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**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
MINUTES  
September 16, 2019**

**PRESENT**

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

**ALSO PRESENT**

Stephanie Townsend, Town Board Liaison; Robert Koegel, Town Attorney; Mark Lenzi, Building Inspector; Susan Donnelly, Secretary to the Board; Doug DeRue, Director of Planning, Zoning and Development

**ABSENT**

Barbara Servé

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 with the exception of 5611 Palmyra Road 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 – RETURNING**

- 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 announced that this hearing remained open from the previous meeting.

James Fahy of Fahy Design Associates and the homeowner Akhtian Khan were present.

Mr. Fahy reiterated that the existing site topography is the issue with the requested height variance and that this site is a unique building lot. He outlined changes that were made in the design to address this. He indicated the house has been dropped 4 feet in elevation to create a sunken patio so the elevation is now appears to be 39' 2". He indicated a generic landscape plan of 7-8 arbor vitae would be planted along Clover Street.

Dennis Mullen of 3 Taylors Rise and Arthur Fitelson of 530 Clover Hills Drive both expressed concern for screening of the structure from their properties. It was indicated that the homeowner is interested in working together with his neighbor on this.

Mary Ellen Spennacchio Wagner moved to close the Public Hearing and Phil Castleberry seconded.

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

- 790 Linden Ave, Tax # 138.15-1-16, Applicant is requesting relief from Town Code §185 – 136 A (4) for the placement of a freestanding sign exceeding size requirements. The proposed sign is approximately 13 Sq. Ft. where Town Code allows 8 sq. ft. This property is zoned LI- Light Industrial

Chairman George Dounce opened the Public Hearing.

Andy Devine was present to discuss the application with the Board.

He explained that the dome shape on the top of the sign is the reason for the variance request.

The sign is not currently internally lit but at some point, he would like to place a ground light on it.

There was no public comment.

Jaime Waldman moved to close the Public Hearing and David Rowe seconded.

All Ayes.

- 64 Landsdowne Lane, Tax # 151.11-1-37, Applicant is requesting relief from Town Code §185 – 17 B (1) & §185 – 17 E for the placement of a shed encroaching into the side and front setbacks. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The homeowner, Melvin Davis, was present to discuss the application with the Board.

Mr. Davis explained that he is tearing down a current shed. He would like to place it to the rear of the home. His home is located between Landsdowne Lane and Washington Street which necessitates the need for a 70 ft. setback from Washington Street to place the shed.

There was no public comment.

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

All Ayes.

- 6 Woods Hole Court, Tax # 163.12-2-13, Applicant is requesting relief from Town Code §185 – 17 I for the construction of a Deck encroaching into the rear setback. The deck is proposed to be placed at approximately 9 feet from the rear property line. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The homeowner, Stephen Warner was present. Mr. Warner explained the low profile deck he wishes to construct and explained he owns an adjoining second lot. He stated that the most affected neighbor has no concerns. The timeline to start is as soon as possible.

There was no public comment.

Jaime Waldman moved to close the Public Hearing and Mike Rose seconded.

All Ayes.

- 5611 Palmyra Road, Pittsford, Tax # 164.12-1-66, The applicant is requesting a modification to a use variance previously granted on February 17, 2014. The requested modification will allow a change from a Karate studio to a Dentist office. Property zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public Hearing.

Attorney Betsy Brugg of Woods Oviatt Gilman LLP, Dr. Marcy Mendola Pitcher and architect Jeff Ashline of Mossien Architects.

Ms. Brugg stated the proposed business is a Pediatric Dentistry practice operating between the hours of 8 am – 5:30 pm with the exception of evening emergencies.

In 2014, commercial use changed from a church to a karate studio with special conditions. After the karate studio closed, the Town of Pittsford purchased the property for use as a temporary recreation building.

The owner wishes to add a canopy to the back main entrance and construct a small residential garage to store property maintenance equipment. The 6 ft. fence between the neighbors will be maintained. Ms. Brugg maintains that this business will have low traffic and minimal lighting. She stated that a dumpster is not necessary for the practice.

The modification requests permission for change of use, change of hours of operation, a 10 sq. ft. sign and any other conditions as designated. The detached garage will require Design Review and Historic Preservation Board approval and potentially Zoning Board approval.

Chairman Dounce acknowledged the receipt of an email of concern received from the homeowner of 506 Marsh Road.

Bruce Konte, brother in law to the neighbor at 506 Marsh Road spoke. He stated that he thought the fence is too small. Ms. Brugg and Dr. Pitcher indicated that they are happy to work with the neighbor on this or other issues.

Discussion was held among Board members about how such a use permit sets a precedent in other residential neighborhoods for a commercial venture and how it would change the character of a neighborhood.

Robert Koegel suggested that the Board hold the application open to give the Board time to consider the matter. He also suggested that the Board treat the use permit as a modification to an existing as opposed to a new.

It was discussed that a SEQR is required for this application.

George Dounce moved to hold the application open.

All Ayes.

## **DECISION FOR LOT 8 CLOVER STREET – AREA VARIANCE**

A written Resolution to grant the area variance for Lot 8 Clover Street was moved by Jaime Waldman 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	aye

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 September 4, 2019.
2. All construction is to be completed by December 31, 2021.

### **DECISION FOR 790 LINDEN AVENUE – AREA VARIANCE**

A written Resolution to grant the area variance for 790 Linden Avenue was moved by Mike Rose and seconded by Phil Castleberry.

Chairman George Dounce called for a roll call vote.

Michael Rose voted aye  
Barbara Servé voted absent  
Jaime Waldman voted aye  
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 September 3, 2019.

### **DECISION FOR 64 LANDSDOWNE LANE – AREA VARIANCE**

A written Resolution to grant the area variance for 64 Landsdowne Lane was moved by Phil Castleberry 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 aye  
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 August 16, 2019.
2. All construction is to be completed by December 31, 2020.

## **DECISION FOR 6 WOODS HOLE COURT– AREA VARIANCE**

A written Resolution to grant the area variance for 6 Woods Hole Court was moved by David Rowe and seconded by Jaime Waldman.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	aye
Barbara Servé voted	absent
Jaime Waldman voted	aye
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:

This variance is granted only for the plans submitted and prepared by the Applicant dated August 16, 2019.

3. All construction is to be completed by December 31, 2020.

## **POINT PERSONS FOR OCTOBER MEETING**

Alpine Ridge – David Rowe

137 Caversham Woods – Phil Castleberry

## **REVIEW OF THE AUGUST 19, 2019 MINUTES**

George Dounce moved to approve the minutes of the August 19, 2019 meeting as written.

All Ayes.

## **MEETING ADJOURNMENT**

George Dounce moved to adjourn the meeting at 8:45 pm.

Respectfully submitted,

Susan Donnelly  
Secretary to the Zoning Board of Appeals