



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

MARCH 15, 2016

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 T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Robert J. Bilsky

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business:

1. Applicant: Indus Real Estate II, Inc.
Location: 2585 West Ridge Road & 1271 Long Pond Road
Mon. Co. Tax No.: 74.14-3-10 & 74.14-3-13
Zoning District: BR (Restricted Business)
Request:
 - a) An area variance for a proposed principal building to have a front setback of 78.0 feet (measured from the south right-of-way line of West Ridge Road), instead of the 85.0 feet minimum required. Sec. 211-17 B (4), Table III
 - b) An area variance for a proposed parking area (145± linear feet) to be located a distance of 5.0 feet to 8.0 feet from the south right-of-way line of West Ridge Road, instead of the 20.0 feet minimum required. Sec. 211-17 B (4), Table III
 - c) An area variance for proposed 61 parking spaces, instead of the 81 parking spaces required. Sec. 211-45 S (1); Sec. 211-45 Q

Mr. Hartwig 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 2585 West Ridge Road & 1271 Long Pond Road, 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 "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted

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from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.

7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
12. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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Seconded by Ms. Nigro 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

Mr. Hartwig then offered the following resolution:

WHEREAS, with regard to the application of Indus Real Estate II, Inc., 2585 West Ridge Road and 1271 Long Pond Road, Mr. Kip Finley and Mr. Matt Tomlinson, representing the applicant, appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed principal building to have a front setback of 78.0 feet (measured from the south right-of-way line of West Ridge Road), instead of the 85.0 feet minimum required; an area variance for a proposed parking area (145± linear feet) to be located a distance of 5.0 feet to 8.0 feet from the south right-of-way line of West Ridge Road, instead of the 20.0 feet minimum required; and an area variance for proposed 61 parking spaces, instead of the 81 parking spaces required.

On March 1, 2016 Matt Tomlinson of Marathon Engineering, and Jett Mehta of Indus Real Estate appeared before the Board of Zoning Appeals concerning 2585 West Ridge Road and 1271 Long Pond Road, which is located in a BR (Business Restricted) district, in order to request the variances mentioned above. The site plan for these addresses shows a future 6,275-square-foot building. Mr. Mehta stated that 1,850 square feet of this building, which is shown as a coffee shop, would be a future Starbucks location, but as for the remaining 4,425 square feet in the building, no tenants have been identified as of yet.

The setback variances being requested for the principal building and the parking area are needed as the State Department of Transportation acquired land during the widening of West Ridge Road, thereby reducing the parcel size.

Further discussion, then, was concerned about the total number of parking spaces for the site, which is determined by each tenant's type of use. As previously stated, only one tenant for this location has been identified at this time. As such, the applicant will consider withdrawing their request for variance "c" until such time as future tenants have been identified. Consequently, if a parking variance should be required by the new tenants' use, then at that time the applicant would reappear before the Board to request said variance.

Since comments were not received from Monroe County, this application was continued to March 15.

This evening, March 15th, Matt Tomlinson of Marathon Engineering and Kip Finley of Indus appeared before the Board to discuss the parking issue. Kip Finley mentioned that Indus does have a restaurant or corporate restaurant that they are currently utilizing in Geneva where the hours for that restaurant basically are between 5:00 p.m. and 10:00 p.m. He mentioned that they would be willing to change the size of the restaurant to accommodate the stated parking.

In further discussion, Aria Matthews and Jerry Matthews, who own 1273 Long Pond Road, appeared before the Board to state their situation, that their access to West Ridge

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Road could be hindered with this project going forward, and she has approximately 150 students that attend her facility. With further discussion, there was concern from the Board about going forward with this request for parking as tenants have not been identified and as such Indus has agreed to withdraw their request for variance "c" until that point in time where tenants have been identified for the remaining space in the building.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That variance "c" be omitted from the request.
2. That Planning Board approvals be obtained.
3. And that all building permits be obtained and codes satisfied at that point in time.

Seconded by Ms. Nigro 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
Approved Items A & B
With Conditions
Item "c" Voluntarily Withdrawn

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New Business:

1. Applicant: Sam Cimino
Location: 1270 Flynn Road
Mon. Co. Tax No.: 044.04-4-59
Zoning District: R1-E (Single-Family Residential)
Request: a) Appeal from a decision/interpretation/determination by the Building Inspector that a proposed addition to an existing single-family dwelling would create a two-family dwelling, instead of single-family dwelling with an in-law apartment. Sec. 211-5 C (definition of Dwelling Unit), Sec. 211-5 C (definition of In-Law Apartment), Sec. 211-11 (C) (2) (e)
b) A special use permit for a proposed in-law apartment (687± square feet). Sec. 211-11 (C) (2) (e)
c) An area variance for a proposed in-law apartment to have a total gross floor area of 687± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which said in-law apartment is located). Sec. 211-11 C (2) (e) [2]
d) An area variance for a proposed second-story deck (4.0 feet x 10.0 feet; 40.0 square feet) to be located in a side yard, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211- 11 E (3)

On a motion by Mr. Meilutis and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of April 5, 2016 to give the applicant time to review his options.

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 5, 2016**

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2. Applicant: Amy Varel
Location: 46 Albury Drive
Mon. Co. Tax No.: 058.02-7-84
Zoning District: R1-E (Single-Family Residential)
Request: a) A special use permit for an existing in-law apartment. Sec. 211-11 C (2) (e)
b) An area variance for an existing in-law apartment to have a total gross floor area of 1054± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which said in-law apartment is located). Sec. 211-11 C (2) (e) [2]

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 46 Albury Drive, 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 "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9) & (13).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA 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

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

Mr. Chairman, regarding the application of Amy Varel, 46 Albury Drive, Amy Varel appeared before the Board of Zoning Appeals this evening, requesting a special use permit for an existing in-law apartment; and an area variance for an existing in-law apartment to have a total gross floor area of 1054± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which said in-law apartment is located).

The findings of fact are as follows. This parcel is located at 46 Albury Drive, in an R1-E (Single Family Residential) District. The parcel contains a two-story, single-family dwelling built in 2007, with an attached in-law apartment and garage. The overall square footage is approximately 4200 square feet. The applicant, Amy Varel, who currently resides at 243 Chelsea Meadows Drive, appeared before the Board, and has stated that she is currently under contract with the current owner. They have a purchase offer on the home, and the current owner has submitted a letter allowing them to move forward with the special use permit application.

The existing in-law apartment was built as part of the original build and did not have any prior approvals for an in-law apartment. The applicant states that her in-laws will reside in the apartment so that it would be easier to care and provide for them. The applicant has stated that it will be a hardship to comply with code. Neighbors at 52 Albury expressed some concern of what had happened in the past, but were not against this particular in-law now, and also there was a letter from a neighbor at 32 Sotheby Drive that was submitted opposing the request.

In going through the in-law apartment requirements for a special use permit:

1. The in-law apartment may be occupied only by members of the family unit occupying the main part of the dwelling or by in-laws of the member of the family unit. As stated by the applicants, it will be occupied by her in-laws.
2. The area of the in-law apartment shall not exceed 30% of the total area of the residence. Actually it does exceed, but the applicant has requested an area variance as it would be a financial hardship for the applicant to adhere to the 600 square feet at this time.
3. 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.
4. 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 are three separate entrances to the property from the outside and there are also two internal access through the inside of the home, one being in the mud room.
5. 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 of the town. The applicant understands that, should the in-law no longer be used by an in-law, it shall be used as a portion of the principal dwelling and not be a rental property.
6. Regarding 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 it does.

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7. Any residence containing an in-law apartment shall be considered a single family residence.
8. The in-law apartment shall meet the standards of Title 19NYCRR, the building code of New York State, for habitable space.

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

1. That this is non-transferable to subsequent owners.
2. The applicant must reapply every year to verify who resides in the in-law apartment.

Seconded by Mr. Shea 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

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3. Applicant: Roberta Majka
Location: 810 Beach Avenue
Mon. Co. Tax No.: 046.02-2-34
Zoning District: R1-12 (Single-Family Residential)
Request: a) An area variance for a proposed two-story addition (204± square feet) to have a front setback of 161.0± feet (measured from the north right-of-way line of Beach Avenue), instead of the 145.0 feet maximum established by the neighborhood average. Sec. 211-11 D (2), Table I, Sec. 211-11 D (1)
b) An area variance for a proposed covered porch addition (192± square feet) to have a (east) side setback of 6.2 feet, instead of the 8.0 feet minimum required. Sec. 211-11 D (2), Table I
c) An area variance for a proposed second-story deck (221± square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)

Mr. Forsythe 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 810 Beach Avenue, 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 "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (10), (12) & (13).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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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

Mr. Forsythe then offered the following resolution:

WHEREAS, with regard to the application of Roberta Majka, 810 Beach Avenue, Mr. Blake Held, representing the applicant, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed two-story addition (204± square feet) to have a front setback of 161.0± feet (measured from the north right-of-way line of Beach Avenue), instead of the 145.0 feet maximum established by the neighborhood average; an area variance for a proposed covered porch addition (192± square feet) to have a (east) side setback of 6.2 feet, instead of the 8.0 feet minimum required; and an area variance for a proposed second-story deck (221± square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. Mr. Blake Held is here representing Ms. Majka; he is the architect for the additions that are being done. The parcel is located at 810 Beach Avenue, and is located in an R1-12 (Single-Family Residential) neighborhood. Mr. Held appeared before the Board this evening stated that Ms. Majka has resided at the residence for about 16 years. They are requesting three variances: #1 is for a proposed two-story addition that they are going straight up in the back, and the first floor is going to be for a kitchen, and the second portion is going to be an addition to the master bedroom. Additionally, there is a proposed covered porch addition, which again is a setback of 6.2 feet, but it is in line currently with the house instead of the 8.0 feet minimum required; that is more of a cleanup issue in regard to the setback of 6.2 feet versus the 8.0 feet. And then finally, a proposed deck that is going to be on the front side of the waterfront lot, where accessory structures such as decks are not permitted. The purpose for that is to sit and there are no plans to have hot tubs or any burning structures. Additionally, they are going to be removing the current siding and putting cedar shingles on the residence as well. This is the applicant's full-time residence.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That the applicant obtains all the necessary permits.
2. That the applicant stays within all Town code requirements, except for these variances.
3. That the applicant provides a Coastal Erosion Zone stakeout prior to construction.

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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

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4. Applicant: Crescent Beach Restaurant and Hotel, LLC
Location: 1372 Edgemere Drive
Mon. Co. Tax No.: 035.09-1-23
Zoning District: BR (Restricted Business)
Request: An area variance for a proposed pavilion (48.0 feet x 90.0 feet; 4320 square feet) to have a front setback of 28.0± feet (measured from Lake Ontario), instead of the 85.0 feet minimum required. Sec. 211-17 B (4), Table III

Mr. Hartwig 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 1372 Edgemere Drive, 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 "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (10) & (12).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA 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

Mr. Hartwig then offered the following resolution:

WHEREAS, with regard to the application of Crescent Beach Restaurant and Hotel, LLC, Mr. Richard Giraulo from Ladieu Consultant, representing the applicant, appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed pavilion (48.0 feet x 90.0 feet; 4320 square feet) to have a front setback of 28.0± feet (measured from Lake Ontario), instead of the 85.0 feet minimum required.

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WHEREAS, the findings of fact are as follows. This structure is going to be constructed at 1372 Edgemere Drive, which is located in a BR (Restricted Business) district. This structure is going to be constructed next to the current Crescent Beach Hotel. The need for this pavilion would be for weddings, anniversaries, parties, and additional outdoor dining space. The pavilion will be in line with the existing structure that has been in place for approximately 30 years, so the existing setback of the restaurant will be utilized by this pavilion. Once constructed, the pavilion cannot be any further north than the current location of the restaurant.

We have a correspondence from Robert Drexler, the Town's Fire Marshal, saying that he has to make it clear that the pavilion is completely open on all four sides providing immediate means to exit from underneath. Any materials installed in the pavilion acting as side walls—weather protection—is not permitted under the "U" occupancy classification; this would trigger perhaps sprinklers, even if it is a temporary weather protection, so the recommendation or the comments from our Fire Marshal is that it cannot be enclosed.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That Planning Board approval must be obtained.
2. That there will be no permanent enclosures of any kind associated with this structure now or in the future.
3. That this structure cannot at any time protrude further north than the existing structure and once the Planning Board approval has been obtained, then all building permits need to be filed, obtained and codes satisfied.

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
Application Approved
With Conditions

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5. Applicant: The Church of Mother of Sorrows
Location: 5000 Mount Read Boulevard & 1737-1777 Latta Road
Mon. Co. Tax No.: 046.14-8-1
Zoning District: R1-12 (Single-Family Residential)
Request: In order to subdivide an existing lot with an address of 5000 Mount Read Boulevard, the following variances are requested:
- Lot 1 (1737-1777 Latta Road)
- a) An area variance for an existing building (former church) to have a front setback of 26.5 feet (measured from the south right-of-way line of Latta Road), instead of the 91.3 feet minimum established by the neighborhood average. Sec. 211-11 D (1), Sec. 211-11 D (2), Table I
- b) An area variance for an existing building (former church) to have a front setback of 9.9 feet (measured from the east right-of-way line of Mount Read Boulevard), instead of the 91.3 feet minimum established by the neighborhood average. Sec. 211-11 D (1), Sec. 211-11 D (2), Table I
- Lot 2 (5000 Mount Read Boulevard)
- a) An area variance for a proposed second freestanding sign (3.0 feet x 4.0 feet; 12.0 square feet), instead of the one (1) 25.0 square-foot sign permitted. Sec. 211-52 A (2) (c)
- b) An area variance for a proposed second freestanding sign (3.0 feet x 4.0 feet; 12.0 square feet) to have a front setback of 1.0 feet (measured from the east right-of-way line of Mount Read Boulevard), instead of the 15.0 feet minimum required; and for the lowest side of said sign to be 4.0 feet above the nearest grade, instead of the 7.0 feet minimum required. Sec. 211-52 A (2) (d)

Mr. Shea 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 5000 Mount read Boulevard & 1737-1777 Latta Ropad, 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 "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest were afforded an opportunity to be heard.

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3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
12. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations

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offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

Mr. Shea then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of The Church of Mother of Sorrows, 5000 Mount Read Boulevard and 1737-1777 Latta Road, Richard Giraulo and Father Coffas appeared before the Board of Zoning Appeals this evening, requesting variances needed, as mentioned above, in order to subdivide an existing lot with an address of 5000 Mount Read Boulevard.

The findings of fact are as follows. This property is in an R1-12 (Single-Family Residential) zoning district. In order to subdivide an existing lot with an address of 5000 Mount Read Boulevard, the following variances are requested:

Lot 1 (1737-1777 Latta Road)

- a) An area variance for an existing building (former church) to have a front setback of 26.5 feet (measured from the south right-of-way line of Latta Road), instead of the 91.3 feet minimum established by the neighborhood average
- b) An area variance for an existing building (former church) to have a front setback of 9.9 feet (measured from the east right-of-way line of Mount Read Boulevard), instead of the 91.3 feet minimum established by the neighborhood average.

Lot 2 (5000 Mount Read Boulevard)

- a) An area variance for a proposed second freestanding sign (3.0 feet x 4.0 feet; 12.0 square feet), instead of the one (1) 25.0 square-foot sign permitted.
- b) An area variance for a proposed second freestanding sign (3.0 feet x 4.0 feet; 12.0 square feet) to have a front setback of 1.0 feet (measured from the east right-of-way line of Mount Read Boulevard), instead of the 15.0 feet minimum required; and for the lowest side of said sign to be 4.0 feet above the nearest grade, instead of the 7.0 feet minimum required.

WHEREAS, on the main motion; we have identified the nature of the area variances, but I think we have to explain a little bit about the fact that these variances are really to cleanup an existing site. The reason that we are considering these variances is because the church has existed and the buildings are where they were, but they do not conform to our

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current code, so they are not asking to build anything new. They are not asking to recreate the church; it's recognizing the conditions as they exist that do not conform.

WHEREAS; the findings of fact are as follows. Father Coffas and Mr. Richard Giraulo representing Our Mother of Sorrows Church appeared before the Board of Zoning Appeals this evening, requesting four area variances mentioned above. This old big church, a landmark in our town, is on the National Register of Historic places; it was completed in 1878. The church's small size, combined with its age and infrastructure, prompted construction of a more suitable edifice. In 1966, Our Mother of Sorrows Church opened at 5000 Mount Read Boulevard. Over the years, this intersection at Mount Read Boulevard and Latta Road was expanded to four lanes of traffic, thus greatly reducing the open space on the north and west sides of the church. The cemetery located between the old and new churches has about 460 gravestones, the oldest dating to 1823. Currently, there is no visible signage identifying the cemetery on the site. With the sale of the old church, it makes sense that the cemetery be properly identified with signage that is easily visible from the road. In conclusion, I move to approve this application with the following conditions:

1. That the sign not be illuminated.
2. The approval is for the life of the sign.

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

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ADJOURNMENT: 8:55 p.m.

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: April 5, 2016