

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
August 19, 2019**

PRESENT

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, Barbara Servé, Jaime Waldman, Phil Castleberry

ALSO PRESENT

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

ABSENT

Robert Koegel, Town Attorney; David Rowe, Mike Rose

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.

- 5 Kalleston Drive, Pittsford, Tax # 178.09-1-46, Applicant is requesting relief from Town Code §185-113 B (3) & (6) & 185 – 17 K (2) to allow the placement of a 10' x 16' shed approximately 15 feet from the side property line and located forward of the front wall of the home. This lot is a corner lot. Town Code requires a 20-foot side yard setback for corner lots and accessory structures to be located behind the rear wall of the primary structure. Property zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public Hearing.

The homeowners, Debra and Patrick Walker, were present. They presented the Board with a signed petition from their neighbors stating that no one was in opposition to this project at the addresses of 4, 6, 7, and 8 Kalleston Drive and 14 and 16 High Hill Drive. Number 6 and 7 Kalleston Drive are the most affected neighbors.

There was no further public comment.

Barbara Servé moved to close the Public Hearing. Phil Castleberry seconded.

All Ayes.

- 5 Krislynn Drive, Tax # 177.03-2-49, Applicant is requesting relief from Town Code(s) §185-17 (L) to construct a 1st and 2nd floor addition encroaching into the side setback. The addition is proposed to be located at approximately 56' from the west property line where code requires 60'. Property is zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public Hearing.

Andrew Bouquin was present to represent the homeowners, Michael and Megan Gurrell.

It was indicated that the trees to the south are not disrupted by this project. The homeowners wish to start to project by early September 2019.

There was no public comment.

Jaime Waldman moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- Lot 8 Clover Street, Tax # 150.11-2-22, Applicant is requesting relief from Town Code §185-17 M for the construction of a two story residential home with a height of approximately 45'-3". Town Code limits the height of buildings to 30 feet. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

Jim Fahy of Design Associates was present to represent the property owner.

Mr. Fahy outlined the scope of the two story home project. This home will include a walkout basement. Due to the natural topography of the one acre lot, the grade slopes up 30 feet. A building height of 45' 3" is requested to accommodate this walkout basement. He stated this is a two story home and that the walkout basement is a design feature.

A discussion was held regarding the scale and massing of nearby homes and height variances that were granted for # 4 and #5 Taylors Rise for approximately 37 and 40 feet. Board member Barbara Servé discussed that the homes on Taylors Rise blend in with the neighborhood but the proposed construction will not in comparison to the homes on Clover Street.

The Board commented that no landscaping/screening package has been presented for this project. Mr. Fahy indicated that providing landscaping would not be an issue for the applicant. He indicated the vegetation to the North, South and West would be preserved. He indicated that vegetation in the middle of the lot would be "carved out" for the new home.

Barbara Servé expressed concerns that the vegetation of deciduous trees would be gone in the winter months. Mr. Fahy stated that the homeowner would give their best efforts within reason to provide screening.

Neighboring homes at 530 Clover Hills Drive and 5 Taylors Rise were discussed.

Chairman George asked for public comment.

Dennis Mullen of 3 Taylors Rise indicated that his property backs up to the property at Lot 8. He indicated that his home is similar to others in the neighborhood. His backyard is all trees but they are deciduous and he stated he would be looking at this large home for a large portion of the year when the trees are bare. He stated he is not against the house but is concerned about the height.

John McKenna of 510 Clover Hills Drive expressed that he is very concerned about the view of this proposed home from his property. He stated that there are a mix of large and smaller homes surrounding this property and he has concerns that the height of the proposed structure would have a significant effect on his home value. He invited the Board members to come to his home and view the property from the vantage point of his property. He did not feel a landscape plan would help as it would prove to be slow growing. He encouraged the Board to view the site, expressed that landscaping takes a long time to grow and felt that some of the comments presented by the applicant were inconsistent.

Arthur Fitelson of 530 Clover Hills Drive also expressed concerns about the proposed home's height and what he would see from his home.

All the neighbors making public comment left their information with the Town staff in order for the Board to arrange to view the lot from their properties. It was decided that the Board members would visit in small groups as to not constitute a meeting of the Board, not discuss the application but rather to view the site line from the vantage of the concerned neighbors.

George Dounce moved to hold the application open.

All Ayes.

- 345 Kilbourn Road, Tax # 138.18-3-1, Applicant is requesting relief from Town Code §185-113 B (1) & (2) for an oversized and over height accessory structure (Detached Garage) located in the rear yard. The oversized accessory structure will be constructed to a height of approximately 25' and approximately 750 sq. ft. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The homeowner Kim Bailey was present.

She indicated the change in design of the home so that the garage is now detached. She indicated the neighbor in the rear of the property is not concerned about the change. The lot coverage will not increase or decrease with this design change.

There were no further questions from the Board and no public comment.

Barbara Servé moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

DECISION FOR 5 KALLESTON DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for 5 Kalleston Drive was moved by George Dounce and seconded by Barbara Servé.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
Barbara Servé voted	aye
Jaime Waldman voted	aye
David Rowe voted	absent
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 August 8, 2019.
2. All construction is to be completed by December 31, 2020.

DECISION FOR 5 KRISLYNN DRIVE – AREA VARIANCE

A written Resolution to grant the area variance for 5 Krislynn Drive was moved by Jaime Waldman and seconded by Phil Castleberry.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
Barbara Servé voted	aye
Jaime Waldman voted	aye
David Rowe voted	absent
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 June 13, 2019.
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.

DECISION FOR 345 KILBOURN ROAD – AREA VARIANCE

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

Chairman George Dounce called for a roll call vote.

Michael Rose voted	absent
Barbara Servé voted	aye
Jaime Waldman voted	aye
David Rowe voted	absent
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 August 8, 2019.
2. All construction is to be completed by December 31, 2020.

APPROVAL OF THE MEETING MINUTES OF JULY 15, 2019

George Dounce moved to accept the minutes of July 15, 2019 with corrections.

VOICE VOTE: Ayes – All

OTHER – Point Persons for September meeting

5611 Palmyra Road – George Dounce

64 Landsdowne Lane – Phil Castleberry

790 Linden Avenue – Mike Rose

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 8:20 pm.

VOICE VOTE: Ayes – All

Respectfully submitted,

Susan Donnelly
Secretary to the Zoning Board of Appeals