

APPROVED MINUTES 061625

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
JUNE 16, 2025**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on June 16, 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:** Jim Pergolizzi, Tom Kidera, Jennifer Iacobucci, Phil Bleecker, Phil Castleberry

**ABSENT:** Mary Ellen Spennacchio-Wagner, Barbara Servé

**ALSO PRESENT:** April Zurowski, Planning Assistant; Patricia Keating, Building Department Assistant; Bill Zink, Building Inspector; Naveen Havannavar, Town Board Liaison

**ATTENDANCE:** There were 9 members of the public present.

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

**RETURNING APPLICATION:**

**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Chairman Pergolizzi stated that the applicant, Ray Pruitt of 2 Round Trail Drive, has withdrawn the application.

**NEW PUBLIC HEARINGS:**

**9 Connemara Drive – Tax ID 163.02-5-58**

Applicant is requesting relief from Town Code Section 185-121 A. for the installation of a fence six feet in total height in front of the front setback. This property is zoned Planned Unit Development (PUD).

Chairman Pergolizzi opened the public hearing.

Paula and John Liebschutz, of 9 Connemara Drive, introduced the application. Mr. Liebschutz stated that he is proposing a 32-foot-long 6-foot-tall fence along a portion of his backyard to shield sound and light from the traffic along Clover Street.

Chairman Pergolizzi asked if the neighbors had been contacted. Mr. Liebschutz confirmed and stated that no opposition was heard. Chairman Pergolizzi asked for an estimated timeline for the installation of the fence. Mr. Liebschutz stated that the fence will be constructed this summer. Ms. Liebschutz stated that the fence will be positioned to minimize impacts from Clover Street, as their property sits below the street's traffic and lights.

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

A written resolution to grant the area variance for 9 Connemara Drive was unanimously approved.

**2534 Clover Street – Tax ID 150.08-1-76**

Applicant is requesting relief from Town Code Sections 185-113 C. (1), (2), & (3) and 185-17 E. for the construction of an oversized and over-height detached garage not meeting the minimum side setback, for an existing pavilion in the side yard area, and for the total square footage of roofed or enclosed accessory structures exceeding 320 square feet in area. This property is zoned Residential Neighborhood (RN).

Chairman Pergolizzi opened the public hearing.

Tom O'Brien, of Webster Home Improvement Inc., and Howard Silver, of 2534 Clover Street, introduced the application. Mr. Silver stated that the new detached garage will be placed in the same location of the existing one.

Chairman Pergolizzi asked for an estimated timeline for the construction of the garage. Mr. O'Brien stated that he plans to begin as soon as he receives approval from the Design Review and Historic Preservation Board. Chairman Pergolizzi asked if the neighbors were contacted. Ms. Zurowski noted that a letter was received from 2538 Clover Street stating their support.

Ms. Zurowski stated that within the draft resolution, a condition of approval requires the applicant to submit a permit for the pavilion and chicken coop. She noted that depending on the number of chickens that exist there now, an additional variance may need to be applied for.

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

A written resolution to grant the area variances for 2534 Clover Street was unanimously approved.

### **2969 Clover Street – Tax ID 163.04-1-26.3**

Applicant is requesting relief from Town Code Sections 185-113 C. (1), (2), & (3) and 185-17 B. (1) for an oversized and over-height detached garage in the front yard area and forward of the building line, and for the total square footage of roofed or enclosed accessory structures exceeding 320 square feet in area. This property is zoned Residential Neighborhood (RN).

Chairman Pergolizzi opened the public hearing.

Nicole Martin, of In Site Architecture, and Adam Cardina, of 2969 Clover Street, introduced the application. Ms. Martin stated that there is an existing detached garage that will be removed in order to construct the new larger detached garage. She stated that the structure will provide storage, a powder room, and a lounge.

Chairman Pergolizzi asked if any trees would be removed. Ms. Martin stated that a silver maple may need to be removed.

Board Member Iacobucci stated concern for the term "lounge" and asked the applicant to clarify. Ms. Martin stated that the space will be an uninsulated and unheated area in the attic. Ms. Zurowski asked Ms. Martin to clarify this on the plans when submitting for a building permit.

Chairman Pergolizzi asked for an estimated timeline for the construction of the garage. Ms. Martin planned to begin construction in September.

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

A written resolution to grant the area variances for 2969 Clover Street was unanimously approved.

### **OTHER DISCUSSION:**

Chairman Pergolizzi motioned to approve the minutes of May 19, 2025. Following a unanimous voice vote, the minutes were approved, none opposed.

Ms. Zurowski introduced Patricia (Trish) Keating, who will be serving the board as its secretary.

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Chairman Pergolizzi closed the meeting at 7:15PM.

Respectfully submitted,

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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: 9 Connemara Drive  
Tax Parcel: 163.02-5-58  
Applicant: John and Paula Liebschutz  
Zoned: Residential Neighborhood (RN)**

I move that the Pittsford Zoning Board of Appeals grant to the above applicant relief from Code Section 185-121 A., for the installation of a fence six feet in total height in front of the front setback, where three feet is the maximum permitted by code, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on June 16, 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 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 32-foot stretch of 6-foot-tall fence will not produce an undesirable change in the neighborhood or detriment to nearby properties. The subject property has two front setbacks, one on Connemara Drive and one on Clover Street, which is behind the house. The fence behind the house is in a densely wooded area. It will not be visible from Connemara Drive, by neighbors, and it will be barely visible from Clover Street.

***As to whether the benefit sought by the applicant can be achieved by feasible means, other than the requested variance, the Board finds, as follows:***

The benefits of the fence to the applicant cannot be achieved by other feasible means. The fence will shield lights and noise from traffic on Clover Street. There is no other way to achieve these benefits due to the property having two front setbacks, the slope of the berm behind the house, and the elevation of Clover Street above the property.

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

The application represents a substantial variance from Code but is mitigated by the dense vegetation that blocks the fence from view, and by the applicants' desire for screening from lights and noise of vehicles on Clover Street.

***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 effect or impact on the physical or environmental conditions in the neighborhood, as it will be set within a wooded area behind the house.

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

- 1. The Board is aware of the fact 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 a fence is self-created but is mitigated by its location, screening, and the hardship created by having two front setbacks on this property.

**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 April 29, 2025, and attached hereto as Exhibit A.
- 2. All construction of the fence is to be completed by December 31, 2026.

The within Resolution was moved by Zoning Board of Appeals Chairman James Pergolizzi, seconded by Board Member Phil Castleberry, and voted upon by the Board members, as follows:

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

The Zoning Board of Appeals adopted the above resolution on June 16, 2025.

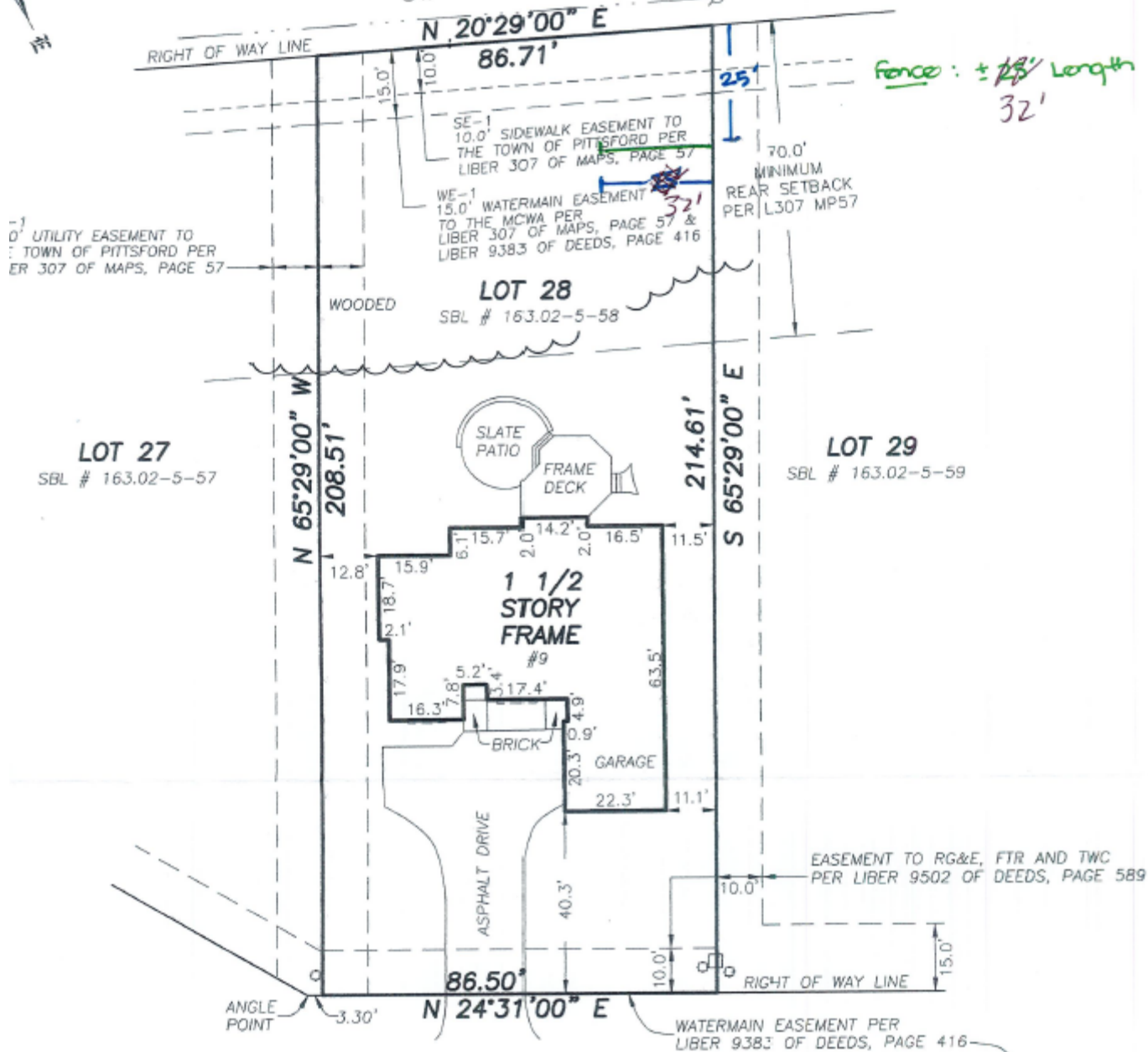
\_\_\_\_\_  
April Zurowski  
Planning Assistant

**EXHIBIT A**



# CLOVER (WIDTH VARIES) STREET

STATE ROUTE 65



CONNEMARA (50.0' WIDE PRIVATE R.O.W.) DRIVE

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

**RE: 2534 Clover Street**

**Tax Parcel: 150.08-1-76  
Applicant: Webster Home Improvements  
on behalf of Howard Silver  
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 C. (1), (2), and (3) and 185-17 E. to allow for the construction of an oversized and over-height detached garage not meeting the minimum side setback, for an existing pavilion in the side yard area, and for the total square footage of roofed or enclosed accessory structures exceeding 320 square feet in area at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on June 16, 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 requested variance will not produce an undesirable change in the character of the neighborhood and will not produce a detriment to nearby properties. The garage and existing pavilion are located reasonably far from Clover Street and the lot is quite large. The new detached garage will replace an existing detached garage at the same side setback, so the impacts will not be increased. In addition, the proposed garage is intended to have a very similar look as the existing residence, including shaker style vinyl siding on the front facing the road. The most affected neighbor at 2538 Clover Street has submitted a letter in support of the project.

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

The existing garage is beyond repair, requiring a new garage. The homeowner is seeking sufficient indoor storage, thus seeking an oversized structure. Additionally, the homeowner is seeking a plan that allows for a new rear turnaround to allow for safer egress to Clover Street. The only alternative for the existing pavilion would be removal. The other structures on the parcel are also existing and have not been negatively impactful thus far, though they each add to the total square footage of accessory structures.

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

The construction of an oversized (960 SF) and over-height (22 FT) detached garage not meeting the minimum side setback (6.4 FT where 10 FT is required), for an existing pavilion in the side yard area, and for the total square footage of roofed or enclosed accessory structures (1,250 SF) exceeding 320 square feet in area are all substantial variances. The Board acknowledges that the size of the chicken coop(s) and pavilion are estimated in size. Though the requested variances are substantial variances from Code, but they are mitigated by the size of the lot, location on the lot, and minimal impact on other 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 requested variance will not have an adverse effect on the physical and environmental conditions in the neighborhood given the layout and size of the lot. The property borders both Commercial and Residential zones, and the most impacted residential neighbor has indicated their support for the project.

***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 these variances are self-created but is mitigated by the distance from the road and the fact that there is an existing oversized and over-height detached garage already on the site.

**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 May 12, 2025, and attached hereto as Exhibit A.
2. All construction of the detached garage must be completed by December 31, 2026.
3. No living space is permitted within the detached garage.
4. The property owner must submit a building permit application for the pavilion and chicken coop by July 31, 2025.

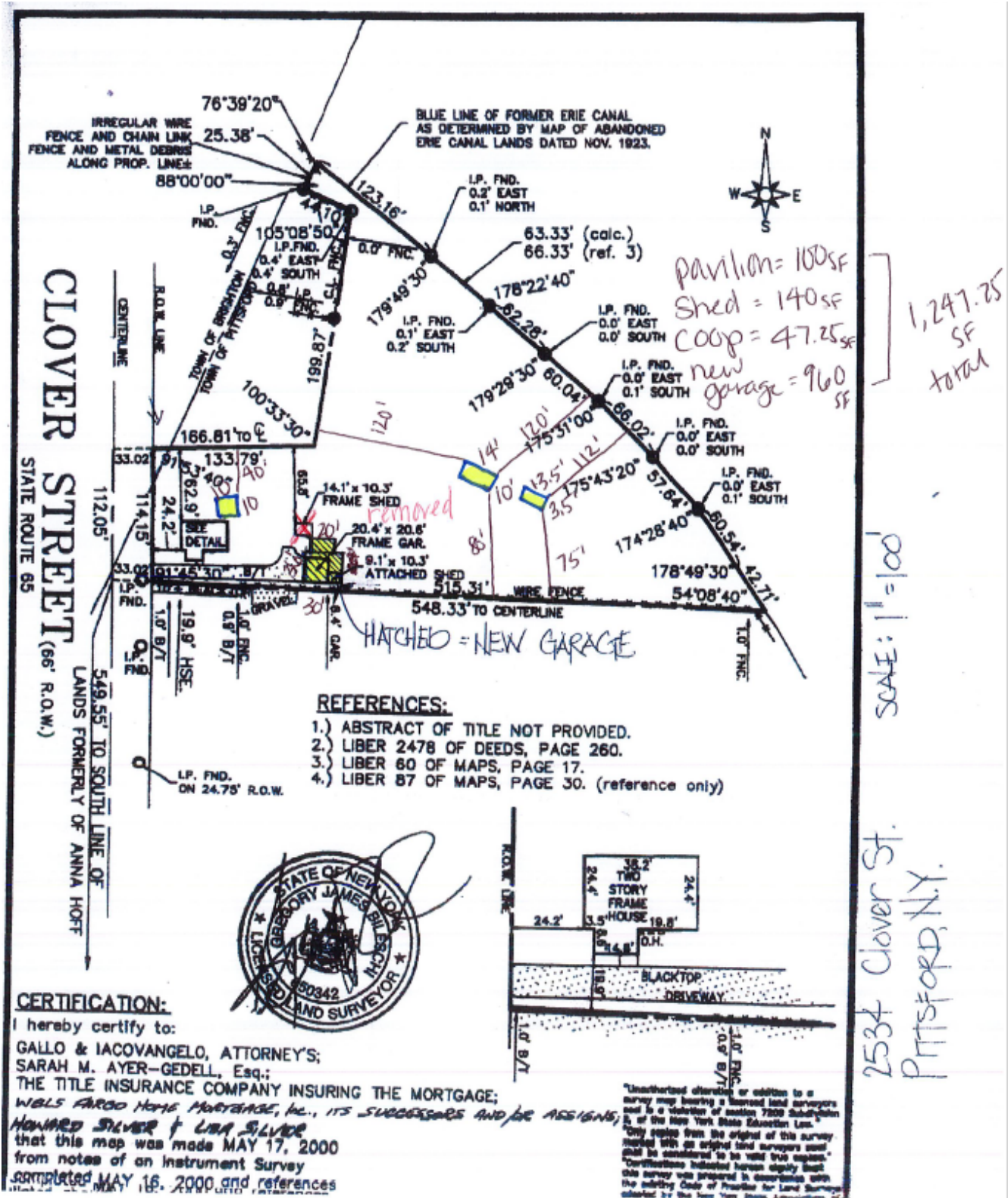
The within Resolution was moved by Zoning Board of Appeals Member Phil Castleberry, seconded by Board Member Jennifer Iacobucci, and voted upon by the Board, as follows:

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

The Zoning Board of Appeals adopted the above resolution on June 16, 2025.



EXHIBIT A



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

**RE: 2969 Clover Street**

**Tax Parcel: 136.04-1-26.3**

**Applicant: Nicole Martin of In Site Architecture  
on behalf of Susan Fulmer and Adam Cardina  
Zoned: Residential Neighborhood (RN)**

I move that the Town of Pittsford Zoning Board of Appeals grant the above applicant relief from Town Code Sections 185-17 B. (1) and 185-113 C. (1), (2), and (3) to allow the construction of an oversized and over-height detached garage in the front yard area where not permitted by code at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on June 16, 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 proposed 1,230 square foot and 22-foot-tall detached garage will not create an undesirable change in the neighborhood or detriment to nearby properties. The proposed detached garage will replace an existing pre-existing non-conforming 550 square foot and 14-foot-tall detached garage in the same area. The increase in size will provide for a third bay, powder room, uninsulated lounge, and attic storage area. The increased height will accommodate the attic storage and lounge.

The garage location is screened from the adjacent neighbors by vegetation and is set far off of Clover Street. The proposed work will suit the residence and neighborhood in form, massing, and materials. Material specifications will be historically appropriate and complimentary to the residence in anticipation of the Historic Preservation Design Review Board's review comments.

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

An attached garage was studied at length but is a detriment to the character of both the home and neighborhood. It also requires additional hardscape and site disturbance, significantly more-so than the proposed work. The existing garage is a pre-existing non-conforming structure, so the garage may be rebuilt on the same footprint and height as it sits now, but it will not provide the storage that the applicant desires. The desire to increase the detached garage in height and size is a self-created hardship.

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

The requested area variances are considered substantial. The new garage is proposed to be 1,230 square feet in size, 1,005 square feet larger than the maximum size for a single structure (447%), and 910 square feet larger than the maximum size for all roofed and walled accessory structures (284%). The proposed height is 22 feet, 10 feet taller than allowed by Code (183%).

***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:***

There will be no adverse impact of the physical and/or environmental conditions in the neighborhood or district by granting this variance. There is an existing detached garage in this area.

***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 these variances are self-created but is mitigated by the fact that there is an existing oversized and over-height detached garage on the parcel, and its distance from Clover Street and other neighbors, 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 May 16, 2025, and attached hereto as Exhibit A.
2. All construction of the detached garage must be completed by December 31, 2026.
3. No living space is permitted within the detached garage.

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

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

The Zoning Board of Appeals adopted the above resolution on June 16, 2025.

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April Zurowski  
Planning Assistant

**EXHIBIT A**

## DRAWING KEY:

	PROPERTY LINE, TYP
	20' FLAG LOT SIDEYARD SETBACKS
	TOWN OF PITTSFORD SEWER EASEMENT
	FRONT FACE OF EXISTING RESIDENCE / LINE OF "FRONT YARD"
	EXISTING GARAGE, TO BE DEMOLISHED
	PROPOSED GARAGE RECONSTRUCTION
	EXISTING ASPHALT
	PROPOSED ASPHALT, <b>NOTE:</b> CONTRACTOR TO MINIMIZE HARDSCAPE WHILE MAINTAINING WORKABLE BACK-UP ZONE

### NOTE:

- THESE DRAWINGS NOT FOR CONSTRUCTION,
- NOT TO BE SCALED,
- FOR THE PURPOSES OF VARIANCE APPLICATION  
ONLY, DATED 2025-05-16

### CONTACT:

NICOLE AT IN. SITE: ARCHITECTURE (585.237.2614)  
WITH QUESTIONS

