



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

APRIL 5, 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: James Pilkenton
Location: 165 Barcrest Drive
Mon. Co. Tax No.: 060.09-5-16
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for an existing principal structure to have a (south) side setback of 6.4 feet, instead of the 7.6 feet granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 D (2), Table I
 - b) An area variance for an existing deck (1334.8± square feet) to have a (north & west) side setback of 0.0 feet, instead of the 8.0 feet minimum required. Sec. 211-11 E (1), Table I
 - c) An area variance for existing accessory structures, totaling 1083.4± square feet, instead of the 972.0 square feet granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 E (1), Table I
 - d) An area variance for proposed lot coverage of 42.8%, instead of the 28% granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 D (2), Table I
 - e) An area variance for an existing 6.0-foot-high, closed-construction fence on a deck (35.3± linear feet) to have a (north) side setback of 0.0 to 7.4 feet, instead of the 8.0 feet minimum required. Sec. 211-47 C (2)
 - f) An area variance for an existing 6.0-foot-high, closed-construction fence on a deck (20± linear feet) to have a rear setback of 0.0 feet, instead of the 36.8 feet minimum required. Sec. 211-47 C (2)
 - g) An area variance for an existing closed-construction fence (67± linear feet) to have a height ranging from 7.3± feet to 8.7± feet (measured from the top of said fence to the ground directly beneath it), instead of the 6.0 feet maximum permitted. Sec. 211-47

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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 May 3, 2016 in order to give the applicant time to correspond with Rochester Gas & Electric Corporation and come up with an agreement.

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 May 3, 2016

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2. 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)
e) An area variance for a proposed in-law apartment addition (20.0 feet x 30.0 feet; 600.0 square feet) to have a rear setback of 31.5± feet, instead of the 45.4 feet minimum required. Sec. 211-11 D (2), Table I

Mr. Meilutis 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 1270 Flynn 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 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.

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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. Meilutis then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of Sam Cimino, 1270 Flynn Road, Mr. Cimino and his contractor, Joe Stinardo, appeared before the Board of Zoning Appeals at the last meeting and this evening, requesting an 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; a special use permit for a proposed in-law apartment (687± square feet); 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); 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; and an area variance for a proposed in-law apartment addition (20.0 feet x 30.0 feet; 600.0 square feet) to have a rear setback of 31.5± feet, instead of the 45.4 feet minimum required.

WHEREAS, the findings of fact are as follows. On March 15, 2016, Mr. Sam Cimino and his contractor, Joe Stinardo, appeared before the Board to request the aforementioned variances. Mr. Cimino has lived at the residence since 2005 and is now looking to construct an in-law addition to his existing single-family home. Mr. Cimino's mother, Linda Cimino, would be inhabiting the apartment, and staff has confirmed this by the way of a notarized document submitted by the applicant. The original in-law proposal was for 687± square feet, a second-story apartment which would only be assessable via a man door and staircase from the garage of the dwelling unit and a man door from an existing bedroom. Also during said meeting, the Board was in receipt of an interpretation by the Town's Building Inspector, Leo Carroll, in which Mr. Carroll believed the applicant's proposal was not in fact an in-law apartment, but instead a duplex or two-family dwelling. Mr. Carroll based his interpretation that the original design lacked an unobstructed entrance from a common area of the main dwelling unit, the ability of the apartment to be used by an individual who was not a member of the family, and the presence of a second-story deck in the side yard, which would result in the apartment not being incidental, secondary, or subordinate to the primary single-family residential use. After discussion, the Board agreed with the Building Inspector's interpretation and the Board voted to continue the applicant's request to the meeting of April 5.

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This evening, Mr. Cimino and Mr. Stinardo have appeared back before the Board. Since the last meeting, the applicant has submitted a new proposal, which would be a single-story in-law addition, to be located on the north side of the property. The addition would be approximately 555± square feet and would contain a kitchen, living room, bathroom, and bedroom. The space would be accessible via a man door from an existing shared laundry room, which is located next to the dwelling unit's kitchen. The updated layout provided by the applicant is a design that is much more acceptable and is similar in layout to other in-law additions this Board has approved. Therefore, Item A of this application, an appeal of a decision/interpretation of the Building Inspector can be withdrawn. Also, as result of the elimination of the second-story addition, Item D, the second-story deck, can also be withdrawn.

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 previously, the in-law apartment will be inhabited by Mr. Cimino's mother, Linda Cimino.
2. The floor area of an in-law apartment shall not exceed 30% of the gross floor area, exclusive of attached garages, of the one-family dwelling in which such apartment is located or 600 square feet, whichever is less. While the proposed in-law apartment is less than 600 square feet, it is just over the 30% of the gross floor area of the existing house, which is 552 square feet. However, the applicant has requested a variance for the size, that being Item C.
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 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. In this case, the proposed in-law addition would have internal access via a door which connects to an existing laundry room and kitchen area. Also, the apartment would have its own ingress and egress on the north side.
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.
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. The construction of the in-law addition would require a permit from the Building Department, and would be required to comply with the New York State Building Code.

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

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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. The special use permit is non-transferable to subsequent owners.
2. The applicant must submit to the Town annually the inhabitant of the in-law apartment.
3. The size of the in-law apartment shall not exceed 555 square feet.
4. And the applicant must obtain all necessary building permits.

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
Items "b," "c" & "e" Approved
With Conditions
Items "a" and "d" Withdrawn

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New Business:

1. Applicant: Rory Raymond
Location: 437 Latona Road
Mon. Co. Tax No.: 074.19-5-14
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed attached garage addition (20.6 feet x 24.0 feet; 494.4 square feet), resulting in a total gross floor area of 1078 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted where on lots with a lot area less than 16,000 square feet. Sec. 211-11 E (1), Table I
 - b) An area variance for a proposed attached garage addition (20.6 feet x 24.0 feet; 494.4 square feet) to have a rear setback of 40.5± feet, instead of the 44.3 feet minimum required. Sec. 211-11 D (2), Table I

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 437 Latona 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(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.

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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 and moved its adoption:

Mr. Chairman, regarding the application of Rory Raymond, 437 Latona Road, Rory Raymond appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed attached garage addition (20.6 feet x 24.0 feet; 494.4 square feet), resulting in a total gross floor area of 1078 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted where on lots with a lot area less than 16,000 square feet; and an area variance for a proposed attached garage addition (20.6 feet x 24.0 feet; 494.4 square feet) to have a rear setback of 40.5± feet, instead of the 44.3 feet minimum required.

The findings of fact are as follows. The parcel is located at 437 Latona Road and is located in an R1-E Single-Family Residential neighborhood. The applicant, Rory Raymond, appeared before this Board this evening, stating that he has lived at this residence, for the second time, for approximately 10 years. Mr. Raymond stated that the proposed attached garage addition is needed for the following reasons. He is a collector of cars and he has four collective cars, two of which are now being kept in storage, while the other two are inside the current garage; he currently parks his regular vehicles that he drives outside. He indicated that the only utilities that would be inside the attached garage or the secondary garage will be for lighting and electric. The structure is going to match the current structure of the house, the siding, the roofline and everything. He will work on this project with a friend who is a retired contractor. The plan for the new garage is to store all four of the collector cars and/or other vehicles he owns.

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 necessary building permits.
2. And that the garage complies with all Town and building code requirements.

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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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2. Applicant: Norman Carlson
Location: 3108 Ridgeway Avenue
Mon. Co. Tax No.: 088.03-1-5.12
Zoning District: R1-18 (Single-Family Residential) & CCO (Canal Corridor Overlay)
Request: a) A special use permit for the storage of flammable, combustible, or hazardous materials (propane) in an underground tank (500 gallons) in a residential district. Sec. 211-26 B
b) An area variance for an existing shed (10.0 feet x 20.0 feet; 200.0 square feet) to have a setback of 16.7 feet from the right-of-way of the Erie Canal, instead of the 20.0 feet minimum required. Sec. 211-20 D (1) (b) [2]

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 3108 Ridgeway 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)(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 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 and moved its adoption:

Mr. Chairman, regarding the application of Norman Carlson, who resides at 3108 Ridgeway Avenue, in an R1-18 Single-Family Residential and Canal Corridor Overlay district, Mr. Carlson appeared before the Board of Zoning Appeals this evening, requesting a special use permit for the storage of flammable, combustible, or hazardous materials (propane) in an underground tank (500 gallons) in a residential district; and an area variance for an existing shed (10.0 feet x 20.0 feet; 200.0 square feet) to have a setback of 16.7 feet from the right-of-way of the Erie Canal, instead of the 20.0 feet minimum required.

The findings of fact are as follows. Mr. Carlson said that he has owned the property for approximately two years and has bought the property first as vacant land and has since built a primary structure for a house on it. As he bought the house and constructed it, there were no utility or gas lines in place. As such, the contractor suggested for a least-cost alternative fuel source to use propane gas. Subsequently, an underground tank was installed and is being leased by Suburban Propane, and, according to the Greece Building Department, it was installed according to code and was inspected as such. In addition, Mr. Carlson mentioned that the shed has been in place for about five months, but is not permanently attached to the ground and can be moved. He has offered to relocate the shed to be in accordance with the setback of 20 feet and he mentioned that it could be accomplished by the first of August. As such, he has withdrawn his request for variance "b" for the shed due to the relocation.

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 Mr. Carlson will adhere to all state, federal and local ordinances and codes relative to the Canal location.
2. That Mr. Carlson would be subject to annual inspections of the propane tank by the Building Department and Town Fire Marshal.
3. That Mr. Carlson, every three years, will submit a statement from the owner of the tank stating that the tank is in good and operating condition.
4. That the special use permit for this underground tank is non-transferrable and any future homeowner would have to reapply to the Board for this permit.

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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
Item "a" Approved
With Conditions
Item "b" Withdrawn

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3. Applicant: Douglas Day
Location: 52 Saint Pierre Drive
Mon. Co. Tax No.: 088.04-1-7
Zoning District: R1-12 (Single-Family Residential)
Request: An area variance for a proposed principal building (single-family dwelling) to have a front setback of 25.0± feet (measured from the north right-of-way line of Saint Pierre Drive), instead of the 40.0 feet minimum required. Sec. 211-11 D (2), Table I

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 52 Saint Pierre 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), (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.

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 Douglas Day, 52 Saint Pierre Drive, Mr. Robert Fitzgerald, his representative, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed principal building (single-family

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dwelling) to have a front setback of 25.0± feet (measured from the north right-of-way line of Saint Pierre Drive), instead of the 40.0 feet minimum required.

The findings of fact are as follows. Regarding this application of Douglas Day and Dawn Worden, who reside in Miami, Florida, their engineer, Mr. Robert Fitzgerald of 1255 University Avenue, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed principal building (single-family dwelling) to have a front setback of 25.0± feet (measured from the north right-of-way line of Saint Pierre Drive), instead of the 40.0 feet minimum required. Mr. Robert Fitzgerald, the engineer for the potential owners, appeared tonight before the Board, requesting an area variance for a single-story 1856-square-foot dwelling to have a setback of 25.0± feet (measured from the north right-of-way line of Saint Pierre Drive), instead of the 40.0 feet minimum required. This parcel is located at 52 Saint Pierre Drive, off Elmgrove Road just south of Greece Canal County Park. Currently, this property is owned by Saint Jude Church in Gates, New York, and the homes in that immediate area have an approximately 24-foot setback from the street and because of any sloping contour of the property, especially in the back of the property, it becomes necessary to construct a new home closer to the road than the 40.0 feet minimum required. Also, the owner has to install a septic tank in the back yard, which requires additional space. Also, Mr. Daryl Hardes at 67 Saint Pierre Drive appeared before the Board tonight with his concerns listed on the attached sheet. Mr. Hardes expressed his concern, legitimately so, about the street being narrow, the woods being eliminated possibly changing the character of the area, and prefers to have the Town to purchase the land and keep it accessible to the citizens and keep it for historical concerns.

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 condition that all necessary building permits and Town approvals be obtained before starting construction.

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 Condition

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4. Applicant: Michael Brucato
Location: 1700 Manitou Road
Mon. Co. Tax No.: 073.01-1-27
Zoning District: BG (General Business)
Request: A waiver of the requirements for a new special use permit for the sale or lease of new and used cars and trucks, including related repair or service facilities; and outdoor storage or display area for sale or lease of such motor vehicles. Sec. 211-17 C (3) (b) [3], Sec. 211-17 C (3) (b) [4], Sec. 211-60 A (7)

Mr. Jensen 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 1700 Manitou 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(26).)
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 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. Jensen then offered the following resolution:

WHEREAS, with regard to the application of Michael Brucato, 1700 Manitou Road, Mr. Brucato appeared before the Board of Zoning Appeals this evening, requesting a waiver of the requirements for a new special use permit for the sale or lease of new and used cars

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and trucks, including related repair or service facilities; and outdoor storage or display area for sale or lease of such motor vehicles.

The findings of fact are as follows. Michael Brucato, who resides at 94 Emberglow Lane, appeared before the Board of Zoning Appeals, requesting a waiver for 1700 Manitou Road; this will be Superior Auto Care. The applicant is requesting a waiver of the requirements for a new special use permit for the sale or lease of new and used cars and trucks, including related repair or service facilities; and outdoor storage or display area for sale or lease of such motor vehicles.

The applicant, Mr. Michael Brucato, is in the process of buying the business from Michael Keefer from Marsh Motors. Back in 2003, Marsh Motors had a special use permit for this parcel for used car auto sales along with minor vehicle repairs. The applicant is familiar with the previous special use permit and he will continue to live by that agreement. Hours of operation will continue to be from 8:00 a.m. to 8:00 p.m. Mondays through Thursdays; he will be open Fridays and Saturdays from 8:00 a.m. to 5:00 p.m.; and will maintain three employees. The applicant will continue to do minor vehicle repairs and continue, like we stated before, to live within the previous special use permit that was granted in 2003.

I move to approve this application with the following conditions:

1. That the administrative review and approval will take place on the front of the property on the 20-foot buffer area that was stated in the 2003 approval.
2. And that the applicant will adhere to all conditions of the previously issued permit.

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**

BOARD OF ZONING APPEALS MINUTES
April 5, 2016

5. Applicant: LePores Inc.
Location: 3208 Latta Road
Mon. Co. Tax No.: 045.03-1-11
Zoning District: BR (Restricted Business)
Request: a) An area variance for a proposed building-mounted sign (3.9 feet x 7.8 feet; 30.4 square feet), instead of the one (1) 18-square-foot building-mounted sign maximum permitted. Sec. 211-52 B (2) (c) [1], Table VII
b) An area variance for a portion of a proposed menu board (3.1 square feet) to be an electronic reader board type, containing flashing, intermittent, rotating or moving lights, where such signs are not permitted, except to show time and temperature. Sec. 211-51 F (4)

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 3208 Latta 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 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.

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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 design features 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.

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

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Ms. Nigro then offered the following resolution:

WHEREAS, with regard to the application of LePores Inc., 3208 Latta Road, Frank LePore and his son Eric LePore appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed building-mounted sign (3.9 feet x 7.8 feet; 30.4 square feet), instead of the one (1) 18-square-foot building-mounted sign maximum permitted; and an area variance for a portion of a proposed menu board (3.1 square feet) to be an electronic reader board type, containing flashing, intermittent, rotating or moving lights, where such signs are not permitted, except to show time and temperature.

The findings of fact are as follows: Frank LePore and Eric Lepore, Abbot's franchise owners, appeared before the Board and stated that the building-mounted sign is south facing and will be positioned between the end of the building and the entrance doors. It will be lighted with LED lighting, and it is 100 feet from the road. This is a new site; they are not yet in this location. County comments were received, with no issues. The applicant has chosen to remove or withdraw Item "b," the proposed menu board. No one spoke opposing this request.

Therefore, I move to approve this application, with the following conditions:

1. There will be no promotional signs or boards added in the future.
2. This variance is granted for the life of the sign known as Abbott's Ice Cream.

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
Item "a" Approved
With Conditions
Item "b" Withdrawn

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April 5, 2016

6. Applicant: Mussumeci Properties, LLC
Location: 2750 Dewey Avenue
Mon. Co. Tax No.: 075.33-4-1
Zoning District: DMU (Dewey Avenue Mixed Use)
Request: An area variance for an existing business center to have 15 parking spaces, instead of the 26 spaces required. Sec. 211-17.1 G (4) (a), Sec. 211-17.1 G (4) (b), Sec. 211- 45 Z

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 2750 Dewey 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)(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. 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

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

Mr. Chairman, regarding the application of Mussumeci Properties, LLC, 2750 Dewey Avenue, Michael Mussumeci and Dawn Turnquist Braun, representing themselves, appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing business center to have 15 parking spaces, instead of the 26 spaces required.

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The findings of fact are as follows. The applicants appeared before the Board this evening and stated that this is a hair salon that has four stations; two of those stations will be occupied by four employees, who will alternate their hours. This business runs by appointment, does hair colors, haircuts and wigs. The hours of operation will be Tuesdays through Fridays, 9:00 a.m. to 5:00 p.m., and Saturdays, 9:00 a.m. to 4:00 p.m. Other businesses in this strip mall are "Dewey Beverage" and there is a storage area owned by Mr. Mussumeci. The beverage business does not have a lot of traffic; therefore, it will not take up more than one or two parking spots at any given time. No one spoke opposing this request.

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 condition that this approval is for the life of this business.

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 Condition

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7. Applicant: Vision Buick-GMC
Location: 3740 West Ridge Road
Mon. Co. Tax No.: 073.02-1-72.2
Zoning District: BG (General Business)
Request: An area variance for the temporary outdoor storage or display of goods, merchandise or materials (motor vehicles) in existing parking spaces, where said storage or display shall not impede the passage of pedestrians, fire lanes, driveways or any parking spaces. Sec. 211-25 B (2)

Mr. Jensen 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 3740 West Ridge 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(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 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. Jensen then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of Vision Buick-GMC, 3740 West Ridge Road, a representative for the applicant appeared before the Board of Zoning Appeals this evening, requesting an area variance for the temporary outdoor storage or display of goods,

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merchandise or materials (motor vehicles) in existing parking spaces, where said storage or display shall not impede the passage of pedestrians, fire lanes, driveways or any parking spaces.

The findings of fact are as follows. This evening, Massimo Castelli from Vision Buick GMC, 777 Panorama Trail in Penfield, came before the Board of Zoning Appeals, requesting an area variance for the temporary outdoor storage or display of goods, merchandise or materials (motor vehicles). This is for a used car sale in existing parking spaces in the Elmridge Center, where said storage or display shall not impede the passage of pedestrians, fire lanes, driveways or any parking spaces. The applicant is planning on having a tent sale from April 21 through April 30. The hours of operation will be from 9:00 a.m. to 7:00 p.m., and this will be in the parking lot of the Elmridge Plaza in front of the former Tops Market and currently is not being used. The applicant stated that they will be selling used cars, and they will be having approximately 100 cars for sale. The applicant also stated that they will have 10 employees and they will have a 40-foot x 30-foot tent. All necessary paperwork has been submitted to the Town and will be approved once the Board of Zoning Appeals approves this variance. There will be no portable buildings; they will have a tent. The applicant also stated that there will be a designated area for customer parking, and the applicant is also aware that no pedestrian travel or passages of pedestrians should be obstructed. The fire lanes will not be blocked, and also the driveways will not be blocked. The applicant also stated that there will be balloons only on the antennas of the vehicles and there will be no other materials besides normal signage to identify the tent sale event.

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. As requested by the applicant, this will be a one-time-only variance from April 21 through April 30, 2016.
2. The applicant will also obtain all necessary permits and special event permits from the Town and meet all the requirements set forth by the Town.
3. As offered by the applicant and agreed to by the applicant, this variance will be relinquished at the conclusion of the sale on April 30th.

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
Application Approved
With Conditions

SPECIAL ZONING TOPICS

New Business:

Response to the Town Board notice of intent to become the lead agency for the coordinated environmental review of the request submitted by Benderson Development Company, LLC to rezone 15.19± acres from R1-18 (Single-Family Residential) and BR (Restricted Business) to BG (General Business) on property located at 4057-4231 West Ridge Road.

On a motion by Ms. Nigro and seconded by Mr. Forsythe, it was resolved to vote to consent to the Town Board being the lead agency for the coordinated environmental review of the request submitted by Benderson Development Company, LLC to rezone 15.19± acres from R1-18 (Single-Family Residential) and BR (Restricted Business) to BG (General Business) on property located at 4057-4231 West Ridge Road, 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
Vote Approved

BOARD OF ZONING APPEALS MINUTES
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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 19, 2016

J:\John Agenda Assignments\2015\Agenda 0405 2016.doc