

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
AGENDA
April 17, 2023
7:00 PM**

APPLICATION FOR AN AREA VARIANCE - NEW

- 102 Washington Road, Tax # 151.11-2-47, Applicant is requesting relief from Town Code §185-17 E. to place a generator within the side yard. This property is zoned Residential Neighborhood – (RN).
- 33 Amber Hill, Tax # 177.04-2-88, Applicant is requesting relief from Town Code §185-17 I. to place a pool within the rear buffer. This property is zoned Residential Neighborhood – (RN).
- 39 Knollwood Drive, Tax # 138.13-1-9, Applicant is requesting relief from Town Code §185-17 B. & E. for the construction of a garage addition forward of the building line and within the side setback and not meeting the total side setback. This property is zoned Residential Neighborhood – (RN).

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
MARCH 20, 2023**

PRESENT

George Dounce, Chairperson; Phil Castleberry, Mary Ellen Spennacchio-Wagner, Jennifer Iacobucci, Tom Kidera, Jim Pergolizzi

ALSO PRESENT

Kate Munzinger, Town Board Liaison; Bill Zink, Building Inspector; Susan Donnelly, Secretary to the Board

ABSENT

Barbara Servé, Vice Chair

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, March 20, 2023, at 7:00 PM local time.

George Dounce, Chairperson called the regularly scheduled meeting of the Zoning Board of Appeals to order.

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

- 2490 Lehigh Station Road, Tax # 177.01-2-8.1, Applicant is requesting relief from Town Code §185-17 B. for the construction of a new front porch forward of the building line. This property is zoned Residential Neighborhood – (RN).

Chairman Dounce opened the public hearing.

The homeowner, Kody Young, was present.

Mr. Young addressed the Board regarding the fact that the porch has started construction and he was unaware that he needed a variance. The new porch is replacing a former pre-existing non-conforming porch in the same footprint.

There was no public comment.

There was no further discussion by the Board.

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

All Ayes.

- 33 Aden Hill, Tax # 178.03-4-7, Applicant is requesting relief from Town Code §185-17 E. (1) to place a new home within the minimum side setback. This property is zoned Residential Neighborhood – (RN).

Chairman Dounce opened the public hearing.

Noah Saulpaugh, Project Manager for Pride Mark Homes was present.

This home is currently under construction. An engineer's stakeout revealed that the construction is encroaching into the side setback. The Board inquired what steps are being taken to make sure that this never happens again.

Mr. Saulpaugh indicated that they notified the Town upon the discovery and also talked to the most affected neighbor.

There was no further discussion from the Board.

There was no public comment.

Jennifer Iacobucci moved to close the public hearing.

Tom Kidera seconded.

All Ayes.

- 114 Sunset Boulevard, Tax # 167.10-4-23, Applicant is requesting relief from Town Code §185-17 B. for the construction of a new primary structure forward of the building line. This property is zoned Residential Neighborhood – (RN).

Chairman George Dounce moved to open the public hearing.

The homeowner, Vedrena Sarajlic, was present.

This applicant is also appearing to the Design Review and Historic Preservation Board for the demolition of the current home and construction of a new homes. The front setback variance is necessitated due to the fact that the current home front setback is pre-existing non-conforming to current Town Code and a new home built to current code would be in alignment with other homes on the street which are also pre-existing non-conforming.

The abutting neighbors were notified by letter regarding the demolition and new construction as well as the need for a front setback variance.

The Board inquired about the timeframe for construction.

There was no further discussion.

Tom Kidera moved to close the public hearing.

Jim Pergolizzi seconded.

All Ayes.

DECISION FOR 2490 LEHIGH STATION ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 2490 Lehigh Station Road was moved by Board Member Tom Kidera and seconded by Board Member George Dounce.

George Dounce called for a roll call vote.

Servé	Absent
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Iacobucci	Aye
Dounce	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 February 1, 2023.
2. All construction is to be completed by December 31, 2024.

DECISION FOR 33 ADEN HILL – AREA VARIANCE

A written Resolution to grant the area variance for 33 Aden Hill was moved by Board Member George Dounce and seconded by Mary Ellen Spennacchio-Wagner.

Chairman Dounce called for a roll call vote.

Servé	Absent
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye

Iacobucci Aye
Dounce 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 February 10, 2023.
2. All construction of the exterior walls of the building have already been completed.

DECISION FOR 114 SUNSET BOULEVARD – AREA VARIANCE

A written Resolution to grant the area variance for 114 Sunset Boulevard was moved by Board Member Mary Ellen Spennacchio-Wagner and seconded by Board Member Jennifer Iacobucci.

Chairman Dounce called for a roll call vote.

Servé	Absent
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
Iacobucci	Aye
Dounce	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 February 17, 2023.
2. All construction is to be completed by December 31, 2028.

POINT PERSONS FOR APRIL 17 MEETING

33 Amber Hill Drive – Phil Castleberry
39 Knollwood Drive – Jim Pergolizzi
102 Washington Road – Tom Kidera

MINUTES AND ADJOURNMENT

Chairman George Dounce moved to approve the minutes of February 20, 2023 as written.

All Ayes.

The meeting was adjourned at 7:25 PM.

Respectfully submitted,

Susan K. Donnelly
Secretary to the Board

DRAFT

Zoning Board of Appeals Referral Form Information

Property Address:

102 Washington Road PITTSFORD, NY 14534

Property Owner:

Geithner, Amy
102 Washington Rd
Pittsford, NY 14534

Applicant or Agent:

Geithner, Amy
102 Washington Rd
Pittsford, NY 14534

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

Town Code Requirement is:

Right Lot Line: 20'
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size:

Proposed Conditions:

Right Lot Line: 13'
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size:

Resulting in the Following Variance:

Right Lot Line: 7.0'
Left Lot Line:
Front Setback:
Rear Setback:
Height:
Size:

Code Section(s):

Description: Applicant is requesting relief from Town Code §185-17 E. to place a generator within the side yard. This property is zoned Residential Neighborhood – (RN).

April 03, 2023



Date

Bill Zink - Building Inspector



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: _____ Hearing Date: _____

Applicant: Amy Gerthner

Address: 102 Washington Road Pittsford NY 14534

Phone: 585-739-4221 E-Mail: agerithn@gmail.com

Agent: Anderson Water & Power
(if different than Applicant)

Address: 79 Saginaw Dr. Rochester NY 14623

Phone: 800 836 2509 E-Mail: tracy@andersonwater.com

Property Owner: _____
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

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

Property Location: _____ Current Zoning: RN

Tax Map Number: 151.11-2-47

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

Installation of a 20KW Cummins generator. Generator to be placed 18" from the fence and 30" from the house. Total from side fence to generator is 13Ft. From the fence to corner of house is 18Ft Unchoked

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

Amy Gerthner
(Owner or Applicant Signature)

3-14-2023
(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 generator will be behind a fence and not visible.

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 other placement would put the generator in the middle of the sidewalk

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Placement requested is substantial due to putting on a walkway would not be safe.

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:

The placement of the generator will have no effect or impact to 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;

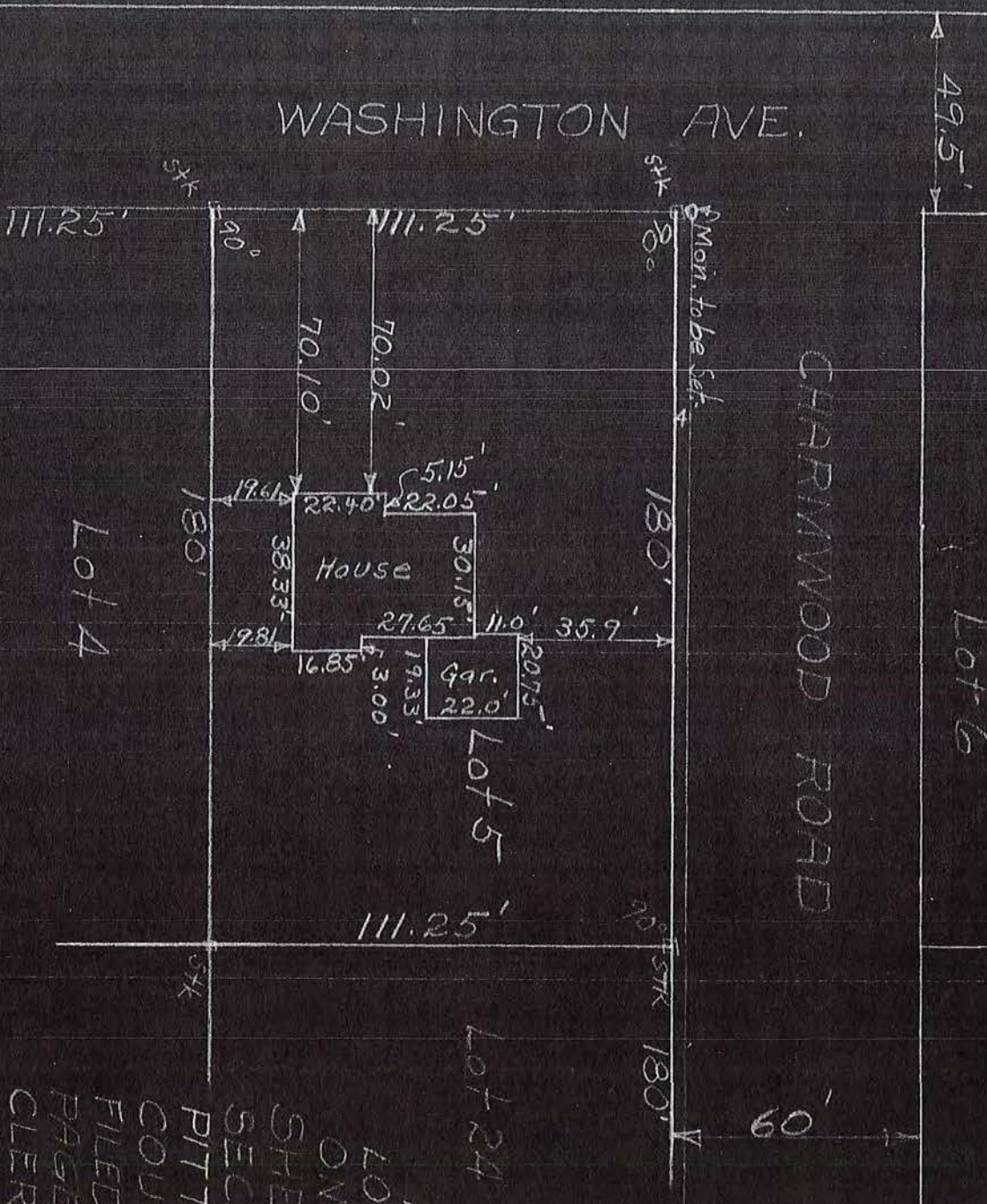
5. Is the alleged difficulty self-created?

This placement choice is not a self created difficulty. The placement is the best spot as discussed with town, install manager & home owner



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04/03/2021 - 04/06/2021

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I, Lloyd D. Happ, do hereby certify that this Map was made by me from a survey completed August 12, 1953 and that the owners name was given me as Orioli Bros. Co. Lloyd D. Happ

MAP SHOWING
 LOCATION OF HOUSE
 ON LOT NO. 5 OF THE
 SHERWOOD SUBDIVISION
 SECTION "A" TOWN OF
 PITTSFORD MONROE
 COUNTY NEW YORK
 FILED LIBER 116 OF MAPS
 PAGE 48 MONROE COUNTY
 CLERK'S OFFICE
 SCALE 1" = 40' AUG 14, 1953

Zoning Board of Appeals Referral Form Information

Property Address:

33 Amber Hill Drive PITTSFORD, NY 14534

Property Owner:

Allen, Michelle
33 Amber Hill Dr
Pittsford, NY 14534

Applicant or Agent:

Allen, Michelle
33 Amber Hill Dr
Pittsford, NY 14534

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

Town Code Requirement is:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback: 20'
Height:
Size:

Proposed Conditions:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback: 10'
Height:
Size:

Resulting in the Following Variance:

Right Lot Line:
Left Lot Line:
Front Setback:
Rear Setback: 10.0'
Height:
Size:

Code Section(s):

Description: Applicant is requesting relief from Town Code §185-17 I. to place a pool within the rear buffer. This property is zoned Residential Neighborhood – (RN).

April 03, 2023



Date

Bill Zink - Building Inspector



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 20' x 42' inground pool would have to be 7'-8' from back of house to pool edge if it's set 20' in from rear property line. That distance not only make remaining space nonfunctional for a sitting space around the pool. It forces the sitting space to property line side of pool which from a design and view stand point, would be less optimum and look less attractive. No other houses exist within view into backyard. Off rear property line unmaintained hill exists that pool has no impact on

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

Above paragraph describes the benefits, but additionally, seating ~~and~~ on rear property line of pool is visually more noticable to adjacent property owner than if seating space is mainly between pool and house.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Asking for 50% Variance Setback to 10'
From 20' rear property line

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:

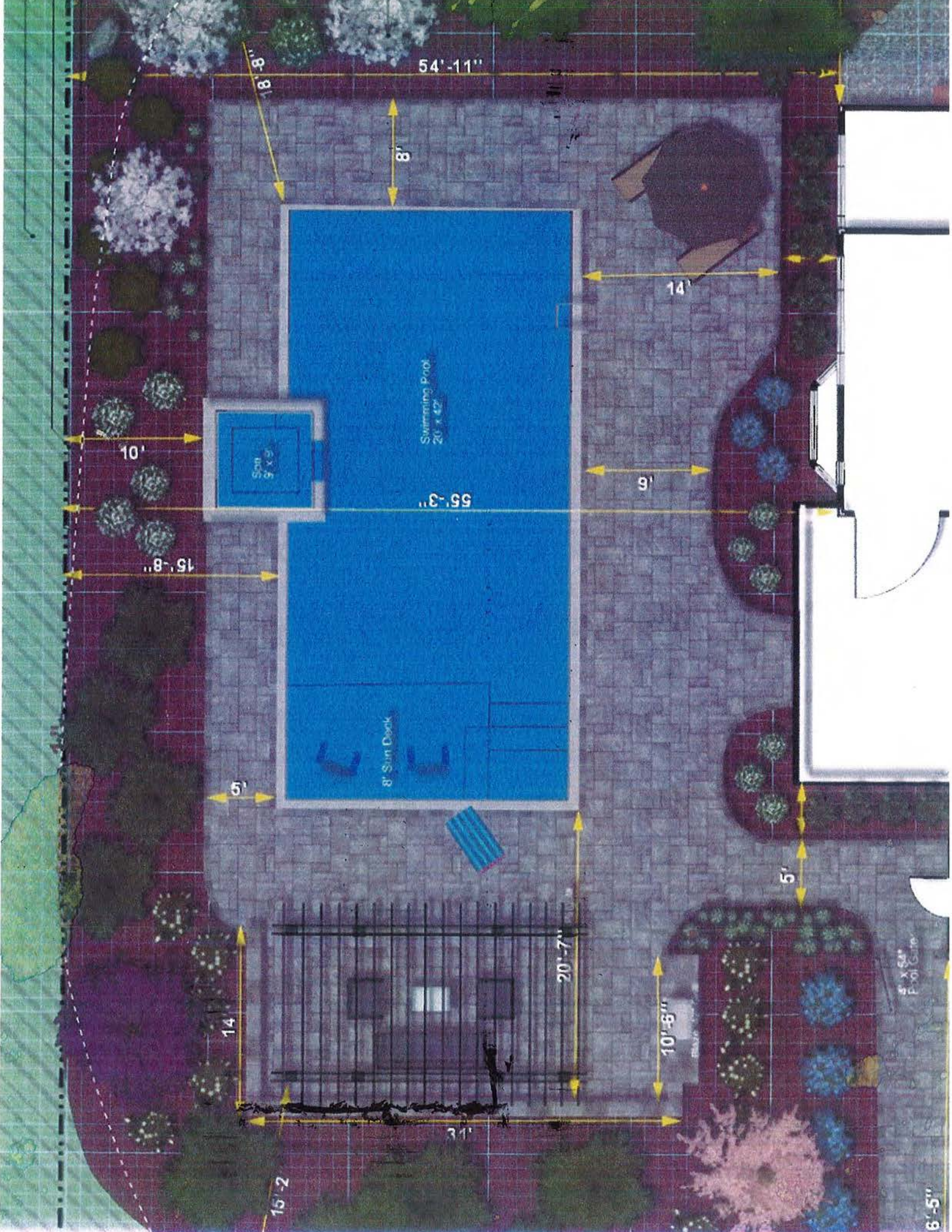
After installation of the pool, at the highest elevation point, the back corner of the pool is about 12" above current grade, sloping grade down to existing rear property line creates a very manageable pitch. This area is intended to be a planting bed. All runoff created from pool/patio will drain to rear property line drainage swale.

• 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?

Created From placing pool in the optimum location in a small backyard.





54'-11"

18'-8"

8'

14'

Swimming Pool
20' x 42'

10'

15'-8"

9'

55'-3"

8' Sun Deck

5'

14'

20'-7"

10'-5"

31'

15'-2"

8' x 54'
Pool Gate

36'-5"

Zoning Board of Appeals Referral Form Information

Property Address:

39 Knollwood Drive ROCHESTER, NY 14618

Property Owner:

Matt Bender
39 Knollwood Dr
Rochester, NY 14618

Applicant or Agent:

Matt Bender

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

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	70'	Right Lot Line:	56'	Right Lot Line:	14.0'
Left Lot Line:	20'	Left Lot Line:	10'	Left Lot Line:	10.0'
Total Side Setback:	90'	Total Side Setback:	66'	Total Side Setback:	24.0'
Front Setback:	70'	Front Setback:	50'	Front Setback:	20.0'
Height:		Height:		Height:	
Size:		Size:		Size:	

Code Section(s):

Description: Applicant is requesting relief from Town Code §185-17 B. & E. for the construction of a garage addition forward of the building line and within the side setback and not meeting the total side setback. This property is zoned Residential Neighborhood – (RN).

April 05, 2023



Date

Bill Zink - Building Inspector



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: _____ Hearing Date: _____

Applicant: MATT BENDER

Address: 39 KNOLLWOOD DRIVE

Phone: (203) 668-9143 E-Mail: mtbender@gmail.com

Agent: JACK SIGRIST
(if different than Applicant)

Address: 99 SHOREHAM DR, ROCHESTER, N.Y. 14618

Phone: 585-395-5840 E-Mail: AIPC@AOL.COM

Property Owner: _____
(if different than Applicant)

Address: _____

Phone: _____ E-Mail: _____

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

Property Location: 39 KNOLLWOOD DR. Current Zoning: _____

Tax Map Number: 138, 130-01-009

Application For: Residential Commercial Other

Please describe, in detail, the proposed project:

WE ARE PROPOSING A TWO CAR ADDITION
TO AN EXISTING GARAGE AT THE FRONT OF THE
RESIDENCE

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.

[Signature]
(Owner or Applicant Signature)

23 April 2023
(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:

SEE ATTACHED

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

SEE ATTACHED

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

SEE ATTACHED

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:

SEE ATTACHED

- **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?

SEE ATTACHED

ARCHITECTURAL INNOVATIONS
99 SHOREHAM DRIVE
ROCHESTER, NEW YORK 14618

Test for Granting Variance

39 Knollwood Drive, Pittsford New York 14534

Answer A Front Setback – Request of 50 feet where 70 feet is required

Answer B Side Setback _ Request for 10 feet where 20 feet is required.

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detrimental to the nearby properties will not be created by the granting of this area variance:
 - A. The neighborhood consist of many large residence and most have three car garage, many are for an additional vehicle or equipment to care for the property. The garage will be used for an additional vehicle as well.
 - B. The same answer applies

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:
 - A. We explored other design possibility but this is the only one that we can make work. We explored splitting the garage and putting a one bay garage to the north, but that would put the one gar garage next to the Master Bedroom. We also explored placing the extra garage behind but there wasn t enough space place a driveway.
 - B. The same answer applies

3. Please explain whether the requested area variance is the minimal or substantial:
 - A. The additional twenty feet added to the existing garage is the minimum needed for a three-car garage in the only configuration we can use. The residence to the south (#43Knollwood) is closer than the proposed garage at 49.8 feet.
 - B. The existing Garage is 9.7 feet off the south side setback and the additional distance of 10-0 (20-0 side setback) would be locating the new Garage near the Front Door and making the inboard existing garage not forctional.

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 neighborhood or zoning district:
 - A. The additional garage will not impact the surrounding surface and the drainage will be contained on the property. The garage will add an additional 500 sq ft of impervious surface to a 43,560 lot.
 - B. Same answer applies.

5. Is the alleged difficulty self-created?
 - A. The difficulty was needed to expand the garage to accommodate a three bay garage and utilize the space over the garage for additional bedrooms the family needs.
 - B. The same answer applies.

