

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
APRIL 15, 2024**

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on April 15, 2024 at 6:30PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

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

ABSENT: Jennifer Iacobucci

ALSO PRESENT: April Zurowski, Planning Assistant; Bill Zink, Building Inspector; Robert Koegel, Town Attorney; Naveen Havannavar, Town Board Liaison

ATTENDANCE: There were 6 members of the public present.

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

NEW PUBLIC HEARINGS:

29 Coventry Ridge – Tax ID 177.03-5-43

Applicant is requesting relief from Town Code Section 185-121 A. for the installation of a four-foot-tall fence in front of a front setback, where a maximum of three feet is permitted. This property is zoned Incentive Zoning (IZ).

Chairman Dounce opened the public hearing.

Steve Aloï, of 29 Coventry Ridge, introduced his application. He explained that the inground pool permit with the proposed fence was reviewed and approved by the Town, but it was later discovered that the property is a corner lot with two road frontages, so the approved fence did not meet the Town's Zoning Code. The applicant has installed the pool and is now seeking a variance for the placement of the fence.

Chairman Dounce asked the applicant when he plans to complete construction. Mr. Aloï anticipated fence installation to begin as soon as possible. Chairman Dounce asked if Mr. Aloï spoke with his neighbors and heard any opposition to the fence placement. Mr. Aloï stated that he heard no opposition.

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

A written resolution to grant the area variance for 29 Coventry Ridge was moved by Board Member Kidera, seconded by Board Member Spennacchio-Wagner. The resolution was unanimously approved.

81 French Road – Tax ID 151.14-1-73.1

Applicant is requesting relief from Town Code Section 185-17 B. (1) for the construction of a portico extending past the building line and façade area. This property is zoned Residential Neighborhood (RN).

Jim Brown, of High Point Construction and as agent for Kevin and Sandra Murray, introduced the application. The applicant is seeking to construct a portico over the existing entry door and front porch. Due to the placement of the existing home, any addition to the front would require a variance.

Chairman Dounce asked the applicant when he plans to complete construction. Mr. Brown anticipated construction to be completed by the end of the year. Board Member Spennacchio-Wagner asked if the homeowners spoke with his neighbors and heard any opposition to the portico. Mr. Brown stated that he heard no opposition.

Chairman Dounce asked for public comment. Hearing none, Vice Chairwoman Servé motioned to close the public hearing, seconded by Board Member Pergolizzi, none opposed.

A written resolution to grant the area variance for 81 French Road was moved by Board Member Castleberry, seconded by Board Member Spennacchio-Wagner. The resolution was unanimously approved.

OTHER DISCUSSION:

Chairman Dounce motioned to approve the minutes of March 18, 2024, seconded by Board Member Spennacchio-Wagner. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman George Dounce closed the meeting at 6:57PM.

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: 29 Coventry Ridge

**Tax Parcel # 177.03-5-43
Applicant: Stephen G. Aloï
Zoned: Incentive Zoning (IZ)**

I move that the Pittsford Zoning Board of Appeals grant to the above applicant relief from Code Section 185-121 A., to allow for the installation of a four-foot-tall fence in front of the front setback, where a maximum of three feet is permitted, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on April 15, 2024, and reviewed 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)(16) 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:

No undesirable change will be produced in the neighborhood, nor any detriment to nearby properties will result from granting this variance. The property is constructing a permitted inground pool, which requires the placement of a four-foot-tall fence. Part of that fence needs to be placed forward of a front setback, because the property is on a corner lot and much of the rear yard has a sloped grade for a walk-out basement. Numerous houses in this neighborhood have visible four-foot fences for inground pools and the three-rail fence being installed on this property matches the country aesthetic in this neighborhood.

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 benefit sought by the applicant cannot be achieved by feasible means other than the requested variance. The fence could be placed on the slope and meet Town Code but would create an impractical mowing scenario for the homeowner. By NYS Building Code, the mandated height for a pool fence is four feet. This variance is the only feasible means for the applicant to satisfy the pool fence requirement and to place the fence away from the backyard slope.

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

The application represents a substantial variance from the Town Code fence height requirement.

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 physical and/or environmental conditions in the neighborhood or district. The property lies on a corner lot and the proposed fence will be 24 feet from the edge of the road. The lots behind this property are currently undeveloped.

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 security needed for the installed permitted pool, as well as the visual appeal of the three-rail fencing that is being installed, 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 March 8, 2024 and shown in Exhibit A.
2. All construction of the fence must be completed by December 31, 2025.

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

Phil Castleberry voted	Aye
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

The Zoning Board of Appeals adopted the above resolution on April 15, 2024.

April Zurowski
Planning Assistant

EXHIBIT A

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

RE: 81 French Road

**Tax Parcel: 151.14-1-73.1
Applicant: High Point Construction (Jim Brown)
on behalf of Kevin & Sandra Murray
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 B. (1) to allow for the construction of a portico extending ten (10) feet past the building line and façade area, where fifty (50) feet is required, at the above location and bearing the above tax parcel number. The within resolution follows a public hearing held on April 15, 2024 and reviewed 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)(16) 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 portico is minimal at 4' deep by 8' wide and aligns with the architectural style and scale of the home and nearby homes. Additionally, there are other homes in the immediate vicinity with similar porticos.

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

The property already sits forward the required 50' building line by 5.8 feet. There are no feasible means for the applicant to achieve the benefit sought by adding a portico to the front of their home other than a variance.

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

The variance does not represent a substantial variance from Code. While the applicant is seeking a ten (10) foot variance where fifty (50) feet is required, a majority of that (5.8 feet) is pre-existing as the property was built prior to the establishment of the fifty (50) foot building line.

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 impact to neighbors and how the style and scale of the project fits the character of the neighborhood.

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 March 13, 2024 and shown in Exhibit A.
2. 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
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

The Zoning Board of Appeals adopted the above resolution on April 15, 2024.

April Zurowski
Planning Assistant

