

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
May 17, 2021**

PRESENT

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

ABSENT

David Rowe

ALSO PRESENT

Cathy Koshykar, Town Board Liaison; Robert Koegel, Town Attorney; Doug DeRue, Director of Planning
and Zoning; Susan Donnelly, Secretary to the Board

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, May
17, 2021 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 is a Type II Action 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

- 3 Falcon Bridge, Tax # 150.16-1-33. Applicant is requesting relief from Town Code § 185 -113 (B)
(3) and 185-17 A. to place a standby electrical generator in a front yard as viewed from Clover
street. Property is zoned RN – Residential Neighborhood District

George Dounce opened the Public Hearing.

Dan Stewart of Heritage Christian Services was present.

The generator is installed to protect residents in the event of a power failure. The units is 22 kw, 3 ½
feet high and 6 feet high.

A row of pines will be installed to provide screening from Clover Street.

There was no public comment.

Barbara Servé moved to close the public hearing.

Thomas Kidera seconded.

All Ayes.

A resolution was moved by Zoning Board of Appeals member Phil Castleberry, seconded by Board
member Mary Ellen Spennacchio-Wagner, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Absent
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye

Phil Castleberry voted Aye
Barbara Servé voted Aye

The Board, in granting the application, hereby imposes the following specific conditions:

1. This variance is granted only for the site map submitted to the Zoning Board of Appeals dated February 18, 2021.
 2. All construction is to be completed by December 31, 2022.
 3. Applicant will plant screening shrubbery around the generator.
- 96 Stoneleigh Court, Tax # 138.18-1-11. Applicant is requesting relief from Town Code §185 – 17 H. and 185-17 I. to allow construction of an in ground swimming pool encroaching into the rear buffer with associated improvements, which will exceed the maximum impervious coverage allowed by code, 46% coverage proposed where 40% is permitted. Property is zoned RN – Residential Neighborhood District.

George Dounce opened the public hearing.

The homeowners, David and Jennifer Dean, were present.

They indicated they have talked to their neighbors and they are supportive. They also stated they are hiring a landscape architect.

Doug DeRue said that the Town of Pittsford does not foresee a problem with drainage in this area nor do they object to the slight increase in impervious coverage.

There was no public comment.

Phil Castleberry moved to close the Public Hearing.

Barbara Servé seconded.

All Ayes.

A resolution was moved by Zoning Board of Appeals member George Dounce, seconded by Board member Phil Castleberry, and voted upon by the Board members, as follows:

Thomas Kidera Aye
James Pergolizzi voted Aye
David Rowe voted Absent
Mary Ellen Spennacchio-Wagner Aye
George Dounce voted Aye
Phil Castleberry voted Aye
Barbara Servé voted Aye

The Board, in granting the application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated April 15, 2021.
 2. All construction is to be completed by December 31, 2023.
- 22 Mill Neck Lane, Tax # 164.14-3-9. Applicant is requesting relief from Town Code § 185-17 (L) for the construction of an accessory structure (covered and open deck) located within the 60 foot setback. Property is a flag lot and is zoned RN- Residential Neighborhood District.

George Dounce opened the public hearing.

The homeowners, Lisa Cauda and Scott Chase, and contractor, Josh Omwake, were present.

The structure will not be visible from Town land.

A positive response was given from the neighbors.

Doug Derue indicated the Town is in agreement with this application.

The time frame is to start in June barring any materials delay.

There was no public comment.

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

Thomas Kidera seconded.

All Ayes.

A resolution was moved by Zoning Board of Appeals member Barbara Serve, seconded by Board member George Dounce, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Absent
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated April 2, 2021.
 2. All construction is to be completed by December 31, 2023.
 3. This application is subject to the approval of the Design Review and Historic Preservation Board.
- 30 Van Voorhis Road, Tax # 192.01-1-11 Applicant is requesting relief from Town Code §185-120 C. Variance requested for a chicken coop less than the required 150 from the side lot line and the front lot line. Property is zoned RN, Residential Neighborhood.

George Dounce moved to open the public hearing

The homeowner, Buraq Amin, was present to discuss the application with the Board.

The homeowner has talked to the neighbors and there are no objections.

The coop will be attached to the garage, 40 ft. from the side lot line.

There will be no roosters and no more than 10 chickens.

There was no public comment.

George Dounce moved to close the public hearing

Phil Castleberry seconded.

All Ayes

A resolution was moved by Zoning Board of Appeals member Mary Ellen Spennacchio-Wagner, seconded by Board member Jim Pergolizzi, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Absent
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Nay
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

This variance is granted only for the keeping of chicken “hens”, no roosters, and plans submitted and prepared by the Applicant dated April 1, 2021.

1. There will be no more than 10 chickens allowed. The variance will sunset on December 31, 2031.
 2. All construction is to be completed by December 31, 2022.
- 106 South Main Street, Tax # 164.10-2-2 Applicant is requesting relief from Town Code(s) §185-113 B. (1); §185-113 B. (2); §185-17 E; and §185-17 I for an oversized, over height accessory structure encroaching into the side setbacks of a corner lot. Property zoned RN – Residential Neighborhood District.

George Dounce moved to open the public hearing.

The homeowner, David Jefferson, was present.

This property backs to power lines. The present shed will be removed and the new shed will be placed forward of the existing.

There will be no drainage issues.

There was no public comment.

Barbara Serve moved to close the public hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

A resolution was moved by Zoning Board of Appeals member James Pergolizzi, seconded by Board member Barbara Serve, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Absent
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated, March 13, 2021.
2. All construction is to be completed by December 31, 2024.

- 153 Mendon Center Road, Tax # 178.05-1-87.1 Applicant is requesting relief from Town Code 185–17 B. (1) for the construction of roof over an existing deck forward of the building line as well as a home addition forward of the building line. Property is zoned RN – Residential Neighborhood District.

George Dounce moved to open the public hearing.

The homeowners, Brian and Lauren Lilly and the architect, Guy Donahue were present.

This home was struck by a vehicle and the homeowners indicated they are taking the opportunity to rebuild with a two story addition and a wraparound covered porch for better aesthetic quality of their home.

A timeframe of summer 2021 was discussed. Due to materials inaccessibility, extra time may be required to completed the project.

There was no public comment.

Phil Castleberry moved to close the public hearing.

Thomas Kidera seconded.

All Ayes.

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated March 19, 2021.
2. All construction is to be completed by December 31, 2024.
3. This application is subject to the approval of the Design Review and Historic Preservation Board.

A resolution was moved by Zoning Board of Appeals member George Dounce, seconded by Board member Mary Ellen Spennacchio-Wagner, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Absent
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the within application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated March 19, 2021.
2. All construction is to be completed by December 31, 2024.
3. This application is subject to the approval of the Design Review and Historic Preservation Board.

PUBLIC HEARING FOR AN AREA VARIANCE – RETURNING

- 145 Long Meadow Circle, Tax # 150.20-2-12.1, Applicant is requesting relief from Town Code §185-113 (B) (1), (2) & (3) for the construction of an oversized, over height storage shed forward of the rear wall of the home. Property is zoned RN - Residential Neighborhood District.

This hearing is still open.

The homeowner, Danielle Fliss, was present.

The Board had requested information on the height and location of the proposed structure.

George Dounce inquired as to whether the rear would be excavated and the homeowner indicated yes.

The homeowner does not wish to delete the cupola to decrease the height.

There was no public comment.

Barbara Servé moved to close the public hearing.

James Pergolizzi seconded.

All Ayes.

It was discussed that this project would need a two-year building time due to difficulty retaining a contractor.

A resolution was moved by Zoning Board of Appeals member, seconded by Board member Mary Ellen Spennacchio-Wagner, and voted upon by the Board members, as follows:

Thomas Kidera	Aye
James Pergolizzi voted	Aye
David Rowe voted	Absent
Mary Ellen Spennacchio-Wagner	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye
Barbara Servé voted	Aye

The Board, in granting the application, hereby imposes the following specific conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated March 12, 2021.
2. All construction is to be completed by December 31, 2022.
3. The application does need the approval of the Design Review and Historic Preservation Board.

REVIEW OF MEETING MINUTES OF APRIL 19, 2021

George Dounce moved to approve the minutes of April 19, 2021 as written.

All Ayes.

POINT PERSONS FOR JUNE 21, 2021 MEETING

111 Overbrook Road – Tom Kidera

18 Golf Avenue – Jim Pergolizzi

522 Marsh Road – Barb Servé

Note: 111 Overbrook and 522 Marsh Road have had alternate point people assigned after the meeting minutes were recorded

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 8:30 pm.

All Ayes.

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals