

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
AGENDA  
August 16, 2021**

**PUBLIC HEARINGS FOR AN AREA VARIANCE**

- 4 Harleston Lane, Tax # 138.19-2-33, Applicant is requesting relief from Town Code §185 – 121 (A) for the construction of a fence forward of the Front Setback, that exceeds the 3-foot maximum height allowed by Code. This property is zoned RN-Residential Neighborhood.

**CONTINUED HEARING**

- 18 Golf Avenue, Tax # 151.15-2-45.2 Applicant is requesting relief from Town Code(s) §185-113 B. (1); (2); for an oversized, over height accessory structure (garage/barn, proposed to be 1440 square feet and 29 feet in height). Property zoned RN – Residential Neighborhood District.

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
MINUTES  
July 19, 2021**

**PRESENT**

George Dounce, Chairperson; Barbara Servé, Vice Chair; Mary Ellen Spennacchio-Wagner, James Pergolizzi, David Rowe, Phil Castleberry, Tom Kidera

**ALSO PRESENT**

Cathy Koshykar, Town Board Liaison; Allen Reitz, Building Inspector; Robert Koegel, Town Attorney; Susan Donnelly, Secretary to the Board

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, July 19 at 7:00 P.M. local time.

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) (16) or (17) and, therefore, are 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 HEARINGS FOR AN AREA VARIANCE**

- 1 Skytop Lane, Tax # 164.09-2-21, Applicant is requesting relief from Town Code §185 – 17 (E) for a proposed shed encroaching into the side setback. Property is zoned RN – Residential Neighborhood District.

Chairman Dounce opened the public hearing.

The homeowner, Judy Hill Smillie was present to discuss the application with the Board.

Ms. Smillie indicated that there is no opposition from the most affected neighbor and that they may construct a fence in the future.

The timeline was discussed and the Applicant indicated that they may need 6 months to a year to construct.

There was no public comment.

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

Barbara Servé seconded.

All Ayes.

- 8 Sugarbush Lane, Tax # 178.16-1-20, Applicant is requesting relief from Town Code §185 – 17 (E) for a proposed sunroom addition encroaching into the side setback. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the public hearing.

The Applicant, Josh Fernandez, was present.

Mr. Fernandez indicated the neighbor not opposed to the addition.

There were no questions from the Board.

There was no public comment.

David Rowe moved to close the public hearing.

Tom Kidera seconded.

All Ayes.

- 810 Allens Creek Road, Tax # 138.13-1-40. Applicant is requesting relief from Town Code(s) §185-113 B. (1); (2); for an oversized, over height accessory structure (3 car garage, proposed to be 1260 +/- square feet and greater height than the 12 feet allowed by code). Property zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The property owner Kim Bailey was present.

The height of the structure was discussed. There will be dormers on the garage but not on the house.

The use of the second floor of the garage was discussed. The applicant stated there will be no rental/living space on this level.

There were no questions from the Board

There was no public comment.

Jim Pergolizzi moved to close the public hearing.

Phil Castleberry seconded.

All Ayes.

## **CONTINUED HEARING**

- 18 Golf Avenue, Tax # 151.15-2-45.2 Applicant is requesting relief from Town Code(s) §185-113 B. (1); (2); for an oversized, over height accessory structure (garage/barn, proposed to be 1440 square feet and 29 feet in height). Property zoned RN – Residential Neighborhood District.

This hearing remains open.

Presently there are no advisory comments from the Design Review and Historic Preservation Board as no new plans have been received by the Town from the applicant for the Board to review.

George Dounce moved to continue to hold this hearing open.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

**DECISION FOR 1 SKYTOP LANE – AREA VARIANCE**

A written Resolution to grant the area variance for 1 Skytop Lane was moved by Phil Castleberry and seconded by George Dounce.

George Dounce called for a roll call vote.

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

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the site map and application submitted to the Zoning Board of Appeals dated June 7, 2021.
2. All construction is to be completed by December 31, 2023.

**DECISION FOR 8 SUGARBUSH LANE – AREA VARIANCE**

A written Resolution to grant the area variance for 8 Sugarbush Lane was moved by Thomas Kidera and seconded by George Dounce.

George Dounce called for a roll call vote.

Dounce	aye
Servé	aye
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	aye
Rowe	aye
Kidera	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 July 08, 2021.
2. All construction is to be completed by December 31, 2022.
3. This application is subject to the approval of the Design Review & Historic Preservation Board.

**DECISION FOR 810 ALLENS CREEK ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 810 Allens Creek Road was moved by David Rowe and seconded by Phil Castleberry.

George Dounce called for a roll call vote.

Dounce	aye
Servé	aye
Pergolizzi	aye
Spennacchio-Wagner	aye
Castleberry	aye
Rowe	aye
Kidera	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 14, 2021, with additional plans submitted on July 13, 2021.
2. All construction is to be completed by December 31, 2024.
3. This application including the size and height is subject to the granting of a Certificate of Appropriateness by the Design Review and Historic Preservation Board.

## **DISCUSSION**

It was brought to the attention of the Board that an appeal which is being made to the Zoning Board of Appeals by an applicant residing at 145 Long Meadow Circle who is in disagreement with a condition of approval made by the Design Review and Historic Preservation Board on their application. A letter for a request of an appeal was received by the Town and forwarded to Chairman George Dounce on July 7, 2021. This appeal will require additional information and review and will be addressed by the Board in a future meeting to be announced.

## **REVIEW OF MEETING MINUTES OF JUNE 21, 2021**

George Dounce moved to approve the minutes of June 21, 2021 as written.

All Ayes.

## **AMMENDMENT OF MEETING MINUTES OF MAY 17, 2021**

George Dounce moved to amend the minutes of the May 17, 2021.

Barb Servé seconded.

The Board was polled individually.

All Ayes.

## **POINT PERSONS FOR AUGUST 16, 2020 MEETING**

- 4 Harleston Lane - Mary Ellen Spennacchio-Wagner
- 18 Golf Avenue – Jim Pergolizzi

David Rowe and Phil Castleberry announced they would not attend the August 16, 2021 meeting.

## **MEETING ADJOURNMENT**

George Dounce moved to adjourn the meeting at 8:10 pm.

All Ayes.

Respectfully submitted,

Susan K. Donnelly  
Secretary to the Zoning Board of Appeals

**Zoning Board of Appeals  
Referral Form Information**

**Property Address:**

4 Harleston Lane EAST ROCHESTER, NY 14445

**Property Owner:**

Christopher Argento  
4 Harleston Ln  
East Rochester, NY 14445

**Applicant or Agent:**

Christopher Argento  
4 Harleston Ln  
East Rochester, NY 14445

**Present Zoning of Property:** RN Residential Neighborhood  
Area Variance - Residential and Non-Profit

<b>Town Code Requirement is:</b>	<b>Proposed Conditions:</b>	<b>Resulting in the Following Variance:</b>
Right Lot Line: 0	Right Lot Line: 0	Right Lot Line: 0.0
Left Lot Line: 0	Left Lot Line: 0	Left Lot Line: 0.0
Front Setback: 0	Front Setback: 0	Front Setback: 0.0
Rear Setback: 0	Rear Setback: 0	Rear Setback: 0.0
Height: 0	Height: 0	Height: 0.0
Size: 0	Size: 0	Size: 0.0

**Code Section(s):** 4 Harleston Lane, Tax # 138.19-2-33, Applicant is requesting relief from Town Code §185 – 121 (A) for the construction of a fence forward of the Front Setback, that exceeds the 3-foot maximum height allowed by Code. This property is zoned RN-Residential Neighborhood.

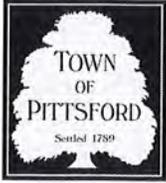
Description: Area variance for a 6 foot fence in front of the home on the eastern property line extending to the ROW.

August 05, 2021

Date



Doug DeRue - Director Planning Zoning Development



# TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Applicant: Christopher P. Argento

Address: 4 Harleston Lane, East Rochester, NY 14445

Phone: (585) 455-4777

E-Mail: chris.argento@yahoo.com

Agent: \_\_\_\_\_

*(if different than Applicant)*

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Property Owner: Laura Argento

*(if different than Applicant)*

Address: 4 Harleston Lane, East Rochester, NY 14445

Phone: (585) 746-6232

E-Mail: lparrone@gmail.com

**(If applicant is not the property owner please complete the Authorization to Make Application Form.)**

Property Location: 4 Harleston Lane

Current Zoning: Residential

Tax Map Number: 138.19-2-33

Application For:  Residential  Commercial  Other

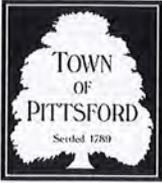
Please describe, in detail, the proposed project:

The project I am proposing is a 6 foot high fence variance for my single family home at 4 Harleston Lane. Current zoning states that the fence must be no more than 3 feet tall from the street to the garage. I respectfully request to install a 6 foot fence since this is my side yard but the backyard of the adjoining property. If my neighbor wanted to erect a 6 foot high fence in the same area, he could do so only by procuring a permit.

**SWORN STATEMENT:** As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

(Owner or Applicant Signature)

(Date)



# TOWN OF PITTSFORD

## AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals – 11 S. Main Street – Pittsford, 14534 – 248-6260

*If the applicant is not the owner of the subject property, this form must be completed and signed by the owner.*

I, Laura Argento, the owner of the property located at:  
4 Harleston Lane East Rochester 14445  
(Street) (Town) (Zip)

Tax Parcel # 138.19-2-33 do hereby authorize  
\_\_\_\_\_ to make application to the  
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of an  
area variance.

*Laura Argento*  
(Signature of Owner)  
7/15/21  
(Date)



# NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

## TESTS FOR GRANTING AREA VARIANCES

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

*(Please answer the following questions to the best of your knowledge)*

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

The proposed 6 foot high fence would not cause a significant change in the character of the neighborhood for several reasons. First and foremost, the fence will be partially obstructed by the existing arborvitae trees. Furthermore, the fence will enhance the neighborhood by blocking out the unsightly look of the unkempt adjoining property.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

The property line in question is the rear yard of the adjoining property and the proposed fence would be allowed if my neighbor wanted to construct a fence in the same area. Therefore, to allow full enjoyment of my view and vistas, I have no other alternative of properly screening my property.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

3. Please explain whether the requested area variance is minimal or substantial:

It is my opinion that this request is minimal. The reason being, I am only requesting 50 feet of the entire 127 feet of the lot line. A request which is only 39% of the total length. In addition, I am only requesting a 3 foot height variance.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

I am only proposing a fence that would be acceptable under normal circumstances. By that I mean my neighbor could erect the identical fence I am proposing without any type of formal request. Therefore, I believe you would agree that my request would not have an adverse effect or impact on the physical or environmental condition in the neighborhood.

- **NOTE:** *Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;*

5. Is the alleged difficulty self-created?

This difficulty is not self created. The need for this variance is crucial to protect the value of my property. The difficulty is created by the adjoining property's inability or choice to not take care of their property.

# Disclosure Form E

STATE OF NEW YORK  
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

\_\_\_\_\_  
(Project Name)

The undersigned, being the applicant(s) to the...

Town Board     Zoning Board of Appeals     Planning Board     Architectural Review Board

...of the Town of Pittsford, for a...

change of zoning     special permit     building permit     permit     amendment

variance     approval of a plat     exemption from a plat or official map

...issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.

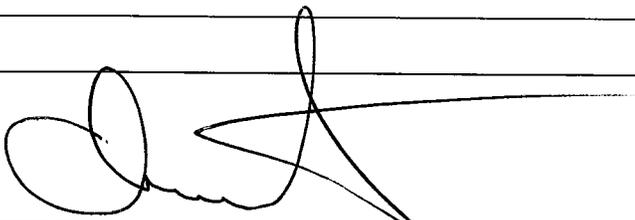
I do further certify that there is no officer of the State of New York, the County of Monroe or of the Town of Pittsford or of any other municipality of which the Town of Pittsford is a part who is interested in the favorable exercise of discretion by said Board as to this application, except for those named below:

Name(s)

Address(es)

Christopher Argento

4 Harleston Lane

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  


(Signature of Applicant)

July 7, 2021

(Dated)

4 Harleston Lane

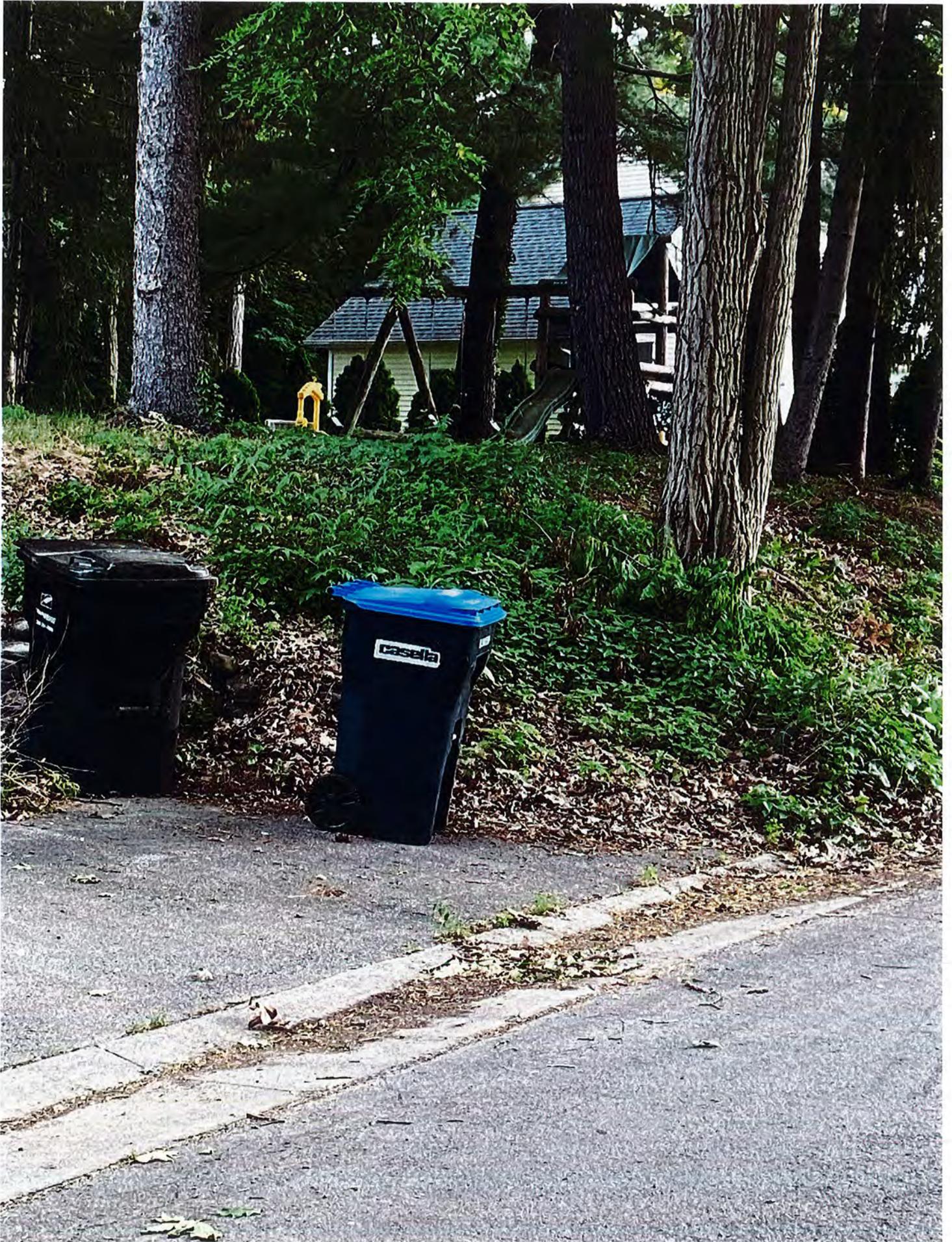
(Street Address)

East Rochester, NY 14445

(City/Town, State, Zip Code)





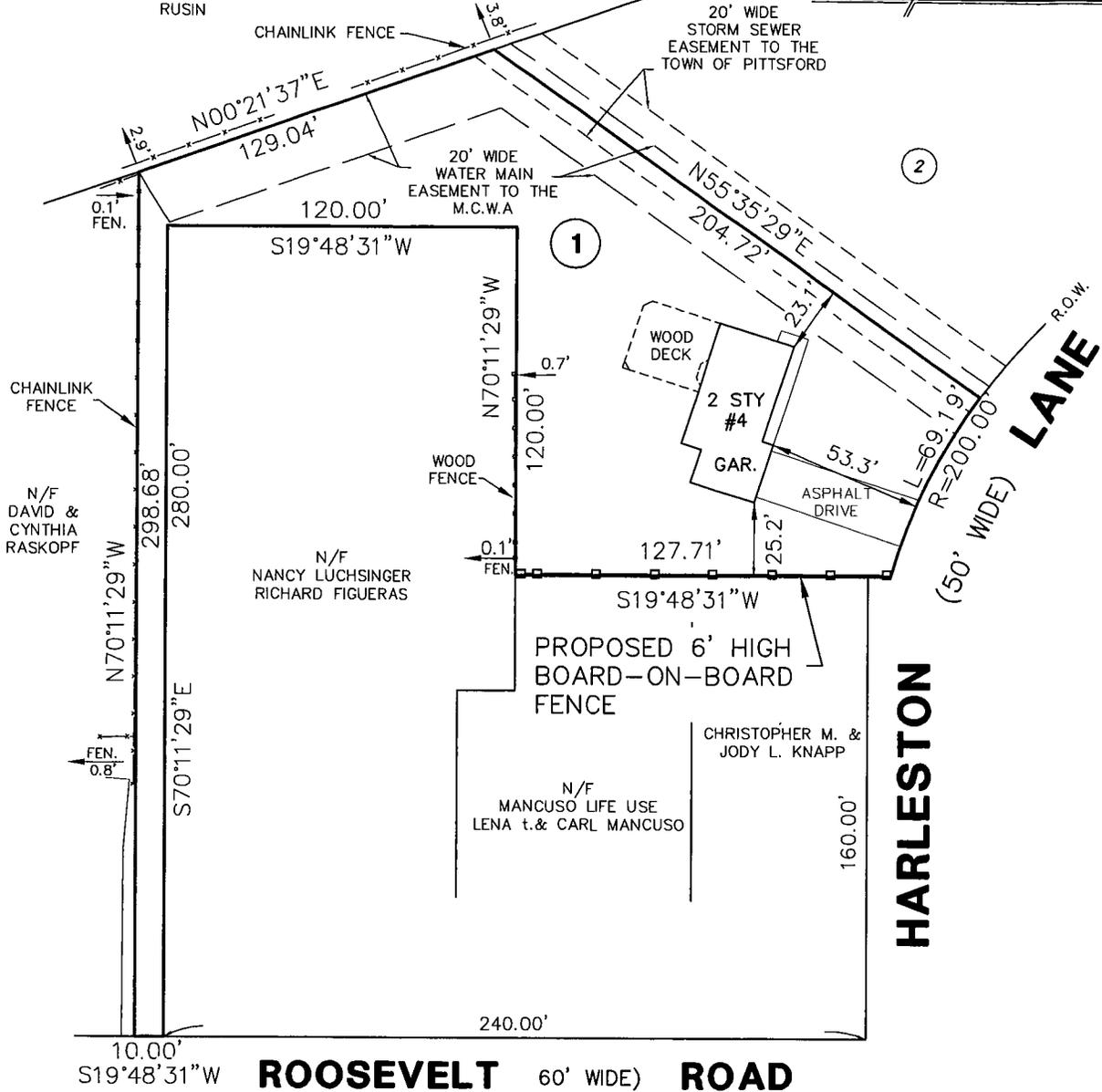






N/F  
LORI FARR & DAVID Q.  
RUSIN

**NORTH**



### PLOT PLAN OF #4 HARLESTON LANE

TOWN OF PITTSFORD

SITUATE IN:  
MONROE COUNTY

NEW YORK

DATE: JULY 6, 2021

SCALE: 1" = 60'

**PARRONE**  
engineering

THE PIANO WORKS  
349 WEST COMMERCIAL STREET  
SUITE 3200  
EAST ROCHESTER, NY 14445  
T 585.586.0200 F 585.586.6752



