



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

JUNE 21, 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

Robert J. Bilsky

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

Additions, Deletions and Continuances to the Agenda

Announcements

BOARD OF ZONING APPEALS MINUTES
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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 Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of August 16, 2016 in order to give the applicant and staff time to review their options.

VOTE:	Mr. Bilsky	Yes	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 August 16, 2016**

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2. Applicant: Bell Atlantic Mobile of Rochester, L.P. (d.b.a. Verizon Wireless)
Location: 2419 Latta Road
Mon. Co. Tax No.: 045.20-1-1.11
Zoning District: R1-44 (Single-Family Residential)
Request: a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (128 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. Sec. 211-56 A
b) An area variance for the use of barbed wire (196± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in Section 211-49. Sec. 211-46 E

On a motion by Mr. Bilsky and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of July 5, 2016 in order to give the applicant time to gather more information that the Board requested.

VOTE:	Mr. Bilsky	Yes	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 July 5, 2016**

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3. Applicant: Marlands Shore Association, Inc.
Location: 123 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-9
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed shed (12.0 feet x 16.0 feet; 192.0 square feet) on a vacant lot, resulting in two (2) accessory structures to be located on a lot without a principal building, instead of the one (1) accessory structure (picnic shelter) granted by the Board of Zoning Appeals on April 3, 2001. Sec. 211-5 (Structure, Accessory)

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 123 Shoreway 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. Hartwig and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	yes	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 Marlands Shore Association, Inc., 123 Shoreway Drive, the president of Marlands Shore Association, Brian Romeo of 151 Shoreway Drive, appeared before the Board of Zoning Appeals on June 7th, and tonight he brings with him Eric Hiebler of 127 Shoreway Drive, who is a board member and also property manager. He is requesting an area variance for a proposed shed (12.0 feet x 16.0 feet; 192.0 square feet) on a vacant lot, resulting in two (2) accessory structures to be located on a lot without a principal building, instead of the one (1) accessory structure (picnic shelter) granted by the Board of Zoning Appeals on April 3, 2001.

The findings of fact are as follows. This parcel is located at 123 Shoreway Drive. Mr. Romeo states that Marlands Shore Association has been active for 50 years and that he has been the president since 2013. This lot is owned by association members and has a boat launch and picnic shelter on it and the neighborhood contains 78 households. He states that the proposed shed was approved by the association members at their last association meeting. The association holds holiday events and picnics on this site, and the intention of the shed is to store items for these events. The shed will sit on a crushed stone base and will be locked and insured. The shed will be made out of wood and there will be no water, heat or electricity to the shed. The shed is located within a New York State wetland's 100-foot buffer zone; therefore a permit is required from the Department of Environmental Conservation. The placement and color of the shed were undecided. There was concern brought forth by Ms. Brockman at 125 Shoreway who was concerned about its placement. The color will also be chosen at a later date after it has been set up, and it will be an earth tone color. Upon further discussion, it was decided that the shed's placement will be 8 feet from Ms. Brockman's property line and 12 feet from the west property line.

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 from the DEC.
2. This approval is for the life of the structure.
3. And if the property is ever turned into a building lot (if a house was put on that lot), all variances become null and void.

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

VOTE:	Mr. Bilsky	Yes	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: Michael MacNaughton
Location: 32 Guinevere Drive
Mon. Co. Tax No.: 073.02-4-47
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing 12.0-foot-high, closed-construction fence (16± linear feet) located in the rear yard, instead of the 8.0-foot-high, closed-construction fence granted by the Board of Zoning Appeals on July 15, 2014. Sec. 211-47

Mr. Bilsky 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 32 Guinevere 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	yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried

Mr. Bilsky then offered the following resolution:

Mr. Chairman, regarding the application of Michael MacNaughton, 32 Guinevere Drive, Mr. MacNaughton appeared before the Board of Zoning Appeals this evening requesting an area variance for an existing 12.0-foot-high, closed-construction fence (16± linear feet)

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located in the rear yard, instead of the 8.0-foot-high, closed-construction fence granted by the Board of Zoning Appeals on July 15, 2014.

WHEREAS; on the main motion, Mr. MacNaughton came before this Board this evening, arguing that the screening at this height is necessary to hide the neighboring tree house. He has objections to the activities in the tree house from the kids and the noise, and he interprets that as a visual and neighborhood nuisance. Mr. Mac Naughton, who was granted an 8-foot fence back in July of 2014, constructed shortly thereafter a 9-foot screen that he placed close to this fence, and then approximately 5 months ago constructed 2 sections of fence, a screening fence, that are 12 feet in height, and he is again seeking approval to allow this construction to remain in place. Several neighbors came before this Board. Marjorie Humphrey, living at 193 Olivia Drive, indicated that this screening is an eyesore to her property and has objected to it, and Lisa and Carl Martel had other concerns about whether or not they could keep their fence. The ownership of this fence remains uncertain and that will be something handled by the Civil Court.

The Board of Zoning Appeals shall consider the benefit to the applicant, weighed against the detriment to the health, safety and the welfare of the neighborhood or community using the following criteria:

1. An undesirable change, I believe, will be produced in the character of the neighborhood and it will be a detriment to nearby properties should this variance be granted.
2. The benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue, and that is in the form of a variance that was granted to this applicant on July 15, 2014, allowing him to construct an eight-foot-high closed-construction fence on his property
3. The requested area variance is substantial. A 12-foot-high closed-construction fence of this nature would be an undesirable precedent in this neighborhood and for the Town overall.
4. I believe the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. This Board member finds that the presence of this screen, 12-foot-high fence, is an eyesore and it does not belong in this neighborhood whatsoever.
5. And the alleged difficulty, I believe, was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

Therefore, for these reasons mentioned above, I move to deny this application.

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

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

Motion Carried
Application Denied

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2. Applicant: Gabrielle Riorden
Location: 464 Red Apple Lane
Mon. Co. Tax No.: 059.08-1-54
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 12-foot-high, closed-construction fence (156.6± linear feet) to be located in the rear yard, where fences in rear yards shall not exceed 6.0 feet in height. 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 July 5, 2016 in order to give staff time to gather some elevation information and simulation pictures of the property.

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

**Motion Carried
Application Continued Until
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3. Applicant: Robert Burkowski
Location: 2472 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-53
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for a proposed detached garage (24.0 feet x 48.0 feet; 1152.0 square feet), resulting in a total gross floor area of 1254 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots with lot area less than 16,000 square feet. Sec. 211-11 E (1), Table I
 - b) An area variance for a proposed detached garage (24.0 feet x 48.0 feet; 1152.0 square feet) to have a height of 20.0 feet, instead of the 17.0 feet maximum permitted. Sec. 211-11 E (1), Table I
 - c) An area variance for an existing deck (23.3 feet x 36.6 feet; 863.8 square feet) located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted only in rear yards, and for said deck to have a front setback of 123.5± feet (measured from the north right-of-way line of Old Edgemere Drive), instead of the 121.5± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I
 - d) An area variance for an existing deck (23.3 feet x 36.6 feet; 863.8 square feet) located in the front yard of a waterfront lot to have a (east) side setback of 0.5 feet, instead of the 6.0 feet minimum required, and for said deck to have a (west) side setback of 0.45 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I
 - e) An area variance for an existing second-story deck (5.8 feet x 13.3 feet; 77.1 square feet) located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted only in rear yards, and for said deck to have a (east) side setback of 5.49 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I
 - f) An area variance for an existing 6.0-foot-high, closed-construction fence (approximately 15.4± linear feet) located in a waterfront yard, where fences in a waterfront yard lot shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-47 A

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

VOTE:	Mr. Bilsky	Yes	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 July 5, 2016**

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4. Applicant: Lois Buscemi
Location: 444 Melwood Drive
Mon. Co. Tax No.: 088.02-3-46
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed deck (147.4± square feet) to be located in a side yard, where accessory structures, such as decks, are permitted only in rear yards. 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 444 Melwood 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. Hartwig and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	yes	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 Lois Buscemi, 444 Melwood Drive, Chris Buscemi, speaking on behalf of his parents, Lois and Jerry Buscemi, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed deck (147.4± square feet) to be located in a side yard, where accessory structures, such as decks, are permitted only in rear yards.

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The findings of fact are as follows. The parcel is located at 444 Melwood Drive, and is located in an R1-E (Single-Family Residential) neighborhood. Tonight, Chris Buscemi, the son of Lois and Jerry Buscemi, appeared before the Board along with Paul Benedek, the owner of Fitch Construction, who is proposed to do the construction work on this deck, which in actuality is really just a staircase off the side of the house that is going to try to take the slope out of the hill. The primary reason for this is for safety issues to be able to navigate to their back yard. The structure is going to be constructed out of wood, along with a railing, which is also going to be constructed out of wood. There will not be any utilities associated with this deck proposal. Lois and Jerry Buscemis have lived at the residence for approximately 27 years, and like I indicated earlier, the purpose of this walkway is really for the safety issue to try to take away some of the slope off the side yard to get into their back yard. The proposed deck will meet all Town requirements. Additionally, attached to this application is a drawing provided by Fitch Construction which kind of depicts what this deck is going to look like.

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, including the DEC permits.
2. And that the deck will be installed within all Town and code requirements.

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

VOTE:	Mr. Bilsky	Yes	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: West Herr Automotive Group
Location: 4545 West Ridge Road
Mon. Co. Tax No.: 073.01-3-11
Zoning District: BG (General Business)
Request: a) An area variance for a proposed third building-mounted sign ("Ford"; 3.5 feet x 8.0 feet; 28.0 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
b) An area variance for a proposed fourth building-mounted sign ("Service"; 1.6 feet x 12.8 feet; 20.5 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
c) An area variance for a proposed fifth building-mounted sign ("Quick Lane: Tire & Auto Center"; 3.0 feet x 14.1 feet; 42.3 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
d) An area variance for a proposed sixth building-mounted sign ("Quick Lane: Tire & Auto Center"; 3.0 feet x 5.0 feet; 15.0 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

On a motion by Ms. Nigro and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of July 5, 2016 to give Monroe County time to respond with their comments on the request.

VOTE:	Mr. Bilsky	Yes	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 July 5, 2016

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6. Applicant: Rochester's Cornerstone Group, Ltd.
Location: 3 GBC Parkway
Mon. Co. Tax No.: 074.14-2-5.2
Zoning District: RMS (Multiple-Family Residential – Senior Citizen)
Request: a) An area variance for a proposed parking area (235± linear feet) to be located 16.0± feet from a lot line, instead of the 30.0 feet minimum required. Sec. 211-14 H, Table II
b) An area variance for a proposed parking area (260± linear feet) to be located 0.0 feet from a lot line, instead of the 5.0 feet granted by the Board of Zoning Appeals on October 16, 2012. Sec. 211-14 H, Table II

Mr. Bilsky offered the following resolution and moved for its adoption:

WHEREAS, the Application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3 GBC Parkway (the "Premises"), as outlined above; and

WHEREAS, on June 19, 2012, the Town Board rezoned the Premises from R1-8 (Single-Family Residential) to RMS (Multiple-Family Residential -Senior Citizen). As a Type I action pursuant 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"), the rezoning was the subject of a coordinated environmental review, for which the Town Board was the Lead Agency and the Board of Zoning Appeals was an involved agency. Following the review of the Full Environmental Assessment Form and supplemental information provided by the Applicant and other interested or involved parties, the Town Board issued a negative declaration pursuant to SEQRA, indicating that the proposed project would not have a significant adverse environmental impact; and

WHEREAS, the Board of Zoning Appeals has considered the Lead Agency's negative declaration, and has reviewed additional detailed information related to the requested variances.

NOW, THEREFORE, be it

RESOLVED that, in its role as Lead Agency, the Town Board did exercise due diligence in identifying and notifying involved agencies, and pursuant to the SEQRA Regulations, Section 617.6(b)(3)(iii), the Lead Agency's Negative Declaration is binding on all involved agencies; and

BE IT FURTHER

RESOLVED that the Board of Zoning Appeals finds the Proposal to be consistent with the project reviewed by the Town Board, and that SEQRA requires no further environmental review.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Rochester's Cornerstone Group, Ltd., 3 GBC Parkway, their representative, Eric Schaaf from Marathon Engineering, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed parking area (235± linear feet) to be located 16.0± feet from a lot line, instead of the 30.0 feet minimum required; and an area variance for a proposed parking area (260± linear feet) to be located 0.0 feet from a lot line, instead of the 5.0 feet granted by the Board of Zoning Appeals on October 16, 2012.

The findings of fact are as follows. Mr. Schaaf indicated that this is Phase II of a project for senior housing in this area, and at the time that the second variance was granted for a five-foot setback, plans were not firmly in place for the size and structure of this building. As this building was designed and the dimensions became fully known for building and the parking, it became evident that a variance for a zero-foot side setback was needed, and that zero-foot side setback borders on the neighboring property owned by the Greece Baptist Church. The second variance, Item "a," a 16-foot setback from the lot line, actually is an improvement over the original proposal. The original proposal called for a garage or a series of garages to be built in the area of question; that garage will no longer be built. Instead, it will be parking, which is moved away from the neighboring property of Grecian Gardens Apartments, and the applicant also proposes to put in landscaping where previously there was none planned.

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 comply with all applicable town, state and federal requirements.
2. And that this approval is subject to the Planning Board approval as well.

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

VOTE:	Mr. Bilsky	Yes	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: 9:45 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: July 5, 2016