

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
APRIL 21, 2025**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on April 21, 2025 at 6:30PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

PRESENT: Mary Ellen Spennacchio-Wagner, Jim Pergolizzi, Tom Kidera, Jennifer Iacobucci, Barbara Servé, Phil Castleberry

ABSENT: Phil Bleecker

ALSO PRESENT: April Zurowski, Planning Assistant; Robert Koegel, Town Attorney

ATTENDANCE: There were 4 members of the public present.

Chairman Pergolizzi called the meeting to order at 6:30PM.

RETURNING PUBLIC HEARING:

4000 East Avenue – Tax ID 151.06-2-45

Applicant is requesting relief from Town Code Section 185-121 A. for the substitution and relocation of a 4.5-foot fence in front of the front setback off of East Avenue. This property is zoned Residential Neighborhood (RN).

Board Member Castleberry abstained.

Chairman Pergolizzi stated that there is an open public hearing on this matter. The motions to close the hearing and approve the resolution failed to carry at the last meeting, as there were not enough voting board members.

Chairman Pergolizzi asked for public comment. Hearing none, Board Member Spennacchio-Wagner motioned to close the public hearing, seconded by Board Member Kidera; all ayes, none opposed.

A written resolution to grant the area variance for 4000 East Avenue was approved.

NEW PUBLIC HEARINGS:

2 Round Trail Drive – Tax ID 164.19-1-59

Applicant is requesting relief from Town Code Sections 185-113 C. (3) for the construction of permanent play equipment in the side yard area. This property is zoned Residential Neighborhood (RN).

Chairman Pergolizzi opened the public hearing. The applicant was not in attendance.

Nick Esposito, of 4 Round Trail Drive, stated that we reviewed the application materials online and does not oppose the requested variance. However, Mr. Esposito requested the Board to consider screening between the play set and the shared property line.

Chairman Pergolizzi asked the resident to speak with his neighbor, the applicant, and submit an agreed upon plan for screening. Board Member Iacobucci stated that she has not heard any opposition and multiple letters of support have been submitted.

APPROVED MINUTES 042125

Board Member Iacobucci motioned to table the application until May, seconded by Chairman Pergolizzi; all ayes, none opposed.

The applicant, Ray Pruitt, of 2 Round Trail Drive, arrived at the meeting. Chairman Pergolizzi motioned to reopen the discussion of this application, seconded by Board Member Iacobucci; all ayes, none opposed.

Mr. Pruitt stated that he began constructing the play set and was stopped by a Building Inspector for it being misplaced. Chairman Pergolizzi stated that he should discuss appropriate screening with his neighbor, Mr. Esposito. Mr. Pruitt agreed.

Board Member Iacobucci again motioned to table the application until May, seconded by Chairman Pergolizzi; all ayes, none opposed.

OTHER DISCUSSION:

Chairman Pergolizzi motioned to approve the minutes of March 17, 2024, seconded by Board Member Iacobucci. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman Pergolizzi closed the meeting at 7:20PM.

Respectfully submitted,

April Zurowski
Planning Assistant

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

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
RESOLUTION**

RE: 4000 East Avenue

Tax Parcel: 151.06-2-45

Applicant: Genroc LLC

Zoned: Residential Neighborhood (RN)

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-121 A. to allow a 4.5-foot-tall board-on-board fence in front of the front setback off of East Avenue, where 3 feet is the maximum height permitted by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on December 16, 2024, and continued through April 21, 2025, at which time it was closed, and review by the Board of all written and oral submissions, together with due deliberation and consideration.

This application is a Type II Action under 6-NYCRR §617.5(c)(17) and, therefore, is not subject to Environmental Review under SEQRA. This application is exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

The within resolution is based upon the following specific Findings of Fact and subject to the following specific Conditions of Approval:

FINDINGS OF FACT

As to the issue of whether an undesirable change will be produced in the neighborhood or detriment to nearby properties created by the granting of the application, the Board finds, as follows:

The applicant is requesting to replace part of an existing 4.5-foot-tall wrought iron fence along East Avenue with a 4.5-foot-tall board-on-board fence pushed back approximately 14 feet from where the existing fence sits (7 feet from the property line). Landscaping is proposed in front of and behind the proposed fence. The Zoning Board approved a variance for the existing wrought iron fence in 2021 and permitted a sound wall construction further within the property. This new request will not produce a detriment to nearby properties or produce an undesirable change in the neighborhood. The solid fence will not have an undesirable change to the open feel along the East Avenue corridor. Though this fence is out of character with the neighborhood since this property would be the only one along East Avenue with a solid 4.5-foot-tall fence in front of the front setback, the owner is proposing numerous deciduous plantings to buffer the new fence.

As to whether the benefit sought by the applicant can be achieved by other feasible means:

The original fence was installed by the previous owner in 2005 and was found to be out of compliance with the Town Zoning Code. In 2021, the present owner applied for a variance to allow the existing fence and propose a sound wall set further off the road, which was approved. The sound wall was not constructed.

The desire for screening will be aided by plantings, which have been presented on a scale model and reviewed by the Board. The applicant has revised the original submission to include 61 total plantings, including 43 arbor vitae.

As to whether the application represents a substantial variance from Code, the Board finds, as follows:

The solid 4.5-foot-tall fence is considered a substantial variance. The Zoning Board previously granted variances for the existing fence and a sound wall. The Zoning Code does not permit solid fences taller than 3 feet in front of the front setback and there are rare occurrences throughout Pittsford. This request is mitigated by the configuration and size of the lot, and the proposal to add year-round screening to conceal the board-on-board fence.

As to whether the requested variance will have an adverse impact on physical and/or environmental conditions in the neighborhood or District, the Board finds, as follows:

The variance will not have an adverse impact on the physical and/or environmental conditions in this neighborhood and the zoning district.

As to whether the difficulty alleged by the applicant is self-created, the Board finds, as follows:

- 1. The Board understands that, under New York State Town Law Section 267-b (3)(b), the issue of self-created hardship is relevant to the Board’s decision, but shall not, necessarily preclude the granting of a requested variance.
- 2. The need for this variance is self-created but is mitigated by the small section of fence proposed to be changed and the proposed vegetative screening, so the variance is not precluded.

CONDITIONS OF APPROVAL

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

- 1. This variance is granted only for the revised plans submitted and prepared by the applicant dated December 27, 2024, and attached hereto as Exhibit A.
- 2. All construction of the fence must be completed by December 31, 2026.

The within Resolution was moved by Zoning Board of Appeals Member Barb Servé, seconded by Board Member Mary Ellen Spennacchio-Wagner, and voted upon by the Board, as follows:

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

The Zoning Board of Appeals adopted the above resolution on April 21, 2024.

April Zurowski
Planning Assistant

