



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

MAY 3, 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 F. 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

On a motion by Mr. Hartwig and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of May 17, 2016, per the request of the applicant.

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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 17, 2016

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2. Applicant: Sean Lemcke
Location: 225 Emery Run
Mon. Co. Tax No.: 045.02-7-34
Zoning District: R1-12 (Single-Family Residential)
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (102± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L
b) An area variance for a proposed 6.0-foot-high, closed-construction fence (15± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-47 A (1)

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 225 Emery Run, 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).)
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

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

Mr. Chairman, regarding the application of Sean Lemcke, 225 Emery Run, Mr. Jeff Vintaloro, a representative, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (102± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction; and an area variance for a proposed 6.0-foot-high, closed-construction fence (15± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height and shall be of open construction.

The findings of fact are as follows. On April 19, 2016 Sean Lemcke, who resides at 225 Emery Run in an R1-12 zoning district, appeared before this Board to request an area variance for a proposed 6.0-foot-high, closed-construction fence (102± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Mr. Lemcke will be installing an in-ground pool in his back yard. As he lives on a corner lot, the requested fence, being of closed construction and six feet in height, would give his family the needed privacy to use the pool. This fence will be of vinyl construction and located 22 feet from the nearest sidewalk, eliminating the need for a Town hold harmless agreement. In addition, the fence's location would not obstruct any lines of vision when entering into or backing out of the driveway.

However, a second variance will be required as a backyard portion of this fence will be adjoining a neighbor's front yard, and it will read as follows: An area variance for a proposed 6.0-foot-high, closed-construction fence (15± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height and shall be of open construction. As such this application was continued to May 3, 2016 in order to advertise this change. This evening, on May 3, 2016, Mr. Jeff Vintaloro appeared before the Board on behalf of Sean Lemcke. It was discussed that no concerns were received from Monroe County or any neighbors concerning these variances.

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 all necessary building permits must be obtained.
2. That the approval of these variances is for the life of this fence only.

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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
Application Approved
With Conditions

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New Business:

1. Applicant: Anne Pepe
Location: 210 Brayton Road
Mon. Co. Tax No.: 060.47-3-35
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed lot coverage of 32.9%, instead of the 25% maximum permitted. 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 210 Brayton 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).)
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. Forsythe then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of Anne Pepe, 210 Brayton Road, Ms. Pepe appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed lot coverage of 32.9%, instead of the 25% maximum permitted.

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The findings of fact are as follows. Mr. Chairman, with regard to the application of Anne Pepe, for the request of an area variance for a proposed lot coverage of 32.9%, now it is going to be 31.6%, instead of the 25% maximum permitted. The parcel is located at 210 Brayton Road and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Anne Pepe, appeared before this Board this evening, and stated that she has lived at the residence for approximately four years. Ms. Pepe currently has lot coverage 27.7 % with her existing house; with the proposed deck, which is going to be 10 feet x 18 feet, it will bring up the lot coverage to 31.6%. Ms. Pepe indicated that the deck is going to be constructed of composite decking, and the purpose of the deck is for entertainment purposes and for a little bit of privacy in the rear yard. She indicated that there is not going to be any enclosure nor is there going to be any electric service, hot tubs, or fire pits on the deck. The main purpose, like I had mentioned, is for entertainment purposes only. She has spoken to a couple of neighbors, and there are no objections and there are no objections on the record with regard to this deck.

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 permits.
2. That the deck be installed within all Town and code requirements.
3. And that the deck be no greater than 10 feet x 18 feet, keeping the lot coverage at 31.6%.

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: Cheryl Vill
Location: 2044 Edgemere Drive
Mon. Co. Tax. No.: 026.20-1-42
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed deck (20.0 feet x 33.0 feet; 660.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted in the rear yard only; and for said deck to have a front setback of 87.0± feet (measured from the north right-of-way line of Old Edgemere Drive) instead of the 70.5± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I
b) An area variance for a proposed deck (20.0 feet x 33.0 feet; 660.0 square feet) to have a (east & west) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I
c) An area variance for a proposed pergola (8.0 feet x 10.0 feet; 80.0 square feet) to be located in a waterfront yard, where accessory structures, such as pergolas, are permitted in rear yards only. Sec. 211-11 E (3)
d) An area variance for a proposed lot coverage of 57.2%, instead of the 40.29% granted by the Board of Zoning Appeals on August 18, 1998. Sec. 211-11 D (2), Table I

On a motion by Mr. Hartwig and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of May 17, 2016 in order to give the applicant time to review their 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 May 17, 2016**

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3. Applicant: Mary Jo Cowley
Location: 43 Desmond Road
Mon. Co. Tax No.: 046.10-3-18
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed aboveground (temporary) pool (22-foot-diameter; round) to be located in a front yard, where accessory structures, such as pools, are permitted in rear yards only. Sec. 211-11 E (3)

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 43 Desmond 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).)
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. Shea then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of Mary Jo Cowley, 43 Desmond Road, Ms. Cowley appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed aboveground (temporary) pool (22-foot-diameter; round) to be

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located in a front yard, where accessory structures, such as pools, are permitted in rear yards only.

The findings of fact are as follows. Ms. Cowley has lived at 43 Desmond Road for 23 years, and appeared before the Board this evening, looking for an approval to install a 22-foot, temporary, aboveground, round pool in her front yard. The parcel is located in an R1-E (Single-Family Residential) zoning district. Since her home is located against the back lot line of her property, the back yard is practically nonexistent. Location of the proposed pool will be at least 10 feet from any structure, and will have a water filtering system, requiring electricity. The applicant has agreed to not install the pool before May 1st and take it down before September 30th; she has agreed to this restriction. There will be no electrical outlets or lights required other than the electricity to run the filtering system. No neighbors spoke for or against this application.

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 will not install the pool before May 1st and will take it down by September 30th each year.
2. That the applicant obtain necessary pool safety regulations required by the Town.

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

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4. Applicant: Steve Adams
Location: 2252 Edgemere Drive
Mon. Co. Tax No.: 026.20-1-15
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed second-story deck (10.0 feet x 16.3 feet; 163.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a (west) side setback of 5.39 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I

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 2252 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)(10).)
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

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

Mr. Chairman, regarding the application of Steve Adams, 2252 Edgemere Drive, Mr. Adams appeared before the Board of Zoning Appeals this evening, requesting an area

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variance for a proposed second-story deck (10.0 feet x 16.3 feet; 163.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a (west) side setback of 5.39 feet, instead of the 6.0 feet minimum required.

The findings of fact are as follows. Second-story decks are quite common in the Edgemere Drive area, and this is not uncommon for these requests for area variances to come before this Board of Zoning Appeals. The applicant has lived at this location since March 2012. The reason for this deck is for an opportunity for Mr. Adams and his family to enjoy the lake experience and to sit on chairs overlooking the lake. This comes off the living room on a second-story addition, which is under construction. The applicant stated that the deck will not be covered; there are no plans for a three-season room or to enclose it. The applicant stated that this will be constructed of pressure-treated lumber, and no neighbors voiced any concerns about this project. The applicant also stated that there are no plans to use and/or store any barbeque grills or fire pits under the deck, and the applicant also said that there are no plans for any hot tubs on the deck.

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 will obtain all necessary permits.
2. That this approval is for the life of the deck.
3. As offered and agreed by the applicant, the deck will not be covered or enclosed, there will be no hot tubs on the deck, and there will be no storage and/or use of barbeque grills or fire pits under the deck.

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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5. Applicant: Thomas Streber
Location: 63 Fallingwood Terrace
Mon. Co. Tax No.: 046.10-3-18
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (78.0± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46L
b) An area variance for a proposed 6.0-foot-high, closed-construction fence (10.0± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-47 A (1)

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 63 Fallingwood Terrace, 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).)
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 and moved its adoption:

Mr. Chairman, regarding the application of Thomas Streber, 63 Fallingwood Terrace, who resides in an R1-E (Single-Family Residential) zoning district, Mr. Streber appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (78.0± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction; and an area variance for a proposed 6.0-foot-high, closed-construction fence (10.0± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height and shall be of open construction.

The findings of fact are as follows. Mr. Streber stated that he has owned this property a little over a year and that there currently is a chain-link fence in place that he is going to replace with a closed-construction fence six feet in height. He would like this fence for privacy for his children when they are in the back yard, and also for their security. The fence will be made out of vinyl. The fence will be located, at its closest portion, approximately 16 feet from the nearest sidewalk, which will eliminate the need for a hold harmless agreement. Due to the placement of the fence, there will not be any vision restrictions upon entering or exiting the driveway. He has spoken to his neighbors and they are in agreement with this; they have no concerns. As a matter of fact, a letter from Nathan Wegman, who resides at 29 Lyncourt, stated that he is in agreement and has no concerns with this project. Also, it was brought to Mr. Streber's attention that letters have been received from RG&E, Paul Hood, dated March 30th, and also Frontier Telecommunications, stating their concerns for easements, and Mr. Streber is aware of that and will accommodate those easements if there is a problem in the future. Mr. Steber understands and agrees that the two agencies are not relinquishing their easements, and that any damage caused by them while working in their easements is Mr. Streber's responsibility. These agencies can make Mr. Streber move the fence or knock it down in order to take care of whatever they have to do in their easement, and the Town cannot be held responsible for that.

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 all necessary building permits must first be obtained.
2. That the approvals are for the life of this fence only.
3. That there should be a hold harmless agreement signed relative to the understanding of the easement situation between RG&E and Frontier. This approval does not make the Town liable for any damages that a third party might do to the fence in the course fulfilling its obligations in its easement, which would be a third-party action over which the Town has no control.

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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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6. Applicant: Thomas Clark
Location: 99 Woodsong Lane
Mon. Co. Tax No.: 046.02-4-49
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed enclosed porch (11.0 feet x 12.0 feet; 132.0 square feet) to be located 5.0 feet from water's edge of an existing aboveground pool, instead of the 10.0 feet minimum required. Sec. 114.12.1 B (2)
b) An area variance for a proposed lot coverage of 26.4%, instead of the 25% maximum permitted. 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 99 Woodsong Lane, 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).)
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

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

Mr. Chairman, regarding the application of Thomas Clark, 99 Woodsong Lane, Mr. Clark appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed enclosed porch (11.0 feet x 12.0 feet; 132.0 square feet) to be located 5.0 feet from water's edge of an existing aboveground pool, instead of the 10.0 feet minimum required; and an area variance for a proposed lot coverage of 26.4%, which is currently what it is because there is already an existing deck there, instead of the 25% maximum permitted.

The findings of fact are as follows. The parcel is located at 99 Woodsong Lane and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Thomas Clark, appeared before this Board this evening and stated that he has lived at the residence for approximately 30 years. Mr. Clark is requesting to enclose his existing 11.0-foot x 12.0-foot deck to make it more of a three-season room to enjoy it throughout the summer and fall and spring months. This enclosed deck is going to be constructed of two-by-fours; it is going to consist of a flat roof. He is going to add electric service into that room for some lights, but there will be no additional—there will be no gas, there will be no heat, and he has agreed to sign a hold harmless due to the closeness of the enclosed porch to the pool, which is five feet, instead of ten feet. The reason that he cannot move the pool to get everything in code is because it is going to be too cost-prohibitive for him to try to move the pool that is existing. He does not have small children, so the concern of someone jumping off the enclosed porch onto the pool has been eliminated due to the children of an age that would be doing that.

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 permits for the installation to meet all Town and code requirements.
2. And that he agrees and signs the hold harmless.

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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7. Applicant Mark Campbell
Location: 36 Dutchmans Hollow
Mon. Co. Tax No.: 045.01-3-67
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed covered porch (7.0 feet x 37.0 feet; 259.0 square feet) to have a front setback of 34.0 feet (measured from the north right-of-way line of Dutchmans Hollow), instead of the 47.6± feet minimum established by the neighborhood average. Sec. 211-11 D (1), 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 36 Dutchmans Hollow, 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).)
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. Shea then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of Mark Campbell, 36 Dutchmans Hollow, Mr. Campbell appeared before the Board of Zoning Appeals this evening, requesting an area

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variance for a proposed covered porch (7.0 feet x 37.0 feet; 259.0 square feet) to have a front setback of 34.0 feet (measured from the north right-of-way line of Dutchmans Hollow), instead of the 47.6± feet minimum established by the neighborhood average.

The findings of fact are as follows. The Campbells, who have resided at 36 Dutchmans Hollow for 14 years, appeared before the board this evening to obtain approval to build a covered porch (7.0 feet x 37.0 feet) to have a front setback of 34.0 feet (measured from the north right-of-way line of Dutchmans Hollow), instead of the 47.6± feet minimum established by the neighborhood average. The location of the porch, the covered porch, will be along the front of the main home from the driveway to the west corner. The roofing material will be similar to the existing home and will retain the front entrance door lighting. No other electrical outlets will be installed, and they do not plan to enclose the porch. No one appeared before the Board to speak either in favor or against the application.

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 condition:

1. That the applicant shall obtain all necessary Town permits for the installation of this porch.

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 Condition

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8. Applicant: Majed Shaibi
Location: 14 Ballad Avenue
Mon. Co. Tax No.: 074.06-1-1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (129± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

On a motion by Mr. Jensen and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of May 17, 2016 in order to give the Traffic Advisory Committee time to review the location of this fence.

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 17, 2016**

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ADJOURNMENT: 8:25 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: May 17, 2016