



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

MARCH 3, 2015

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present

Albert F. Meilutis, Chairman

Andrew P. Forsythe

Thomas Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Robert J. Bilsky

Additions, Deletions and Continuances to the Agenda

Announcements

BOARD OF ZONING APPEALS MINUTES
March 3, 2015

OLD BUSINESS

None

NEW BUSINESS:

1. Applicant: Jorge Alas
Location: 20 Chippendale Road
Mon. Co. Tax No.: 060.83-4-16
Zoning District: R1-E (Single Family Residential)
Request: An area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet) to be located in a front yard, where accessory structures, including sheds, are permitted in rear yards only. Sec. 211-11 E(3)

On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of April 7, 2015, in order to give the applicant time to gather more information that the Board has requested.

VOTE:	Mr. Bilsky	Absent	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

**Motion Carried
Application Continued Until
Meeting of April 7, 2015**

BOARD OF ZONING APPEALS MINUTES
March 3, 2015

2. Applicant: Joseph Ciravola
Location: 41 Widedon Landing
Mon. Co. Tax No.: 025.04-3-62
Zoning District: R1-E (Single Family Residential)
Request: A Special Use Permit for a proposed in-law apartment (approximately 528 square feet). Sec. 211-11 C(2)(e)

Ms. Nigro offered the following resolution and moved for its adoption:

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 41 Widedon Landing, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes a Type II action under SEQR. (SEQR Regulations, §617.5(c)(9).)
2. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQR requires no further action relative to this proposal.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	Absent	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried

Ms. Nigro then offered the following resolution and moved its adoption:

Mr. Chairman, with regard to the application of Joseph Ciravola, 41 Widedon Landing, Mr. Ciravola appeared before the Board of Zoning Appeals this evening for the request of a special use permit for a proposed in-law apartment (approximately 528 square feet).

BOARD OF ZONING APPEALS MINUTES
March 3, 2015

WHEREAS, on the main motion, the findings of facts are as follows: This parcel is located at 41 Widgeon Landing in an R1-E (Single-Family Residential) district. The parcel is approximately 88 feet x 154 feet. It contains a two-story, single-family dwelling, with an attached garage.

Mr. Ciravola appeared before the Board this evening and has stated that he has lived at the residence since 2008. He is constructing this in-law apartment for his mother- and father-in-law to provide an easier transition of care due to declining health. The size of this addition or apartment will be approximately 528 square feet. Construction will begin in April. There will be no separation of utilities. Additionally, no neighbors spoke opposing this request.

The in-law apartment may be occupied only by members of the family unit occupying the main part of the dwelling or by the in-laws of the member of the family unit. As stated by the applicants, it will be occupied by his mother- and father-in-law.

The area of the in-law apartment does not exceed 30% of the total area of the residence. Occupancy of the apartment shall be non-transferrable to subsequent owners. A new owner of the premises shall have to apply to the Board of Zoning Appeals for a waiver of a special use permit to continue the in-law apartment use.

The in-law apartment use shall be able to have a separate means of ingress and egress, but must also have an internal access point connecting the two. There is a separate entrance to the property from the outside, and there is an internal access as well.

If an in-law apartment becomes vacant, the family occupying the main part of the dwelling shall have full use and occupancy of the in-law apartment as if it were an integral part of the dwelling without further permitting by the Town. The applicant understands that should the in-law no longer be used by an in-law, that it shall be used as a portion of the principal dwelling and not rental property.

The exterior appearance, if an in-law apartment is located in or attached to the principal dwelling the design of the unit and its entry shall be such that to the degree reasonably feasible, the appearance of the building will remain as a single-family residence, which blends with the existing dwelling. Any residence containing an in-law apartment shall be considered a single-family residence.

The in-law apartment shall meet the standards of Title 19 NYCRR, the Building Code for New York State, for habitable space.

Based on the findings of fact, I am going to approve this application with the following conditions:

1. That the existing shed shall be removed and/or brought into compliance by Town Code by the homeowner prior to obtaining all necessary permits for the construction of the in-law apartment.
2. That the exterior of the in-law addition to the house shall be consistent with the balance of the house.

BOARD OF ZONING APPEALS MINUTES
March 3, 2015

Seconded by Mr. Hartwig and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	Absent	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
March 3, 2015

ADJOURNMENT: 7:50

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____

Date: _____

Albert F. Meilutis, Chairman

NEXT MEETING: Tuesday, March 17, 2015, meeting has been cancelled.

Next Meeting is April 7, 2015