

APPROVED MINUTES 072125

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

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

**ABSENT:** Mary Ellen Spennacchio-Wagner

**ALSO PRESENT:** April Zurowski, Planning Assistant; Patricia Keating, Building Department Assistant; Robert Koegel, Town Attorney; Naveen Havannavar, Town Board Liaison

**ATTENDANCE:** There was 1 member of the public present.

Chairman Pergolizzi called the meeting to order at 6:31PM.

**NEW PUBLIC HEARING:**

**100 Van Voorhis Road – Tax ID 192.07-2-18**

Applicant is requesting relief from Town Code Section 185-121 A. for the installation of a fence exceeding three feet in height in front of the front setback off of Sunrise Park. This property is zoned Residential Neighborhood (RN).

Chairman Pergolizzi opened the public hearing.

Steve Zimmer, homeowner at 100 Van Voorhis Road, introduced the application. Mr. Zimmer noted that the 6-foot-tall fence will be used to keep his pet within the yard and protect his property from deer.

Chairman Pergolizzi asked if neighbors were contacted about the project. Mr. Zimmer stated that his neighbors were notified and that the homeowners at 3 Sunrise Park sent a letter of support for the project.

Chairman Pergolizzi asked for a timeline for the project. Mr. Zimmer responded that the fence would be installed as soon as possible.

Board Member Iacobucci asked which neighbors would be impacted by the proposed fence. Mr. Zimmer responded that only the neighbors at 3 Sunrise Park will see the fence as it will be placed on the Sunrise Park side of the hedgerow that is growing at the rear of Mr. Zimmer's property.

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 variance for 100 Van Voorhis Road was unanimously approved.

**OTHER DISCUSSION:**

Chairman Pergolizzi motioned to approve the minutes of June 16, 2025.

Following a unanimous voice vote, the minutes were approved, none opposed.

Ms. Zurowski reviewed the agenda for the August meeting. She stated that a property with a previously approved use variance has submitted a request to clarify the 1984 approval. Currently, the property at 5692

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Palmyra Road is zoned for single-family residential but has a use variance to use the two buildings as office space. She stated that the use variance is somewhat unclear about specific types of "office" use is allowed and does not mention how the underlying single-family zoning may be used on the property. She recommended that the Board set a hearing for an amendment and clarification of the previously approved use variance at the August meeting. Chairman Pergolizzi asked Ms. Zurowski to request more information regarding the proposed use, parking, signage, and area variance for a porch addition. The Board agreed to hear the application at their September meeting should the requested information be submitted by the application deadline.

Chairman Pergolizzi closed the meeting at 7:22 PM.

Respectfully submitted,

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Patricia Keating  
Building Department Assistant

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

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

**Re: 100 Van Voorhis Road**

**Tax Parcel: 192.07-2-18  
Applicant: Stephen Zimmer  
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 for the installation of a fence exceeding three feet in height in front of the front setback on a corner lot, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on July 21, 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. Although the fence will be forward of the front setback off Sunrise Park, it will still be more than 70 feet from the road. It will not be forward of the front setback off Van Voorhis Road. The fence will be largely shielded by hedges and landscaping, while also providing shielding of a boat, landscape trailer, and more from view by neighbors. The most affected neighbor at 3 Sunset Park has submitted a letter of support.

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

By virtue of the corner lot, the applicant has two front setbacks. There are no other feasible means by which the applicant can achieve their desired benefit.

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

The requested variance of a 6-foot-tall fence in front of the front setback, where 3 feet tall is the maximum, is substantial but is mitigated by shielding provided by existing landscaping and the fact that the fence is still set far off of the road.

***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 the distance that the fence is set off the road and its minimal 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 June 2, 2025, and revised July 14, 2025, 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 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	Aye
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 July 21, 2025.

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April Zurowski  
Planning Assistant

# EXHIBIT A

## SUNRISE (60' WIDE) PARK

VANVOORHIS (WIDTH VARIES) ROAD

