

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
May 16, 2022**

PRESENT

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

ALSO PRESENT

Kate Munzinger, Town Board liaison; Robert Koegel, Town Attorney; Doug DeRue, Director of Planning and Zoning; Susan Donnelly, Secretary to the Board

ABSENT

Phil Castleberry

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, May 16, 2022 at 7:00PM local time.

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

The applications before the Board this evening are Type II Actions under 6-NYCRR §617.5 (c) (16) 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 AREA VARIANCE

- 21 Founders Green, Tax # 164.03-5-10, Applicant is requesting relief from Town Code §185-17 E. (1) to place a generator within the minimum side setback. This property is zoned Residential Neighborhood (RN).

The homeowner, David Pritchard, was present.

He indicated that his neighbor who is most affected by the project does not have a problem with it. The timeframe for starting the project is June 2022.

There was no further discussion by the Board.

There was no public comment.

Barb Servé moved to close the Public Hearing.

Tom Kidera seconded.

All Ayes.

- 32 Rosewood Drive Tax # 178.20-2-20, Applicant is requesting relief from Town Code §185 - 17 D. (1) for a proposed front porch encroaching into the front setback. This property is zoned Residential Neighborhood (RN).

This application was withdrawn by the Applicant prior to the meeting.

- 640 Mendon Center Road Tax # 191.02-2-22, Applicant is requesting relief from Town Code §185 - 113 B. (3) for a proposed pool, pool equipment and generator encroaching into the front setback. This property is zoned Rural Residential South Pittsford (RRSP).

The homeowner Sunil Prasad was present.

This home sits 600 ft. back from Mendon Center Road. The home is situated so that it will face the Christmas tree lot which is currently being grown and developed on the land. This being said, the pool is being located at the back at the house which is technically in the "front yard" of the home. The generator is proposed to be located next to the garage.

Chairman George Dounce asked for public comment.

John Postel of 621 Mendon Center Road was present and offered comment. Mr. Postel welcomed his new neighbor and expressed his thoughts about natural barriers which could be placed around the pool to mitigate sight and noise.

A letter of comment from Al Rodgers of 631 Mendon Center Road was received by the Town.

A see through fence is proposed around the pool. Mr. Prasad said he is open to installing natural barrier plantings around the pool. The generator will not pose to cause disturbing noise to the neighbors.

There was no further comment.

Jim Pergolizzi moved to close the public hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- 14 Trotters Field Run Tax # 164.17-1-22.1, Applicant is requesting relief from Town Code §185 - 113 B. (3), for pool equipment and a sport court forward of the rear wall, §185 – 17 E. (1) for a sport court within the side setback, §185 – 17 H. for greater than 40% impervious lot coverage. This property is zoned Residential Neighborhood (RN).

The homeowner, Terry Goetz, was present.

Mr. Goetz indicated that two days prior to the 5/16 hearing that 16 arbor vitae plantings have been installed between his property and #12 Trotters Field Run. He indicated that he removed 6 trees at the recommendation of an arborist. He showed the Board pictures of the new plantings on his phone. Mr. Goetz indicated he is willing to install a solid fence

around the perimeter of his property. He discussed moving the rock garden and installing arbor vitae and evergreens.

It is determined that the current impervious lot coverage is 45.1% where code allows 40%. The homeowner did not consider that impervious coverage when he installed the sport court which now encroaches into the side setback generating one of the variance requests. He feels that even if he moved the sport court back 7 ft. the neighbor would still be able to see and hear activity from it. Mr. Goetz discussed a motion light which is on the back of the home and that this is the only light on the court. Doug DeRue discussed that per Town Code a sports court cannot be lighted after dark.

Mr. Goetz discussed that his property is lower than others and was “swampy” which he cites as part of the reason for the pool. He stated that water now flows into a catch basin. Barb Servé asked if there is a permit for the pool and Doug DeRue stated yes but the Town does not review the hard surface around the pool.

Chairman George Dounce called for public comment.

Nicole Gupta of 259 Tobey Court commented that her family has been impacted by the removal of trees which were removed to accommodate the addition of the pool and the sport court. She requested that a privacy fence and plantings be installed to mitigate this.

Paula and Lou Cianca of 16 Trotters Field Run commented on the drainage issues they are experiencing due the addition of the pool and sport court. They feel that water is not moving as it was previously due to the addition of impervious surface on Mr. Goetz’s property which they feel is causing additional pooling on their property.

Tim and Susan Fogel of 12 Trotters Field Run also made remarks. Mr. Fogel commented that the additional hard surface of the sport court increases noise and visual impact to his property. He noted that many trees have been removed from Mr. Goetz’s property and it would be helpful to add more vegetative screening between their properties but the current size and location of the sport court between their properties are now prohibitive to these plantings. Mrs. Fogel is concerned about privacy issues and loss of their property value.

Mr. Goetz discussed some options to mitigate the neighbor’s concerns including installing arbor vitae around the property and a solid fence to provide privacy. Removal of the rocks in the rear of the property and a French drain installation were also discussed. Mr. Goetz also discussed installing plantings around the filter or a custom box around it.

The Board held discussion regarding mitigation of the neighbor’s concerns. It was determined that the Board would need to see a site plan of proposed plantings and landscaping.

George Dounce moved to keep the hearing open to give the neighbors an opportunity to come to some agreement or determine whether the Town will need to make the decisions.

All Ayes.

DECISION FOR 21 FOUNDERS GREEN – AREA VARIANCE

A written Resolution to grant the area variance for 21 Founders Green was moved by Barbara Servé and seconded by Board Member George Dounce.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Absent
Kidera	Aye
Dounce	Aye
Powers Iacobucci	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 15, 2022.
2. All construction is to be completed by December 31, 2022.

DECISION FOR 640 MENDON CENTER ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 640 Mendon Center Road was moved by George Dounce and seconded by Board Member Jim Pergolizzi.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Absent
Kidera	Aye
Dounce	Aye
Powers Iacobucci	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 28, 2022.
2. All construction is to be completed by December 31, 2024.
3. Appropriate planting to be installed around the pool and generator to screen from across the street neighbors.

POINT PERSONS FOR JUNE 2022 MEETING

8 Langley Rise - Jennifer Iacobucci

445 Mendon Center Road – Mary Ellen Spennacchio-Wagner

50 Nature View - Jim Pergolizzi

Following discussion, it was determined that a majority of members can attend a meeting on Thursday, June 30th for the next Zoning Board of Appeals meeting. The meeting is being rescheduled from Monday, June 20 in observance of the federal holiday Juneteenth on that date.

ADJOURNMENT/MINUTES APPROVAL

Chairman George Dounce motioned to approve the minutes of April 18, 2022 with an addition. Following a unanimous voice vote, the minutes were approved as written.

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Susan Donnelly
Secretary to the Zoning Board of Appeals