

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
April 15, 2019**

PRESENT

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, Phil Castleberry, Mike Rose, David Rowe

ALSO PRESENT

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

ABSENT

Barbara Servé, Jaime Waldman

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

Mark Lenzi indicated that the applications before the Board this evening are Type II Actions under 6-NYCRR §617.5(c) (7) or (12) & (13) and, therefore, are 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.

PUBLIC HEARING FOR AN AREA VARIANCE

- 3848 East Avenue, Tax # 138.18-2-51, Applicant is requesting relief from Town Codes section § 185-113 (B) (6) & 185-17 (E) to place a generator at 8 feet from the left (North) side setback were Town Code requires 15 feet. This property is zoned RN-Residential Neighborhood.

Chairman George Dounce opened the Public Hearing.

Ken Stavalone from Home Power Systems was present to discuss the application. Mr. Stavalone explained that the generator will fit in with the other utilities (2 air conditioners) and will be shielded from view by greenery. This unit will run at ½ the rpms so it will be quieter.

A letter of support was received from the most affected neighbor and there was no public comment.

Mary Ellen Spennacchio-Wagner moved to close the Public Hearing and David Rowe seconded.

All Ayes.

- 40 Arlington Drive, Tax # 164.08-1-41, Applicant is requesting relief from Town Codes §185-121 A to construct an 8 foot tall fence in the side and rear yard that borders interstate 490. Town code limits the maximum height of a fence to six feet. This property is zoned RN-Residential Neighborhood.

Chairman George Dounce opened the Public Hearing.

The homeowner, Marisa Feeley, was present.

The proposal is to extend an existing fence with a 154 ft. long pressure treated wood fence similar in design to block the view of Interstate 490 from the first floor of the home.

There was no public comment.

Phil Castleberry moved to close the Public Hearing and Mike Rose seconded.

All Ayes.

- 7 Wayside Circle, Tax # 151.11-2-9, Applicant is requesting relief from Town Code §185 – 113 B (1) & (2) to construct a 20'W x 40'L x 13'H (800 sq. ft.) oversized and over height accessory structure (Pavilion) in the rear yard. The maximum size of an accessory structure is 180 sq. ft. and the maximum height is limited to 12 feet. This property is zoned RN – Residential Neighborhood.

Chairman George Dounce opened the Public Hearing.

The homeowner, Michael Romach, was present.

The applicant is requesting relief for the construction of an oversized and over height accessory structure. There will be a masonry fireplace with a stone veneer on the structure. The roof will be shingled to match the home. The chimney will match the chimney work on the home.

The property is lower than the surrounding properties. There is no intention to use the structure for wintertime storage in this structure.

The Town has received letters of support from the most affected neighbors at #5, 9 and 11 Wayside Circle and #11 Lochnavar Parkway.

There was no public comment.

David Rowe moved to close the Public Hearing and Mary Ellen Spennacchio-Wagner seconded.

All ayes.

- 44 Rosewood Drive, Tax # 178.20-2-26, Applicant is requesting relief from Town Code §185-113 (B) (3) to construct an in-ground pool in the side yard and forward of the rear wall of the home. Town Code requires all accessory structures to be placed behind the rear wall of the home. This property is located on the corner of two streets and is zoned RN – Residential Neighborhood.

Chairman George Dounce opened the Public Hearing.

John Napadano of Pettis Pools was present on behalf of the homeowners.

A discussion was held on the drainage necessary for this project. It was determined that a grading plan will need to be submitted to the Town as part of the permit process.

There will be a 6' vinyl privacy fence constructed.

Letters in support of the project have been received by the Town from the homeowners at #42 and 43 Rosewood Drive.

Mike Rose moved to close the Public Hearing and Phil Castleberry seconded.

All ayes.

DECISION FOR 3848 EAST AVENUE – AREA VARIANCE

A written Resolution to grant the area variance for 3848 East Avenue was moved by Mary Ellen Spennacchio-Wagner and seconded by George Dounce.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	aye
Barbara Servé voted	absent
Jaime Waldman voted	absent
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry voted	aye

The approved Resolution contains the following Specific Conditions:

1. The variance is granted only for the plans submitted and prepared by the Applicant dated March 12, 2019.
2. All construction is to be completed by December 31, 2020.

DECISION FOR 40 ARLINGTON DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for 40 Arlington Drive was moved by George Dounce and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	aye
Barbara Servé voted	absent
Jaime Waldman voted	absent
David Rowe voted	abstain
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry 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 March 18, 2019.
2. All construction is to be completed by December 31, 2020.

DECISION FOR 7 WAYSIDE CIRCLE – AREA VARIANCE

A written Resolution to grant the area variance for 7 Wayside Circle was moved by David Rowe and seconded by George Dounce.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	aye
Barbara Servé voted	absent
Jaime Waldman voted	absent
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry 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 April 2, 2019.
2. All construction is to be completed by December 31, 2021.
3. This application is subject to the approval of the Design Review & Historic Preservation Board which was granted on April 11, 2019.

DECISION FOR 44 ROSEWOOD DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for 44 Rosewood Drive was moved by Michael Rose and seconded by David Rowe.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	aye
Barbara Servé voted	absent
Jaime Waldman voted	absent
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye
Phil Castleberry 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 March 15, 2019.
2. All construction is to be completed by December 31, 2020.

APPROVAL OF THE MEETING MINUTES OF MARCH 18, 2019

George Dounce moved to accept the minutes of March 18.

VOICE VOTE: Ayes – All

OTHER – Point Person for May 20 meeting

255 Woodland Road – David Rowe

MEETING ADJOURNMENT

The meeting adjourned at 7:45 pm.

VOICE VOTE: Ayes – All

Respectfully submitted,

Susan Donnelly
Secretary to the Zoning Board of Appeals