

TOWN CLERK
TOWN OF
PITTSFORD, NY

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
JULY 17, 2023**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on July 17, 2023, at 7:00PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

PRESENT: George Dounce, Barbara Servé, Mary Ellen Spennacchio-Wagner, Tom Kidera, Jim Pergolizzi

ABSENT: Jennifer Iacobucci, Phil Castleberry

ALSO PRESENT: Meghan Brooks, Acting Zoning Board Secretary; Doug DeRue, Director of Planning, Zoning, & Development; Robert Koegel, Town Attorney; Bill Zink, Building Inspector; Kate Munzinger, Town Board Liaison

ATTENDANCE: There were 12 members of the public present.

Chairman George Dounce called the meeting to order at 7:05PM.

NEW PUBLIC HEARINGS:

43 Musket Lane

Applicant is requesting relief from Town Code Sections 185-113 B. (1) and 185-17 I. for the construction of an oversized shed within the rear buffer. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Sean Mulvey, of 43 Musket Lane, introduced the application. Mr. Mulvey stated that he is requesting this variance so that he may store all his supplies and equipment more securely. He stated that the building would not interfere with any sightlines nor infringe upon the ability of construction vehicles to access the property.

Chairman Dounce inquired what the timeframe would be for the project. The applicant stated that they would start as soon as they are permitted to do so and are hoping to begin in August.

No public comments were offered.

Chairman Dounce motioned to close the public hearing, seconded by Board Member Mary Ellen Spennacchio-Wagner. Following a unanimous voice vote, the hearing was closed.

A written resolution to grant the variance for 43 Musket Lane was moved by Board Member Spennacchio-Wagner, seconded by Vice Chairwoman Barb Servé.

1. This variance is granted only for the plans submitted and prepared by the applicant dated May 15, 2023.
2. All construction of the storage shed must be completed by December 31, 2024.

Chairman Dounce asked for a roll call vote.

Phil Castleberry voted	Absent
James Pergolizzi voted	Aye
Barbara Servé voted	Aye

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Thomas Kidera voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
Jennifer Iacobucci voted	Absent
George Dounce voted	Aye

14 Wood Stone Rise

Applicant is requesting relief from Town Code Section 185-113 B. (1) for the construction of a roofed accessory structure exceeding 180 square feet in area (pavilion). Property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Heidi Poe, of 14 Wood Stone Rise, introduced the application. Ms. Poe stated her wish to alleviate the summer heat after needing to remove several ash trees from the property, so a pavilion is requested. Colors will match the house, and no significant lighting will occur.

Chairman Dounce asked what the timeframe would be for any lights used; Ms. Poe stated that they would only be on while the space was in use.

No public comments were offered.

Board Member Spennacchio-Wagner motioned to close the public hearing, seconded by Vice Chairwoman Barb Servé. Following a unanimous voice vote, the hearing was closed.

A written resolution to grant the variance for 14 Wood Stone Rise was moved by Board Member Tom Kidera, seconded by Board Member Jim Pergolizzi.

1. This variance is granted only for the plans submitted and prepared by the applicant dated June 6, 2023.
2. All construction of the structure must be completed by December 31, 2024.

Chairman Dounce asked for a roll call vote.

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

143 S Main Street

Applicant is requesting relief from Town Code Sections 185-113 B. (3) and 185-17 E. for the construction of an inground pool forward of the rear wall of the house and not meeting the total side setback requirement. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Keith Miller, of 143 S. Main Street, introduced the application. Mr. Miller stated that they are requesting a variance to the side setback in order to construct an in-ground pool. The neighbors on either side gave approval; the area behind the home is forested.

Chairman Dounce asked where Diane Foley lives, in reference to an email sent to the board stating Ms. Foley's support of the project. Mr. Miller stated that Ms. Foley is a neighbor to the east of the home.

Chairman Dounce inquired as to the projected timeframe of the project. Mr. Miller stated that they hope to start as soon as possible.

No public comments were offered.

Board Member Pergolizzi motioned to close the public hearing, seconded by Board Member Kidera. Following a unanimous voice vote, the hearing was closed.

A written resolution to grant the variance for 143 S. Main Street was moved by Board Member Pergolizzi, seconded by Board Member Spennacchio-Wagner.

1. This variance is granted only for the plans submitted and prepared by the applicant dated June 9, 2023.
2. All construction must be completed by December 31, 2024.

Chairman Dounce asked for a roll call vote.

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

16 Winding Road

Applicant is requesting relief from Town Code Section 185-17 B. for the construction of a garage addition extending forward of the building line. The property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Paul Morabito, of Morabito Architects, introduced the application. Mr. Morabito stated that the current garage size limits car entry and that they seek a variance in order to increase the ability to add functionality. The addition would be designed to look like the rest of the house.

Chairman Dounce inquired as to the projected timeframe of the project. Mr. Morabito stated that they are hoping to start mid-August.

No public comments were offered.

Chairman Dounce motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner. Following a unanimous voice vote, the hearing was closed.

A written resolution to grant the variance for 16 Winding Road was moved by Chairman Dounce, seconded by Board Member Kidera.

1. This variance is granted only for the plans submitted and prepared by the applicant dated June 15, 2023.
2. All construction must be completed by December 31, 2025.

Chairman Dounce asked for a roll call vote.

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

6 Rosewood Drive

Applicant is requesting relief from Town Code Sections 185-17 B. and 185-17 D. for the construction of an addition extending forward of the building line and an unenclosed porch past the allowed façade area. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Will and Michelle Crain, of 6 Rosewood Drive, introduced the application. They stated that they needed more space and were considering moving, but upon consulting with an architect, they would like to create a second-floor addition in order to stay in their current home. The addition would include a bedroom, closet space, a laundry room, and a porch. They noted that they were unable to do the addition off the back.

Chairman Dounce inquired as to the projected timeframe of the project. Ms. Crain stated that they would likely be starting next spring.

No public comments were offered.

Board Member Kidera motioned to close the public hearing, seconded by Board Member Pergolizzi. Following a unanimous voice vote, the hearing was closed.

A written resolution to grant the variance for 6 Rosewood Drive was moved by Board Member Spennacchio-Wagner, seconded by Chairman Dounce.

1. This variance is granted only for the plans submitted and prepared by the applicant dated June 7, 2023.
2. All construction must be completed by December 31, 2026.

Chairman Dounce asked for a roll call vote.

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

28 Whitestone Lane

Applicant is requesting relief from Town Code Section 185-17 B. for the construction of a three-car garage addition extending forward of the building line on Malm Lane. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

Kim Bailey, of Stahl Property Associates, introduced the application. Ms. Bailey stated that they are asking for a variance in order to avoid having a flat garage face. The additional square footage would also provide extra storage for equipment.

There was extensive discussion on the reasoning for the requested variance. Several board members expressed concerns on the scope of the variance and the detrimental impact it could have on the neighborhood. Vice Chairwoman Servé cited a variance application for 4 Malm Lane that was brought before the Board in 1986. That application was denied for their request for a 40 setback but was granted a 50-foot setback, which is the current building line for 28 Whitestone Lane. Ms. Bailey stated that the neighbors they spoke to all had positive responses to the proposed plan.

Vice Chairwoman Servé and Chairman Dounce inquired as to options to reduce the variance, including moving the addition back to the building line and downsizing the addition. Ms. Bailey stated that not having the front of the structure flat with the existing one is important to her client to avoid having a flat exterior, and that size allowed for storage. Board Member Spennacchio-Wagner asked if the addition would be one or two stories. Ms. Bailey that it would be two stories. Mr. DeRue noted that the Town Code does not permit a secondary dwelling unit and requested clarification on the intended use of such a large space above the garage. Ms. Bailey answered that it would be a bedroom.

Ann Marie Rizzo, of 36 Whitestone Lane and owner of 28 Whitestone Lane, joined Ms. Bailey at the podium. Chairman Dounce summarized the previous discussion. Ms. Rizzo stated that her goal is to preserve the integrity of the home and that, without the extra space, the addition would impede upon the original structure and the green space behind.

Mr. DeRue noted that the size of the addition would also lead to a wider width of driveway, which he estimated at about 42 feet. He stated that the Town Engineer was concerned with the amount of pavement that this change would incur, as the current driveway width is about 30 feet. Board Member Pergolizzi asked why this was important; Mr. DeRue clarified that the driveway adds to the overall impact of the structure on the neighborhood.

Town Attorney Robert Koegel also stated that it is important to note that the aesthetics of an addition and desired extra space are not grounds for a variance. What matters is previous precedent, no matter how old, and the five-part statutory test. The Board should always seek the minimum variance possible.

No public comments were offered.

The Board continued the discussion of 28 Whitestone Lane following a statement by Ms. Rizzo that they would be able to move the variance request from 7'3" to 5'.

Following a brief discussion, the Zoning Board of Appeals agreed that they would like to see the application amended to demonstrate a variance of only 5 feet. Because this was a significant change to the original application and a new resolution would require significant wordsmithing, they asked that the application for 28 Whitestone Lane return to the next meeting with newly submitted materials showing a reduced variance from 7'3" to 5'.

The public hearing was left open.

60 Golf Avenue (HWY)

Bell Atlantic Mobile Systems dba Verizon Wireless is requesting relief from Town Code Section 185-126 C. (3)(b)[2] for the construction of a 125-foot cellular facility (monopole) where the maximum height permitted is 100 feet. This property is zoned Residential Neighborhood (RN).

Chairman Dounce opened the public hearing.

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Robert Burgdorf, of Nixon Peabody LLP, introduced the application. Mr. Burgdorf stated that a 125-foot minimum height is necessary for cellular coverage and that the materials submitted demonstrate the need for the variance.

Chairman Dounce asked if the Town of Pittsford has any issue with the facility. Mr. DeRue answered that it has been subject to Planning Board and Zoning Board of Appeals review processes.

Cheryl Dice, of 59 Oak Manor Lane, asked how many people would be affected. Mr. DeRue stated that the nearest house is probably about 500 feet away. Mr. DeRue showed a map that has a half mile radius and demonstrated that 59 Oak Manor would be 539 feet from this facility. Ms. Dice stated that she is concerned about property values.

Vice Chairwoman Servé motioned to close the public hearing, seconded by Board Member Spennacchio-Wagner. Following a unanimous voice vote, the hearing was closed.

A written resolution to grant the variance for 60 Golf Avenue was moved by Board Member Spennacchio-Wagner, seconded by Board Member Kidera.

1. Subject to the granting of a Final Site Plan and Special Use Permit approval by the Town of Pittsford Planning Board.
2. This variance shall be noted on the Final Site Plans prior to Planning Board signature.

Chairman Dounce asked for a roll call vote.

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

OTHER DISCUSSION:

The minutes of May 22, 2023 were approved following a motion by Zoning Board of Appeals Chairman George Dounce. Following a unanimous voice vote, the minutes were approved, none opposed.

Zoning Board of Appeals Chairman George Dounce closed the meeting. Following a unanimous voice vote, the meeting concluded at 9:43PM.

Respectfully submitted,


Meghan Brooks
Acting Zoning Board Secretary

OFFICIAL MINUTES ARE ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT