

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MARCH 17, 2025**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on March 17, 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: Phil Castleberry, Mary Ellen Spennacchio-Wagner, Jim Pergolizzi, Tom Kidera

ABSENT: Jennifer Iacobucci, Barbara Servé, Phil Bleecker

ALSO PRESENT: April Zurowski, Planning Assistant; Naveen Havannavar, Town Board Liaison

ATTENDANCE: There were 14 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).

Chairman Pergolizzi stated that there is an open public hearing on this matter.

Board Member Phil Castleberry abstained.

Peter Ragusa, Property Manager for 4000 East Avenue, reintroduced the application. He stated that at the last meeting the Board liked the project and just needed to draft a resolution. He brought a sample of the wood to be used. Ms. Zurowski asked if the presented wood sample will gray over time. Mr. Ragusa confirmed. He stated that the applicant plans to begin the project as soon as possible.

Chairman Pergolizzi asked for public comment, but none was heard.

Votes to close the hearing and approve the draft resolution failed to be approved, as Board Member Castleberry abstained, and therefore only three members voted in favor of the resolution, when four votes in favor were needed. Chairman Pergolizzi recommended the applicant return to the next meeting where more members will hopefully be in attendance.

NEW PUBLIC HEARINGS:

526 Pittsford Henrietta Townline Road – Tax ID 177.03-2-38

Applicant is requesting relief from Town Code Sections 185-113 B. (1) & (2) for the construction of an oversized and over-height pool house. This property is zoned Residential Neighborhood (RN).

Chairman Pergolizzi opened the public hearing.

Paul Morabito, of Morabito Architects, introduced the application. Matthew Keenan, of 526 Pittsford Henrietta Townline Road, was also in attendance. Mr. Morabito stated that the property is almost five acres in size and the proposed pool house will be set off the road. Landscaping is proposed to screen adjoining properties.

APPROVED MINUTES 031725

Chairman Pergolizzi asked if the materials of the pool house would match the home. Mr. Morabito confirmed. Chairman Pergolizzi asked if the neighbors were contacted. Mr. Keenan confirmed and stated that no opposition was heard.

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

A written resolution to grant the area variances for 526 Pittsford Henrietta Townline Road was unanimously approved.

597 Mendon Road – Tax ID 178.03-2-10

Applicant is requesting relief from Town Code Sections 185-113 B. (1) & (2) for an addition to the existing oversized and over-height detached garage/pool house. This property is zoned Residential Neighborhood (RN).

Chairman Pergolizzi opened the public hearing.

Gregg Bowering, of Bowering Homes, and Pat Morabito, of Morabito Architects, introduced the application. Mr. Morabito stated that variances were received in the past to reconstruct a detached garage. The applicant has since installed a pool and would like to add a bathroom and game room to the detached garage. The addition will blend with the existing structure. Construction is planned to begin soon after Design Review & Historic Preservation Board approval.

Chairman Pergolizzi asked if the neighbors were contacted. Mr. Bowering stated that no opposition was heard.

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

A written resolution to grant the area variances for 597 Mendon Road was unanimously approved.

155 West Brook Road – Tax ID 150.20-2-2

Applicant is requesting relief from Town Code Section 185-17 E. for the construction of a garage addition not meeting the minimum side setback and total side setback requirements. This property is zoned Residential Neighborhood (RN).

Chairman Pergolizzi opened the public hearing.

Kip Finley, of Victory Hill Land Company, introduced the application. Leo Finucane, of 155 West Brook Road, was also in attendance. Mr. Finley stated that the applicant has reviewed the letter submitted by the neighbor, Mary Scheurman, of 155 West Brook Road. In her letter, she requested four issues be addressed: the proposed height of the garage, no expansion of the driveway, the gutter downspout be directed away from the shared property line, and that new vegetative screening be planted, at least seven feet in height. Mr. Finley stated that there are no concerns with her requests, except that the new plantings would start at four feet in height and grow to 13-14 feet over time. He stated that construction is planned to begin in the summer.

Board Member Spennacchio-Wagner asked if the trash cans will be stored inside the garage. Mr. Finley confirmed.

Chairman Pergolizzi asked for public comment. Ms. Scheurman asked if the Board could include her requests as conditions. Ms. Zurowski stated that the Board should consider the garage encroachment alone, and its decision should be based on its impact at the requested setback. She advised the Board to include a statement that the neighbors have come to an agreement on Ms. Scheurman's requests. Conditions are hard for the Town to revoke when the garage addition is already built. The Board agreed to add the statement into the resolution.

APPROVED MINUTES 031725

Board Member Castleberry motioned to close the hearing, seconded by Board Member Kidera; all ayes, none opposed.

A written resolution to grant the area variance for 155 West Brook Road was unanimously approved.

148 West Jefferson Road – Tax ID 164.01-1-8.1

Applicant is requesting relief from Town Code Section 185-113 B. (3) for the installation of a hot tub and inground pool with associated pool equipment and hardscape forward of the rear wall of the home. This property is zoned Residential Neighborhood (RN).

Chairman Pergolizzi opened the public hearing.

David Crowe, of DJC Architecture, introduced the application. He stated that the Board approved a variance for an addition to this home in January, where Ms. Zurowski pointed out another variance that would be needed for the pool, hot tub, and pool equipment.

Ms. Zurowski stated that the Town Board is deliberating changes to the Zoning Code, which includes that pool equipment must be shielded with a fence. Though this is not approved yet, the Board agreed to add this condition into the resolution. Mr. Crowe had no opposition.

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

OTHER DISCUSSION:

Chairman Pergolizzi motioned to approve the minutes of January 20, 2025. Following a unanimous voice vote, the minutes were approved, none opposed.

Ms. Zurowski discussed some of the proposed changes to the Zoning Code being reviewed by the Town Board. The Board had no concerns.

Board Member Pergolizzi closed the meeting at 7:34PM.

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: 526 Pittsford Henrietta TL Road

Tax Parcel: 177.03-2-38

Applicant: Matthew Keenan & Jamie Adams

Zoned: Residential Neighborhood (RN)

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-113 B. (1) & (2) to allow the construction of an oversized (511 SF where the maximum permitted is 180 SF) and over-height (14.5' where the maximum permitted is 12') pool house at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on February 17, 2025, 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:

There will be no undesirable change produced in the neighborhood or detriment to nearby properties. The property is 4.68 acres in size and there is vegetation to limit the proposed structure's visibility from neighbors and motorists. There is support from the most affected neighbors. There are other residences in this neighborhood with pool houses, sheds, and other oversized accessory structures. The plan presented by the applicants also includes landscaping and various natural screenings to provide privacy and maintain a natural setting for the project.

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

The applicants wish to enhance their property with the addition of a pool and pool house. The proposed pool house will contain approximately 140 SF of enclosed space and approximately 360 SF of overhang unenclosed area. The enclosed space will be used for storage of pool equipment and furniture. The unenclosed area will serve as a shaded outdoor space. Therefore, the desired benefit cannot be achieved unless granting the requested variances.

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

The requested variances are substantial from code (over-height 21% and oversize 184%). However, the location of the proposed accessory structure is not visible from the road and will have additional natural screening to shield neighbors.

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 have no adverse effect or impact on the physical or environmental conditions in the neighborhood. The lot is 4.68 acres, and the proposed pool house will add minimal impervious coverage.

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 the variances is self-created but is mitigated by the location of the project on the large lot and 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 plans submitted and prepared by the applicant dated January 16, 2025, and attached hereto as Exhibit A.
2. All construction of the pool house must be completed by December 31, 2026.

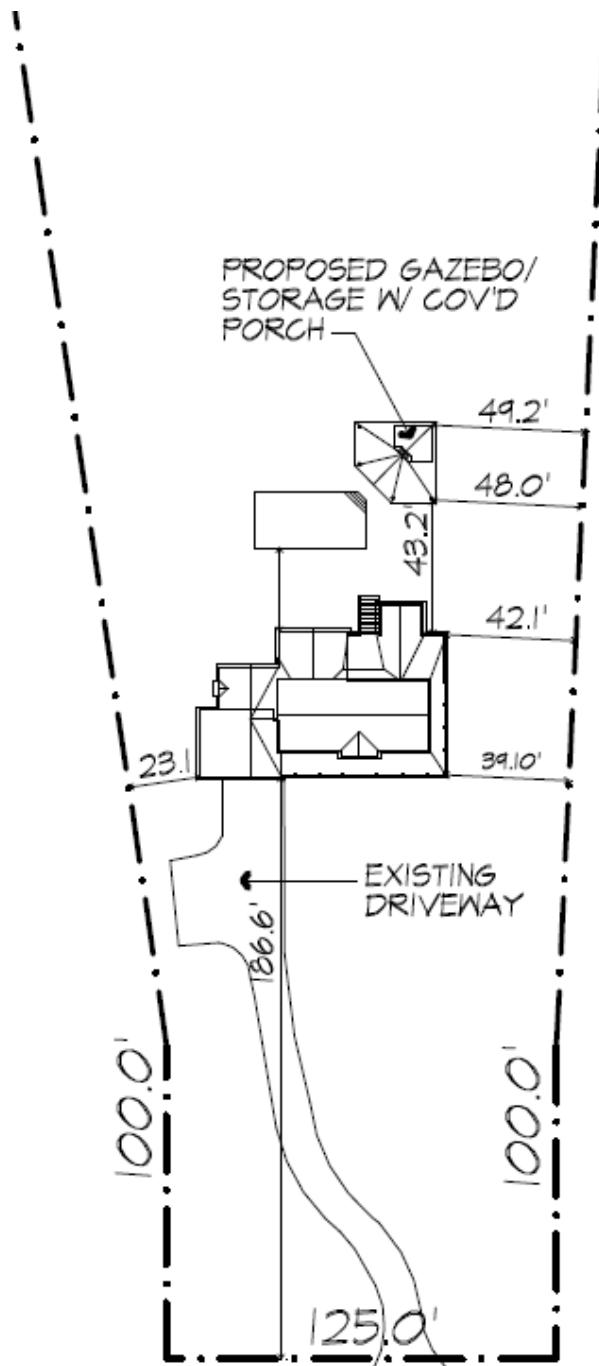
The within Resolution was moved by Zoning Board of Appeals Member Mary Ellen Spennacchio-Wagner, seconded by Board Member Phil Castleberry, and voted upon by the Board, as follows:

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

The Zoning Board of Appeals adopted the above resolution on March 17, 2025.

April Zurowski
Planning Assistant

EXHIBIT A



PITTSFORD HENRIETTA TL ROAD

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

RE: 597 Mendon Road

**Tax Parcel: 178.03-2-10
Applicant: Paul and Katie Rector
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-113 B. (1) and (2) for the addition of a 485 square foot pool house onto an existing 864 square foot detached garage, creating a 1349 square-foot and 24.5 foot high oversized and over-height accessory structure, where 180 square feet and 12 feet in height are the maximums permitted by Code, and at the above location and bearing the above tax parcel number. This resolution follows a public hearing held on February 17, 2025, 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 addition of 485 square feet to an existing 864 square foot detached garage will not produce an undesirable change in the neighborhood or detriment to nearby properties. The existing garage received a variance to be oversized (864 square feet), and over-height (24.8 feet). The addition will not contribute further to the entire structure being over-height. The property is over 1 acre and is buffered by woods on three sides, such that no neighbors will have a direct view of the structure. The garage and pool house addition are set back from the road and screened from view by existing trees and shrubs. The addition will blend seamlessly in character with the existing garage.

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

The benefit sought by the applicant cannot be achieved by other feasible means. The structure is located directly adjacent to the pool on the property, which is far from the house. The addition will include a changing area and bathroom, along with an entertainment area, to allow enjoyment and use of the pool without the need to travel back and forth to the house.

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

The 485 square foot addition onto an existing 864 square foot (649%) and 24.5-foot-high (104%) accessory structure represents a substantial variance from Code but is mitigated by the rural nature of the property and screening of the structure from all sides.

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 requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood. It will be aesthetically blended into the existing detached garage.

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 limited visibility from the road and neighboring properties.

CONDITIONS OF APPROVAL

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

1. This variance is granted only for the plans submitted and prepared by the applicant dated January 13, 2025, and attached hereto as Exhibit A.
2. All construction must be completed by December 31, 2026.

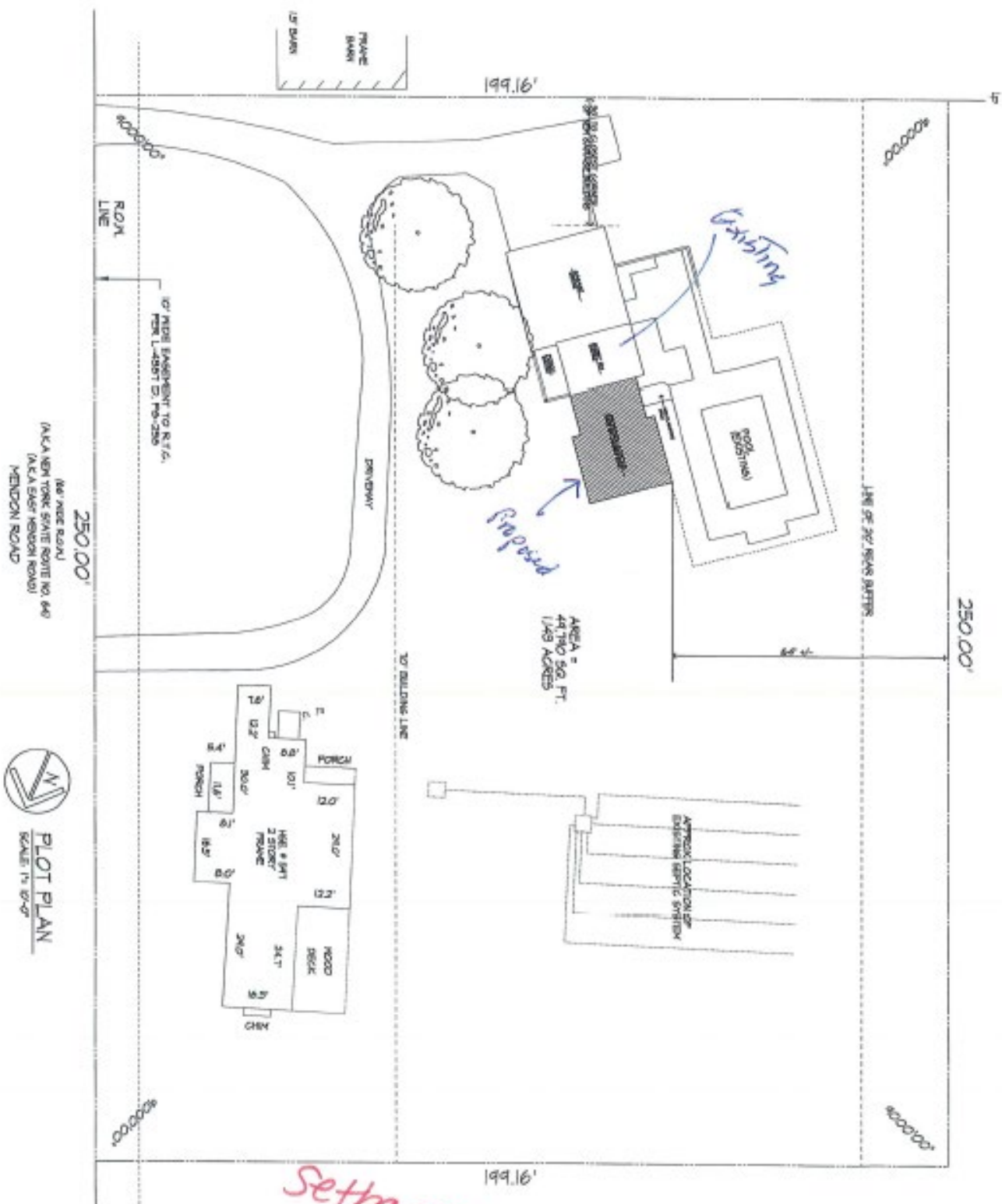
The within Resolution was moved by Zoning Board of Appeals Chairman Jim Pergolizzi, seconded by Board Member Tom Kidera, and voted upon by the Board, as follows:

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

The Zoning Board of Appeals adopted the above resolution on March 17, 2025.

April Zurowski
Planning Assistant

EXHIBIT A



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

RE: 155 West Brook Road

**Tax Parcel: 150.20-2-2
Applicant: Leo and Carol Finucane
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-17 E. to allow for the construction of a garage addition not meeting the minimum side setback or total side setback requirement at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on March 17, 2025, and a 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:

There will be no undesirable change in the neighborhood or detriment to nearby properties if this application is granted. The variance is requested to allow for the demolition of the existing 1.5 car garage and the construction of a replacement 2 car attached garage, resulting in a 5 foot side setback. The current garage is not wide enough for both family cars, so the owners have been parking their second car along the outside of the current garage. The new addition will allow them to move both cars inside and out of view of the neighbors. The current driveway will not be widened and the location of the additional garage space will be 30 feet behind the front of the house and nearly 80 feet from the roadway. The most affected neighbor at 149 West Brook Road has submitted a letter dated March 14, 2025, requesting items that the applicant agreed upon, including installing 6 juniper shrubs to screen the garage.

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

The benefit sought by the applicant cannot be achieved by other feasible means. The new attached garage will be built on the site of the current garage and at the end of the current driveway. Building a new attached garage on the other side of the house, or behind the house, would require building a new driveway and entrance to the home and would likely require setback variances as well.

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

The application to allow for a total side setback of 16.3 feet when 20 feet is required by code (19%), and a right side setback of 5 feet when 10 feet is required by code (50%), does represent a substantial variance from code.

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 requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood. The proposed addition will allow the owners to move their second vehicle inside the garage, removing it from sight, and it will be built 80 feet from the roadside. It will be on the same location as the current garage and it will allow the present driveway to remain as is. The addition will maintain a 5 foot side setback from the next door neighbor's property line, and will be located on the garage side of that home (#149).

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 limited nature of the variance and the fact that the new garage will be built on the same location as the present one; will use the current driveway; and will allow both family cars to be parked inside and out of sight, so the variance is not precluded.

CONDITIONS OF APPROVAL

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

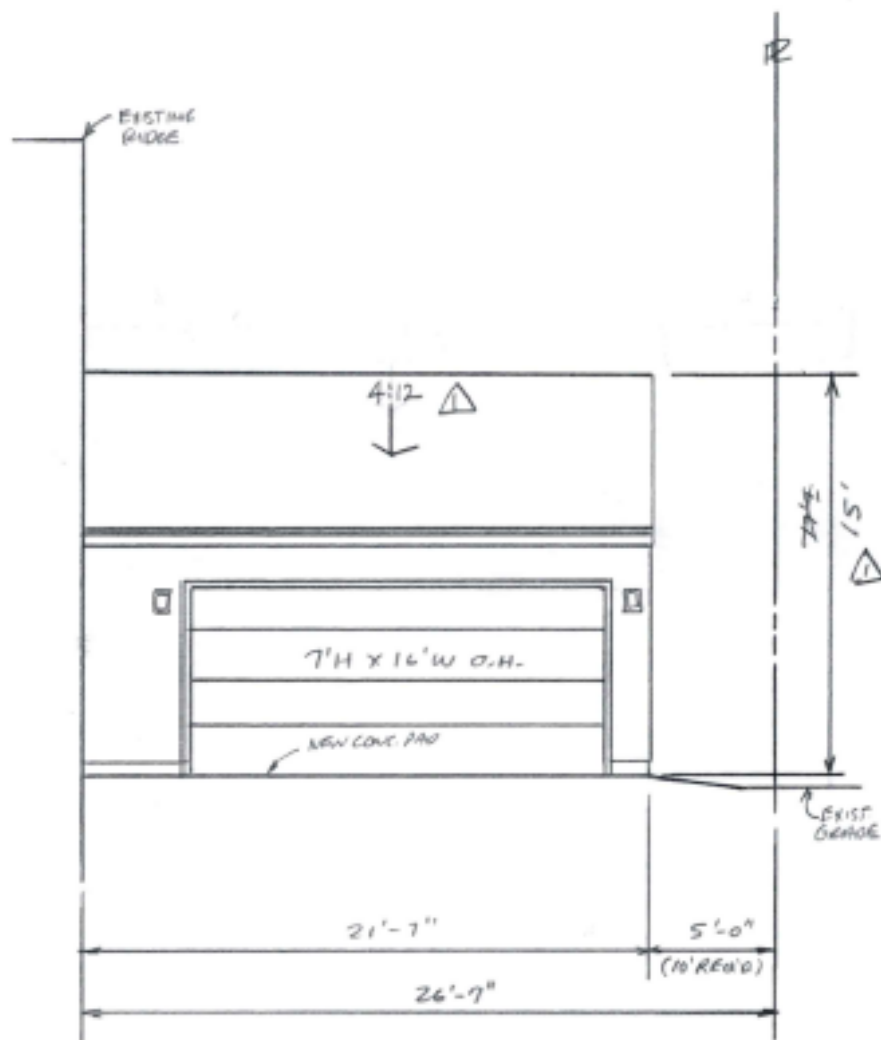
1. This variance is granted only for the revised plans submitted and prepared by the applicant dated March 11, 2025, and attached hereto as Exhibit A.
2. All construction of the garage addition must be completed by December 31, 2026.

The within Resolution was moved by Zoning Board of Appeals Member Tom Kidera, seconded by Chairman Jim Pergolizzi, and voted upon by the Board, as follows:

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

The Zoning Board of Appeals adopted the above resolution on March 17, 2025.

EXHIBIT A



PROPOSED FRONT ELEVATION

SCALE: 3/16" = 1'-0"

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

RE: 148 West Jefferson Road

Tax Parcel: 164.01-1-8.1

Applicant: David Crowe on behalf of Matthew L. Squires

Zoned: Residential Neighborhood (RN)

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Section 185-113 B. (3) to allow for the installation of a hot tub and inground pool with associated pool equipment forward of the rear wall of the home, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on March 17, 2025, 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:

There will be no undesirable change produced in the neighborhood or detriment to nearby properties. The proposed location of the pool, hot tub, and equipment is masked by a future addition, for which another variance was previously granted, providing screening from nearby properties.

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

The long and narrow nature of the property, combined with the screening that the home addition will provide, results in the best possible design option and minimizes impact to nearby properties.

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

The requested variance is not substantial as the applicant has developed a proposal that minimizes impact to all nearby properties.

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 have no adverse effect or impact on the physical or environmental conditions in the neighborhood.

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 its minimal, if any, impact on nearby properties.

CONDITIONS OF APPROVAL

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

1. This variance is granted only for the attached plans submitted and prepared by the applicant dated February 14, 2025, and attached hereto as Exhibit A.
2. The pool equipment must be screened behind a fence.
3. All construction must be completed by December 31, 2026.

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

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

The Zoning Board of Appeals adopted the above resolution on March 17, 2025.

April Zurowski
Planning Assistant

WEST JEFFERSON ROAD
(66' R.O.W.)

