

**VILLAGE OF PITTSFORD
PLANNING & ZONING BOARD OF APPEALS**



Members:

Justin Vlietstra, **Chair**
Jo Anne Shannon
Susan Lhota
Katie Hoppin
Jared Cook
Mike Reynolds (Alternate)
David Wilkes (Alternate)

Attorney: Mindy Zoghlin
Deputy Clerk:
Alexandria Torres Vaughn

**PLANNING & ZONING BOARD OF APPEALS REGULAR MEETING
Wednesday, November 15, 2023, at 6:30 PM**

Tentative Agenda

This agenda is subject to change both in the number of applications, order of applications, and/or at the discretion of the Chairperson.

CONFLICTS OF INTEREST DISCLOSURE

1. Public Hearing
 - a. 37 Courtney Circle—Lot Coverage Variance

MINUTES

1. July 26, 2023

MEMBER ITEMS



VILLAGE OF PITTSFORD NOTICE OF PUBLIC HEARING

Please note that a public hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, **on Wednesday, November 15, 2023, at 6:30 PM.**

The application considered is by Boa-Anh Walters of the property located at 37 Courtenay Circle, Pittsford, NY 14534. The application is for an Area Variance for Sections 210-20.6 of the Zoning Law of the Village of Pittsford to permit the construction of a swimming pool and patio in the rear yard of a single-family home, resulting in 40.3% gross impervious surface in an LDR residential district where the maximum permitted gross impervious surface is 25%.

The meeting is open to the public but also made available live through the videoconferencing link available on the Village of Pittsford website. The public can see and hear the meeting live and provide comments.

<https://www.villageofpittsford.com>.

Village of Pittsford
Zoning Board of Appeals
Alexandria Torres Vaughn, Deputy Clerk

Town Clerk
11 S. Main St
Pittsford, NY 14534

Seehafer-Dziok Sandra
2 Courtenay Cir
Pittsford, NY 14534

Nearing Ryan C
Nearing Megara M
4 Courtenay Cir
Pittsford, NY 14534

Byrne Anna Brett
Irving Ann M
6 Courtenay Cir
Pittsford, NY 14534

Surmont Johnathan Steven
Surmont Sara Elizabeth
8 Courtenay Cir
Pittsford, NY 14534

Ehrlich Peppy
Ehrlich Sanford H
12 Courtenay Cir
Pittsford, NY 14534

Mc Canna Walter
Mc Canna Mary J
14 Courtenay Cir
Pittsford, NY 14534

Johnson Cheryl A
16 Courtenay Cir
Pittsford, NY 14534

Turley Dale S
Turley Lindsay I
18 Courtenay Cir
Pittsford, NY 14534

Gascon David
Gascon Michaela
20 Courtenay Cir
Pittsford, NY 14534

Sanna Thomas E
Mary Kay
22 Courtenay Cir
Pittsford, NY 14534

Ricotta Matthew C
Ricotta Kara E
27 Courtenay Cir
Pittsford, NY 14534

Demasi Anthony R
Arguinzoni Hector
29 Courtenay Cir
Pittsford, NY 14534

Baskeyfield David
31 Courtenay Cir
Pittsford, NY 14534

Pimentel Ruben O
33 Courtenay Cir

Pittsford, NY 14534

Foringer David R III
Foringer Danielle
35 Courtenay Cir
Pittsford, NY 14534

Brown Matthew M
Brown Marisa A
39 Courtenay Cir
Pittsford, NY 14534

Walters Bao Anh Le
37 Courtenay Cir
Pittsford, NY 14534

Robinson Jeffery Alan
Robinson Elmer Lee
41 Courtenay Cir
Pittsford, NY 14534

Meffert Ingeborg
43 Courtenay Cir
Pittsford, NY 14534

Goldstein Outi M
45 Courtenay Cir
Pittsford, NY 14534

Phillips Nicolas A
Phillips Kimberly C
47 Courtenay Cir
Pittsford, NY 14534

Eggert Rachel T

58 Heatherhurst Dr
Pittsford, NY 14534

Reeves June Barrett
56 Heatherhurst Dr
Pittsford, NY 14534

Insull-McCarthy Jennifer A
54 Heatherhurst Dr
Pittsford, NY 14534

Finn Colby L
17 Green Hill Ln
Pittsford, NY 14534

Boessl Henry
Boessl Inge
15 Green Hill Ln
Pittsford, NY 14534

Walker Anthony
Romero-Creel Maria F
55 Heatherhurst Dr
Pittsford, NY 14534

Village Residents
53 Heatherhurst Dr
Pittsford, NY 14534

Doyle Daniel J
10 Courtenay Cir
Pittsford, NY 14534

**APPLICATION TO THE ZONING BOARD OF APPEALS
VILLAGE OF PITTSFORD
21 NORTH MAIN ST.
PITTSFORD, N.Y. 14534**

Date 10/11/23 Fee \$ 75.00 PAID 10/11/23

Property address 37 COURTENAY CIR. Tax account # _____

Zoning District _____ Property also known as: _____

Property owner(s) BAO-ANH WALTERS

CHRIS HARRINGTON

Owner's address 37 COURTENAY CIR. Telephone _____ (day)

PITTSFORD NY " (evening)

Applicant BAO-ANH WALTERS & CHRIS HARRINGTON

Applicant's address 37 COURTENAY CIR Telephone _____ (day)

PITTSFORD NY " (evening)

Applicant is: owner lessee/tenant agent other: _____

Application for: Area Variance Special Exception Use
 Use Variance Temporary Zoning Permit
 other (describe): _____

Application Information:

1) This application is for relief from or pursuant to Chapter(s) 210-20.6
CURB'S COVERAGE 38.70 → 40.3% of the Code of the Village of Pittsford.
Building Inspector's denial dated _____ is attached.
31.3 → 40.3

2) Description of variance or other relief sought: TO INSTALL A SWIMMING POOL
AND RELATED SURROUNDING PAVEMENT WHICH EXCEEDS THE
LOT COVERAGE PERCENTAGE. INSTALLATION OF AN OPEN
SHADE STRUCTURE (CABANA) AS CHRIS HARRINGTON HAS BEEN
TREATED FOR SKIN CANCER TWICE.

3) All facts showing the necessity for relief: THE POOL AND HOT TUB

ARE FOR WATER THERAPY, PHYSICAL FITNESS AND FAMILY
USAGE.

4) Difficulties or hardship that would result if this application is denied: DUE TO
THE LONG HOURS OF WORK, ESPECIALLY IN THE LATE SPRING AND
MID-FALL THE INCONVENIENCE OF NOT HAVING THE POOL AND
NOT TRY TO DO THE PHYSICAL WORK OUTS AT THEIR HOME, GOING
TO A FACILITY CREATES A TIME CONSTRAINT. THE POOL OTHERWISE IS FOR
THEIR FAMILY'S RECREATION USE.

5) The following items are attached and are part of this application: _____
SITE & GRADING PLAN DEPICTING THE STORM WATER DRAINAGE, POOL,
HOT TUB, PAVEMENT, LANE, STAIR AND LANDSCAPE ADDITIONAL PLANNING

Owner's Statement

I am the owner of the above property, and have read and approve this application. If the applicant is other than the owner, I authorize the applicant to proceed as agent.

Signature _____ Date 10/11/23

Applicant's Statement

I hereby certify that the information submitted is, to the best of my knowledge, true and correct.

Signature _____ Date 10/11/23

NOTE: If any additional information is required by the Board, during the meeting, it is the responsibility of the applicant to provide such information, prior to the deadline of the subsequent meeting, or it will not be heard.

FOR OFFICE USE ONLY

Public Hearing sign(s) given to applicant _____
Notice of Public Hearing published _____
Neighborhood notification mailed _____
Referral to Monroe Co. Planning: yes (date) _____ no
Hearing date(s) _____
Date of ZBA action _____
Approved _____ Approved w/conditions _____ Denied _____
Date of filing of decision _____

Payment Result

Date Paid: 10-11-2023 03:55 PM

Village of Pittsford; 21 North Main Street; Pittsford NY 14534; 585-586-4332

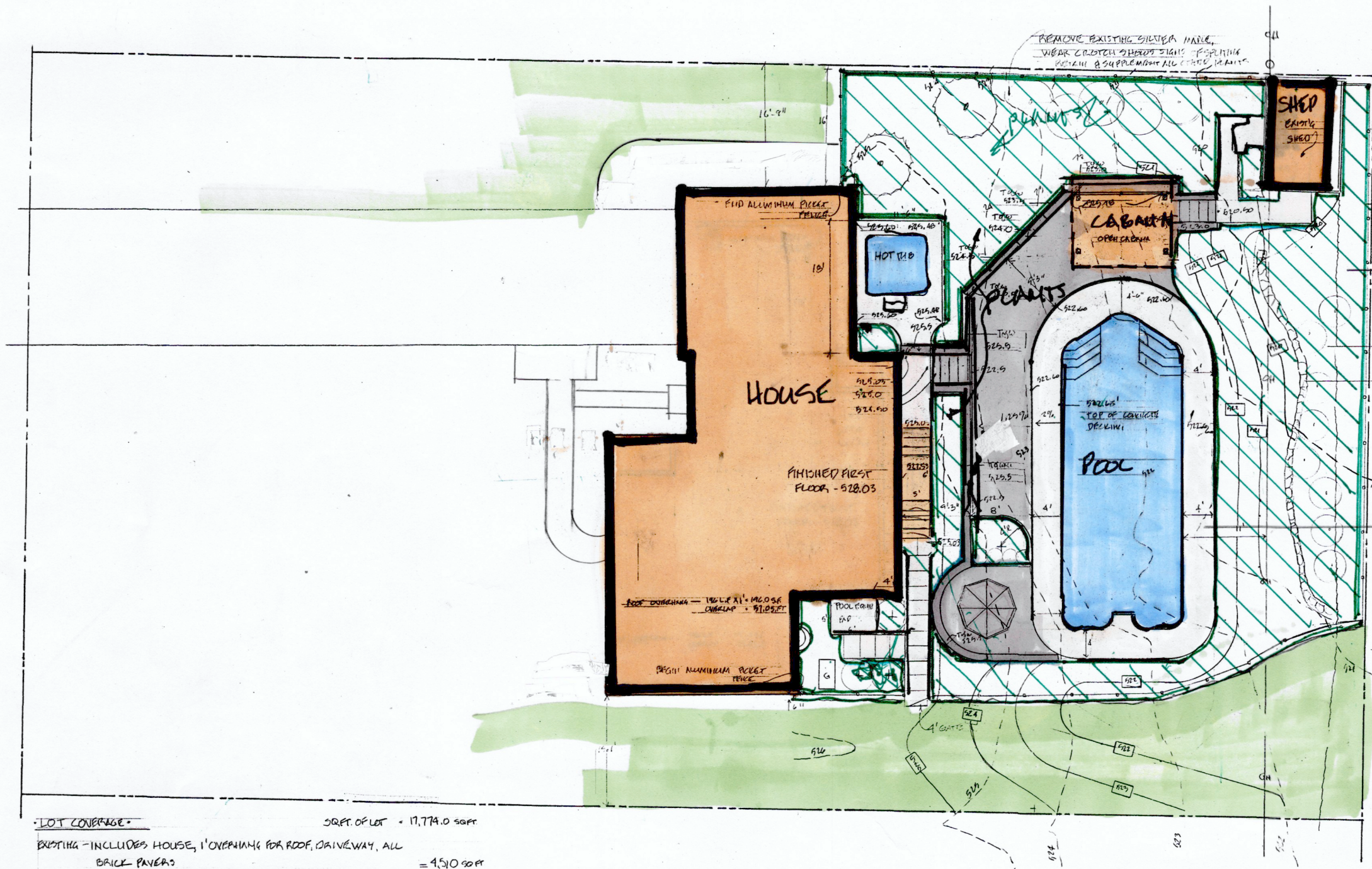
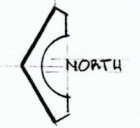
Your payment in the amount of 87.34 has been processed. Please save this report for your records.

06 r-01

Payment Information:
First Name: [Redacted]
Last Name: [Redacted]
Credit/Debit Card

Item	Amount
1 x PZBA Application Fee: Planning and Zoning Board Fee(Christopher and Anna Harrington...34 Courtney Circle)	85.00
Subtotal	85.00
Service Fee	2.34
Total Amount	87.34

Invoice Number: 65319



PLANTING - RESERVED & NEW

EXISTING SHRUBS TO REMAIN
LOW STONE EDGE TO REMAIN

CONCRETE DECKING

LOT COVERAGE
 SQ.FT. OF LOT = 17,774.0 SQ.FT.
 EXISTING - INCLUDES HOUSE, 1' OVERHANG FOR ROOF, DRIVEWAY, ALL BRICK PAVES = 4,510 SQ.FT.
 - BACKYARD, PLATFORM STAIRS OFF FIRST FLOOR, STONE WALL SURROUNDING PLUMESTONE TERRACE, STAIRS, PLUMESTONE BT SHED, SHED AND CRIBBING SHED IS ON = 1052 SQ.FT.
 POOL = 528.03 SQ.FT.
 EXISTING LOT COVERAGE = 31.3%

PROPOSED POOL & YARD DEVELOPMENT
 TOTAL 1698 SQ.FT. = 9.56%
 THE INCREASE OF PAVEMENT, POOL WALKS = 1170 + 1774 = 2944 SQ.FT. = 16.57%

HTS

<p>HEINRICH W. FISCHER, R.L.A. 722 AYRAULT ROAD FAIRPORT, N.Y. 14450</p>	LANDSCAPE DEVELOPMENT PLAN • CHRIS & ANNA HARRINGTON RESIDENCE • 37 COURTEWAY CIRCLE PITTSFORD, N.Y. 14534	
	PROJ. NO: 2311	DRAWN BY: H.W.F.
	SCALE: 1/8" = 1'-0"	APPROVED BY:
	DATE: 10-23	REVISIONS:
		1

**VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS**

RESOLUTION 2023-12 DECISION ON AREA VARIANCE

Project **37 Courtenay Circle Pool**

Date: 11-15-2023

Applicant Name: Bao-Anh Walters, Chris Harrington

Address: 37 Courtenay Circle
Pittsford, NY 14534

Action: Construction of a swimming pool and patio area
in the rear yard at 37 Courtenay Circle.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on November 15, 2023, at 6:30 PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member _____, who moved its adoption, and seconded by Board Member _____, to wit:

WHEREAS, The above named applicant for an Area Variance of Sections 210-20.6 of the Zoning Law of the Village of Pittsford to permit construction of a swimming pool and patio in the rear yard of a single family home resulting in 40.3% gross impervious surface in a LDR residential district where the maximum permitted gross impervious surface is 25% and;

WHEREAS, The Board received and reviewed an application from the above mentioned applicant for the above mentioned action; and

WHEREAS, The Board has held a public hearing, and received comments thereat; and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):

The Board’s review is for area variance for a single-family home and is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(12) and 6 NYCRR 617.5(c)(17).

2. Monroe County Planning Review:

The Board’s review is for an area variance that is exempt from Monroe County Planning review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.

3. Waterfront Consistency Review:

The proposed action is a Type II action under SEQR so it is not subject to a Waterfront Consistency Review.

WHEREAS, after review, the Board has weighed the effects of the requested variance on the health, safety, welfare of the neighborhood and community and made the following findings:

- A. The requested variance [**will / will not**] create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:

- B. The benefits sought by the applicant [**can / can not**] be achieved by some other feasible method because:

- C. The requested variance [**is / is not**] substantial in that:

The impervious surface is currently 31.3% and the proposed action will make it 40.3%
Gross impervious surface.

- D. The proposed variance [**will / will not**] have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:

- E. The alleged difficulty [**is / is not**] self-created because:

F. The Variance [**is** / **is not**] the minimum necessary to provide relief because:

G. The following physical characteristics of the property are relevant to this variance request:

H. The following additional findings are noted:

NOW THEREFORE IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this area variance request is hereby [**granted** / **denied**] for the reasons stated above, subject to the following conditions:

1. _____

2. _____

3. _____

4. _____

5. _____

The question of the foregoing resolution was duly put to vote as follows:

	Yes	No	Abstain
Justin Vlietstra	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathleen Hoppin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Lhota	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jared Cook	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JoAnne Shannon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: November 1, 2023

By order of the Zoning Board of Appeals of the Village of Pittsford

Chairperson,
Zoning Board of Appeals

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
REGULAR MEETING**

Wednesday, July 26, 2023, at 6:30 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Susan Lhota
Katie Hoppin
Jared Cook
Mike Reynolds (alternate)

Attorney: Mindy L. Zoghlin
Recording Secretary: Alexandria Torres Vaughn

CALL TO ORDER –

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to open the PZBA meeting for July 26, 2023.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

CONFLICTS OF INTEREST DISCLOSURE

There are no conflicts of interest to disclose as there are no applications for this meeting.

Member Shannon and Vlietstra remind the Deputy Clerk to add a review of the open meetings law and HPB Remote Meeting Resolution to the next meeting agenda.

Motion by Chairperson Vlietstra, and seconded by Member Hoppin, to approve meeting minutes for June 7, 2023.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Motion by Member Hoppin and seconded by Member Shannon to accept Resolution-9 Area Variance, 5 Austin Park.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Motion by Member Hoppin and seconded by Member Shannon to accept Resolution-10 Site Plan, 5 Austin Park, with corrections to add the date received by the Building Inspector.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Motion by Chair Vlietstra and seconded by Member Hoppin to accept Resolution-11 Site Plan, 5 State Street, with corrections to the Type 2 pursuant, striking 16.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
REGULAR MEETING**

Wednesday, July 26, 2023, at 6:30 PM

Motion by Chairperson Vlietstra, and seconded by Member Cook, to approve meeting minutes for April 25, 2023, as amended.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Motion by Chairperson Vlietstra and seconded by Member Shannon to close the PZBA meeting held on July 26, 2023.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Chair Vlietstra shares a brief recap of Village updates regarding the Short-Term Rental Moratorium and discussions of tree ordinances.

Alexandria Torres Vaughn, Recording Secretary

Further detailed information about this specific meeting is available on the website.