction is to be completed by December 31, 2022.
  3. This application is subject to the approval of the Design Review and Historic Preservation Board.
- 1009 Roosevelt Road, Tax # 151.07-1-14, Applicant is requesting relief from Town Code §185- 113 (B) (6) for the construction of a deck encroaching into the rear setback of the property. Property is zoned RN- Residential Neighborhood District.

George Dounce opened the public hearing.

The homeowner, Shayna Freeman, and contractor, Steve Panek were present.

This home is a former rental property that backs up to Town of Pittsford parkland.

There were no comments from the Board.

George Dounce asked if the most affected neighbor (Town of Pittsford) had any opposition to this. Mark Lenzi spoke on behalf of the Town and he indicated that there is none.

There was no further public comment.

George Dounce moved to close the public hearing.

Jim Pergolizzi seconded.

All Ayes.

**DECISION FOR 1009 ROOSEVELT ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 1009 Roosevelt Road was moved by Mary Ellen Spennacchio-Wagner and seconded by David Rowe.

George Dounce called for a roll call vote.

Dounce	aye
Servé	absent
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	aye
Rowe	aye
Rose	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 September 15, 2020.
2. All construction is to be completed by December 31, 2022.

**REVIEW OF MEETING MINUTES OF SEPTEMBER 21, 2020**

George Dounce moved to approve the minutes of September 21, 2020 with one change.

All Ayes.

**OTHER**

David Rowe announced that he would not be in attendance at the November meeting.

**POINT PERSONS FOR NOVEMBER 16, 2020 MEETING**

597 Mendon Road – Jim Pergolizzi

16 Ingridshire Drive – George Dounce

31 Merryhill Lane – Phil Castleberry

Oak Hill Country Club – Mary Ellen Spennacchio-Wagner

67 Knollwood Drive – Barb Servé

50 Van Voorhis Road – Mary Ellen Spennacchio Wagner

**MEETING ADJOURNMENT**

George Dounce moved to adjourn the meeting at 8:11 pm.

All Ayes.

Respectfully submitted,

Susan K. Donnelly  
Secretary to the Zoning Board of Appeals