

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
August 21, 2017**

PRESENT

George Dounce, Chairperson; David Rowe, Barb Collins, Barbara Servé, Jaime Waldman, Mary Ellen Spennacchio-Wagner

ALSO PRESENT

Kate Munzinger, Town Board Liaison; Mark Lenzi, Building Inspector; Susan Donnelly, Secretary to the Board

ABSENT

Mike Rose, Board Member; Robert Koegel, Town Attorney

George Dounce, Chairperson, called the regularly scheduled meeting of the Zoning Board of Appeals to order at 7:00 pm.

Staff member Mark Lenzi indicated that the applications before the Board this evening with the exception of 4245 East Avenue are exempt from Monroe County Planning Department review and are Type II actions 617.5 (c) and not subject to SEQRA review.

CONTINUING PUBLIC HEARING FOR AN AREA VARIANCE

- 4245 East Avenue, Tax parcel #151.14-1-1.111. LaBella Associates DPC agent for Nazareth College is requesting relief from Town Code(s) §185-39 & §185-133, maximum height of structure(s) not to exceed 30' in height. The applicant is proposing to construct the Golisano Training Center with a roof height of 56+/- feet measured from the main entrance door. Property is zoned SRAA

Alan Knauf, of Knauf Shaw LLP, counsel for Irondequoit Country Club, addressed the Board regarding concerns regarding the proposed construction at Nazareth College which borders the ninth green of the country club. Some concerns of note center on the noise of the HVAC system which would disturb the country members as they golf and the industrial look of the proposed building. It was noted that a letter has been sent from the country club to the Town regarding their concerns.

Chairman Dounce indicated that it was premature for the Zoning Board to discuss the application until the Planning Board finishes their review of the project.

The Applicant was not present.

All Ayes.

The decision was made to leave this public hearing open and hold over until a future meeting.

- 45 Shelwood Dr., Tax # 138.18-2-52. Applicant is requesting relief from Town Code(s) §185-113 B (1); §185-113 B (2); §185-113 B (6); §185-17 E; §185-113 B (6) and §185-17 I for an oversized, over height accessory structure (detached Garage) encroaching into the side and rear setbacks. Property zoned RN – Residential Neighborhood District.

David Fitzpatrick, the homeowner, was present to discuss revised drawings with the Board. Mr. Fitzpatrick indicated that he met with his architect to an attempt to compromise with the concerns of the neighbor at 55 Shelwood Drive. The revised height is 18' and the garage is 2 bays with a bump out storage feature off the north side.

Patricia Bukowski of 55 Shelwood Drive reiterated her concerns for the integrity of her home by the change to the lot to the north of her property. She felt moving the structure as far as possible to the northwest corner of Mr. Fitzpatrick's lot would be the most viable option to her satisfaction. It was discussed that this option would pose some grading concerns for a potential driveway change.

The Board held discussion about how the size of this structure is out of character for the street. Mark Lenzi cited examples of other, however smaller, two car garages that are in the immediate vicinity.

Discussion was held as to moving the structure 4 foot to the north would eliminate the need for two of the variances and that location would be allowable by Town Code creating a ten foot setback on the side of the property closest to Ms. Bukowski's property. The neighbor at 39 Shelwood Drive does not oppose this change.

There was no further public comment on this application.

Mary Ellen Spennacchio-Wagner moved to close the public hearing and David Rowe seconded.

All Ayes.

- 7 Oak Leaf Lane, Tax # 179.09-1-39, Applicant is requesting relief from Town Code §185-113 B (3) & §185-17 B (1) to construct a garden shed forward of the rear wall or the home and placed forward of the Building Line. Property zoned RN – Residential Neighborhood District.

The homeowner, German Lopez, was present to discuss the application with the Board. Mr. Lopez apologized for installing the shed without a permit but he indicated that he was unaware of the code at the time.

Mr. Lopez indicated that it was not possible to move the shed back any farther but that he could consider some vegetative screening for the shed. Barbara Servé commented that the shed is small and is a neutral color and doesn't detract from the neighborhood.

Chairman Dounce indicated that he was in receipt of two letters from residents residing at 8 and 15 Gladbrook Road who were in opposition to the shed.

Mike Martin of 3 Gladbrook Road commented that the new owners were improving the look of the property and commented on how the house looks better than it did under the previous owners. Linda Martin of 3 Gladbrook Road also commented that the new owners are making the house look better and that the shed is not out of character with the neighborhood. Bill Fowlkes of 21 Gladbrook Road indicates that the house is a work in progress and that he was glad to hear the owner is considering landscaping around the shed.

With no further public comment noted, Barbara Servé moved to close the public hearing and Jaime Waldman seconded.

All Ayes.

- 8 Canal Park Place, Tax # 150.19-1-5.5, Applicant is requesting relief from Town Code §185-17 L (1) to construct an in-ground swimming pool encroaching into the side and rear setback on a flag lot with 60' required setbacks. Property zoned RN – Residential Neighborhood District.

The homeowner, Richard Doolittle, was present to discuss the application with the Board. A representative from Pettis Pools, Steve Gross, was also present. Mr. Doolittle indicated how he had obtained a permit to build a pool and during the digging process it was discovered that the proposed site location contained a lot of debris. The installer attempted to move the location farther east and

this proved to still be a problem with debris. A test hole was done even farther east and this was found not to pose a problem. However, this location would require a variance. Mr. Doolittle has talked to his neighbors residing at 6 and 7 Canal Park Place who have no objection to the new proposed location. It was pointed out to Mr. Doolittle that pool equipment or any shed would need to be stored behind the rear wall of the dwelling.

There was no public comment.

Jaime Waldman moved to close the public hearing and Barb Collins seconded.

All Ayes.

DECISION FOR 45 SHELWOOD DRIVE - AREA VARIANCE

A written Resolution to grant the area variance for 45 Shelwood Drive was moved by Mary Ellen Spennacchio-Wagner and seconded by David Rowe.

Chairman George Dounce called for a roll call vote.

Barb Collins voted	aye
Michael Rose voted	absent
Barbara Servé was	aye
Jaime Waldman voted	aye
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted August 1, 2017 and as presented at the 8/21/2017 meeting with modifications made by the Zoning Board and those represented in the revised drawing attached to the resolution.
2. All construction is to be completed by December 31, 2020.
3. The proposed over height, oversized accessory structure (detached garage) is subject to review and approval of Design Review & Historic Preservation Board.
4. The applicant will move the proposed garage to a 10 foot side setback.
5. The applicant must use pervious pavers that are allowed by the code official for the portion of the new driveway and/or future plans for other outdoor enhancements (i.e. patio, etc.).

DECISION FOR 7 OAK LEAF LANE - AREA VARIANCE

A written Resolution to grant the area variance for 7 Oak Leaf Lane was moved by George Dounce and seconded by Jaime Waldman.

Chairman George Dounce called for a roll call vote.

Barb Collins voted	aye
Michael Rose voted	absent
Barbara Servé was	aye
Jaime Waldman voted	aye
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated July 21, 2017.
2. All construction is to be completed by August 21, 2017.
3. The proposed shed is not subject to review and approval of Design Review & Historic Preservation Board.
4. The Applicant will screen the shed with year round vegetation on the front side of the shed.

DECISION FOR 8 CANAL PARK PLACE – AREA VARIANCE

A written Resolution to grant the area variance for 7 Oak Leaf Lane was moved by George Dounce and seconded by Barb Servé.

Chairman George Dounce called for a roll call vote.

Barb Collins voted	aye
Michael Rose voted	absent
Barbara Servé was	aye
Jaime Waldman voted	aye
David Rowe voted	aye
Mary Ellen Spennacchio-Wagner voted	aye
George Dounce voted	aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated August 9, 2017.
2. All construction is to be completed by December 31, 2018.

POINT PERSON ASSIGNMENTS FOR SEPTEMBER 18, 2017

789 Linden Avenue – Jaime Waldman

APPROVAL OF THE MEETING MINUTES OF JULY 17, 2017

George Dounce moved to accept the minutes of July 17, 2017 as written.

VOICE VOTE: Ayes – All

MEETING ADJOURNMENT

The meeting was adjourned at 8:55 pm.

VOICE VOTE: Ayes – All

Respectfully submitted,

Susan K. Donnelly
Secretary to the Zoning Board of Appeals