



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

AUGUST 16, 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

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Randy T. Jensen

Cathleen A. Nigro

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 close the public hearing on this application and reserve decision until the meeting of September 6, 2016.

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

**Motion Carried
Application Closed and Decision
Reserved Until the Meeting of September 6, 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. Shea, it was resolved to close the public hearing on this application and reserve decision until the meeting of September 6, 2016.

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

Motion Carried
Application Closed and Decision
Reserved Until the Meeting of September 6, 2016

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3. Applicant: Christina Tanski
Location: 429 Woodsong Lane
Mon. Co Tax No.: 046.02-3-67
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (92± linear feet) to be located in a front yard, where fences in front yards 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 (30± linear feet) to be located in the clear visibility portion of a lot, where fences in the clear visibility portion of a lot shall not exceed 3.0 feet in height and shall be of open construction. Sec. 211-46 D

On a motion by Mr. Shea and seconded by Mr. Bilsky, it was resolved to continue the public hearing on this application until the meeting of September 6, 2016 due to the applicant not attending this meeting.

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

Motion Carried
Application Continued Until
Meeting of September 6, 2016

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4. Applicant: Indus Real Estate II, Inc.
Location: 1271 Long Pond Road & 2585 West Ridge Road
Mon. Co. Tax No.: 074.14-3-10 & 074.14-3-13
Zoning District: BR (Restricted Business)
Request: a) An area variance for a proposed freestanding sign to have a sign area of 164.8 square feet (10.3 feet x 16.0 feet, including decorative support area), instead of the 40.0 square feet maximum permitted. Sec 211-52 B (1) (d), Table VI
b) An area variance for a proposed freestanding sign to have a setback of 5.0 feet (measured from the south right-of-way line of West Ridge Road), instead of the 15.0 feet minimum required. Sec. 211-52 B (1) (b) [1]
c) An area variance for a proposed freestanding sign to have a height of 25.0 feet, instead of the 20.0 feet maximum permitted. Sec. 211-52 B (1) (c)
d) An area variance for a proposed second freestanding sign with a sign area of 164.8 square feet (10.3 feet x 16.0 feet, including decorative support area) for a business center, instead of the one (1) 40.0-square-foot freestanding sign permitted. Sec. 211-11-52 B (1) (a) [2], Sec. 211-52 B (1) (d), Table I
e) An area variance for a proposed second freestanding sign to have a height of 25.0 feet, instead of the 20.0 feet maximum permitted. Sec. 211-52 B (1) (c)
f) An area variance for 59 proposed parking spaces in a business center, instead of the minimum 83 parking spaces required. Sec. 211-45 S (1)

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 1271 Long Pond Road and 2585 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 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.

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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 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 has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
7. The Board of Zoning Appeals 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, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, members of the board, this is regarding the application of Indus Real Estate II, Inc. located at 1271 Long Pond Road and 2585 West Ridge Road, a business restricted zoning district, asking for several variances mentioned below.

Mr. Chairman, regarding the application of Indus Real Estate II, Inc. (the "Applicant") as it relates to the property located at 1271 Long Pond Road and 2585 West Ridge Road (collectively the "Property"). A representative of the Applicant has appeared before the Board of Zoning Appeals (the "Board") for the following area variances:

- a) An area variance for a proposed freestanding sign to have a sign area of 164.8 square feet (10.3 feet x 16.0 feet, including decorative support area), instead of the 40.0 square feet maximum permitted.
- b) An area variance for a proposed freestanding sign to have a setback of 5.0 feet (measured from the south right-of-way line of West Ridge Road), instead of the 15.0 feet minimum required.
- c) An area variance for a proposed freestanding sign to have a height of 25.0 feet, instead of the 20.0 feet maximum permitted.
- d) An area variance for a proposed second freestanding sign with a sign area of 164.8 square feet (10.3 feet x 16.0 feet, including decorative support area) for a business center, instead of the one (1) 40.0-square-foot freestanding sign permitted.
- e) An area variance for a proposed second freestanding sign to have a height of 25.0 feet, instead of the 20.0 feet maximum permitted.
- f) An area variance for 59 proposed parking spaces in a business center, instead of the minimum 83 parking spaces required.

The findings of fact are as follows. The Property is located in close proximity to the southwest corner of the intersection of Long Pond Road and West Ridge Road, and is 1.2 acres in area. The Property is zoned Restricted Business and is adjoined by Restricted Business zoning to the east and west and Public Land, that being a town park, to the south. The surrounding land uses in the vicinity is predominantly commercial, notably retail businesses.

On July 19, 2016, Mr. Kip Finley of Indus Real Estate II, Inc. appeared before the Board regarding the aforementioned variances. Mr. Finley stated that it was Indus's intention to demolish an existing home on the Long Pond Road side of the site, formerly Edwards Printing Press, and construct a new 6,088-square-foot, one-story building on the portion of the Property that fronts West Ridge Road. Previously, the area of the proposed building was a Ponderosa Restaurant prior to it being demolished in 2013. The remaining

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portions of the Property would be utilized for internal traffic flow and parking areas. The new building would contain a proposed farm-to-table restaurant and Starbucks Coffee. The Starbucks area of the building would be approximately 1850 square feet, and at any time would have as many as seven (7) employees. The remaining portion of the building, being approximately 4238 square feet, would be utilized by the farm-to-table restaurant, which would have as many as twelve (12) employees at a given time.

As it relates to the proposed freestanding signs, Mr. Finley stated that the need for two (2) signs was due the presence of a median on West Ridge Road and the impact it would have on vehicular traffic to gain access to the Property. Also, the rationale for the sign on the Long Pond Road side was to allow for vehicular traffic heading south on Long Pond Road to identify the businesses and utilize the Long Pond Road entrance, instead of having to perform U-turns and enter from the West Ridge Road side. During discussion, the Board stated their concern about the number of parking spaces provided for the building and the distance and elevation change from the parking spaces on the Long Pond Road side of the Property to the building. Also present at this meeting was Ms. Aria Matthews, the owner of Aria's School of Music & New Roots Coffee House, which is located at 1273 Long Pond Road. Ms. Matthews stated that she had no issues regarding the parking variance. However, she did raise concerns regarding the proposed sign on the Long Pond Road side, notably the size and the impact it would have on her business. As a result, the Board voted to continue the public hearing on this application until the meeting of August 2, 2016 in order to give the applicant time to gather information that the Board requested.

On August 2, 2016, Mr. Finley reappeared before this Board. Since the meeting of July 19th, the Town Board had approved a special use permit for the Applicant to operate the farm-to-table restaurant at the Property. Also, Mr. Finley testified that although by code there is a shortage in the number of parking spaces, the restaurant and Starbucks would complement each other, notably with their different hours of operations and different peak hours. Starbucks would be busiest from early morning to mid-afternoon, while the farm-to-table restaurant's hours of operation would be 5:00 PM to 10:00 PM. It should be noted that, if the Applicant wished to change the hours of operation, such as serving lunch, they would be required to go before the Town Board for an expansion of their special use permit. Furthermore, Mr. Finley testified that, on average, two-thirds (2/3) of Starbucks' patronage would be provided via its drive-through service, and during evening hours of operation, the number of employees is reduced from seven (7) to three (3). The farm-to-table restaurant would be upscale in nature, and in most cases customers would be required to make reservations, with the exception of maybe providing service to a party of limited number, based on if a table and seating was available. Also, there would be no special events such as wedding receptions and it is not the intention to use the restaurant in a manner similar to a banquet hall or party house. In the timeframe the restaurant would be open, the Applicant expects that they would be able to provide two (2) full dinner services to customers. Additionally present at this meeting was Aria Matthews of Aria's School of Music & New Roots Coffee Shop. Ms. Matthews concurred with statements made by Mr. Finley, and stated that much of her business occurs before noon.

Also during the meeting of August 2nd, the Board took additional time to address the two (2) proposed freestanding signs for the Property. During discussion, it was reiterated that the reasoning for the height and size of the signs was to provide Starbucks and the farm-to-table restaurant as much exposure as possible on both Long Pond Road and West Ridge Road. Furthermore, the location and size of the signs requested is due to the fact that the neighboring buildings, Edwards Press and Heritage Jewelers, are located closer to the south right-of-way of West Ridge Road than the proposed building. After continued discussion and concerns from this Board, Mr. Finley agreed to reduce the size of the sign area for both signs to 7 feet by 11 feet (meaning 77 square feet total), and by doing so,

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decreasing the overall height to comply with the 20-foot height requirement. As a result, the Applicant agreed that Items "c" and "e" that were formerly requested have been formally withdrawn by the Applicant. In terms of the request for the proposed sign setback of 5.0 feet on West Ridge Road, it is in the opinion of this Board member that this is not a substantial request. Previously, the Board has approved signs to be located this close to the West Ridge Road right-of-way, and the need for this setback is due to the widening of West Ridge Road by New York State nearly a decade ago. The Board then voted to close the public hearing and render a decision on August 16th.

In making its determination, the Board of Zoning Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. In making such determination the Board shall also consider the following:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. It is the opinion of this Board member that an undesirable change will not occur. The Property is located within in the heart of the West Ridge Road commercial corridor, which includes similar types of businesses. Also, historically, this Property was the location of a restaurant called Ponderosa.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance. It is this Board member's opinion that no such option exists.
3. Whether the variance is substantial. While the variances can be viewed as substantial—specifically, the parking—the granting of these variances allows for the redevelopment of a now-vacant property on West Ridge Road. Also, the number of parking spaces is the result of changes made to the site layout by the Applicant at the request of the Planning Board and Town staff. Furthermore, it should be noted that the proposed new building is similar in square footage to the former Edward's Press and Ponderosa buildings combined.
4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district. While there is a physical impact, because a vacant parcel would be developed, it would be located in a more densely populated area of the Town where you have predominantly nonresidential uses. Also, in terms of any environmental conditions, the Property has been granted site plan approval by the Planning Board.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. Once again, it is a Board member's opinion that while this may be argued that this alleged difficulty was self-created, it is not relevant or germane to the decision of granting 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 an Unlisted action under SEQRA, requiring no further action by this Board, I move to approve this application with the following conditions.

1. The two (2) freestanding signs are to be no larger than 7 feet x 11 feet, or 77 square feet, each.

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2. As agreed to by the Applicant, items "c" and "e" have been formally withdrawn and the freestanding signs are to be no taller than 20 feet in height.
3. That there will be no A-frame type signs, vehicle-mounted banners, or other forms of signage which are not permitted by the Town Zoning Ordinance.

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	Absent
	Mr. Meilutis	Yes	Ms. Nigro	Absent
	Mr. Shea	Yes		

Motion Carried
Application Approved
With Conditions

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5. Applicant: 4320 West Ridge, LLC
Location: 4232-4350 West Ridge Road
Mon. Co. Tax No.: 073.01-1-3, 073.01-1-4, 073.01-1-5, 073.01-1-6, 073.01-1-7,
073.01-1-21, 073.01-2-63, 073.01-2-64.111, 073.01-2-64.12,
073.01-2-68.1 (part)
Zoning District: BG (General Business)
Request: a) A special use permit to operate a motor vehicle service
station. Sec. 211-17 C (3) (b) [2], Sec. 211-35
b) A special use permit to operate a gasoline dispensing
station. Sec. 211-17 C (3) (b) [1], Sec. 211-34
c) An area variance for a proposed gasoline dispensing canopy
to have an area of 5640 square feet, instead of the 1500
square maximum permitted. Sec. 211-34 C

On a motion by Mr. Bilsky and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of September 6, 2016, per the applicant's request.

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

**Motion Carried
Application Continued Until
Meeting of September 6, 2016**

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New Business:

1. Applicant: Mary Smith
Location: 2734 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-10
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed two-story addition (351± square feet each story; 702± square feet total) to have a (west) side setback of 3.37 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
 - b) An area variance for a proposed two-story addition (351± square feet each story; 702± square feet total) to have a rear setback of 14.5± feet (measured from the north right-of-way line of Old Edgemere Drive), instead of the 29.5 feet minimum required. Sec. 211-11 D (2), Table I

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 2734 Edgemere Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (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. Shea and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Absent
	Mr. Meilutis	Yes	Ms. Nigro	Absent
	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 Mary Smith, 2734 Edgemere Drive, Mary Smith and Laura Smith appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed two-story addition (351± square feet each story; 702± square feet total) to have a (west) side setback of 3.37 feet, instead of the 6.0 feet minimum required; and an area variance for a proposed two-story addition (351± square feet each story; 702± square feet total) to have a rear setback of 14.5± feet (measured from the north right-of-way line of Old Edgemere Drive), instead of the 29.5 feet minimum required.

The findings of fact are as follows. This evening Laura Smith spoke on behalf of Mary Smith, who resides at 2734 Edgemere Drive, an R1-E (Single-Family Residential) district. It was stated that Mary Smith purchased the property in late April of this year, and the primary structure that is currently on the property that she purchased was built in 1930. In looking at the setback situation on the west side of 3.37 feet, this setback has been in existence since 1930 for approximately 86 years. What is causing the need for this addition is an enhancement of lifestyle, meaning that Mary Smith would like to have a first-floor bathroom and bedroom and also to make the house the primary structure into a year-round residence. The addition really cannot be relocated on the property due to the FEMA floodplain situation and in addition the setback from the south side, 14.5 feet, will obviously result from the addition being built in that direction, encompassing the land that would create that. There would be no visual barriers entering and exiting the property; as a matter of fact, the garage is on the opposite side of Old Edgemere Drive. The height of the addition would be the same as the existing house. The exterior finishes would match and rooflines would come together. There were no County comments received; however, a Maureen Werner spoke on behalf of William and Karen O'Dell, neighbors to the west of Mary Smith, stating their concern about the 3.50- or 3.37-foot setback relative to this addition. She mentioned that there might be a potential harm to a tree on the property, and she also mentioned that the second-story view out of their home would be affected. As such she requested that the addition be moved to the east side as opposed to the west side; however, Laura Smith did mention that all the utility services and plumbing are located on the west side of the building, and if the addition was relocated to the east the services would also have to be relocated in conjunction with that, which could pose a financial hardship.

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 building permits first must be obtained.
2. That all Town codes are satisfied.

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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	Absent
	Mr. Meilutis	Yes	Ms. Nigro	Absent
	Mr. Shea	Yes		

Motion Carried
Application Approved
With Conditions

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2. Applicant: Paul Barkley
Location: 3622 Latta Road
Mon. Co. Tax No.: 044.03-1-15
Zoning District: R1-44 (Single-Family Residential)
Request: An area variance for a proposed deck (8.5 feet x 9.0 feet; 76.5 square feet) to be located in the front yard, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 59.0 feet (measured from the north right-of-way line of Latta Road), instead of the 194.4 feet minimum established by the neighborhood average. Sec. 211-11 D (2), Table I, Sec. 211-11 D (1) (b), 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 3622 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 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 Mr. Hartwig and duly put to a vote, which resulted as follows:

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

Motion Carried

BOARD OF ZONING APPEALS MINUTES
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Mr. Shea then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of Paul Barkley, 3622 Latta Road, Mr. Barkley appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (8.5 feet x 9.0 feet; 76.5 square feet) to be located in the front yard, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 59.0 feet (measured from the north right-of-way line of Latta Road), instead of the 194.4 feet minimum established by the neighborhood average.

The findings of fact are as follows. Mr. Barkley has lived at this address for 14 years, and his reasoning for replacing his concrete stoop in front of his front door is because it is deteriorating and he wants remove it and replace it with a proposed wooden deck. The deck would be approximately two feet off the ground. There will be no electrical or outlets there, as well as it will not be covered. No one appeared before the Board to speak either in favor 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 shall obtain all necessary Town permits.
2. This approval is for the life of the deck.

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	Absent
	Mr. Meilutis	Yes	Ms. Nigro	Absent
	Mr. Shea	Yes		

**Motion Carried
Application Approved
With Conditions**

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3. Applicant: Polo Casiano
Location: 354 Oakwood Road
Mon. Co. Tax No.: 075.33-10-36.2
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed lot coverage of 35.6%, instead of the 25% maximum permitted. Sec. 211-11 D (2)
b) An area variance for a proposed aboveground pool (21-foot-diameter; round) to be located 8.0± feet from an existing shed, instead of the 10.0 feet minimum required. Sec. 114.12.1 B (2)
c) An area variance for an existing shed (8.0 feet x 8.2 feet; 65.6 square feet) to have a (south) side setback of 2.7 feet, instead of the 4.0 feet minimum required, and for said shed to have a rear setback of 2.2 feet, instead of the 4.0 feet minimum required. Sec. 211-11 E (1), 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 354 Oakwood 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. Bilsky and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, regarding the application of Polo Casiano, 354 Oakwood Road, Mr. Casiano appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed lot coverage of 35.6%, instead of the 25% maximum permitted; an area variance for a proposed aboveground pool (21-foot-diameter; round) to be located 8.0± feet from an existing shed, instead of the 10.0 feet minimum required; and an area variance for an existing shed (8.0 feet x 8.2 feet; 65.6 square feet) to have a (south) side setback of 2.7 feet, instead of the 4.0 feet minimum required, and for said shed to have a rear setback of 2.2 feet, instead of the 4.0 feet minimum required.

The findings of fact are as follows. The parcel is located at 354 Oakwood Road and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Polo Casiano, appeared before this Board this evening stating that he has lived at the residence for approximately three years. In discussions of the three variances, variance item "b" has been voluntarily withdrawn by the applicant, the variance being 10.0 feet minimum required from the shed. He has agreed to move his proposed 21-foot round pool 2 feet closer to his residence, thereby giving him the 10 feet minimum required, and therefore no longer requiring a variance. With regard to area variance "c," Mr. Casiano has indicated that in order to move the shed that was already existing when he bought the property to the minimum required setback, it would be a financial hardship as well as the fact that it is already set on blocks and raised; to try and move it would ultimately destroy the shed. With regard to the area variance for the proposed lot coverage, because he is moving it 2 feet closer to his residence, it is going to lower the lot coverage to 35.2% instead of the 25% maximum permitted. And although that is above the maximum permitted, looking at the topography of the land and having to raise up the deck addition to get into the pool, there is really no other option that he has to put the pool where he would like it. The applicant has agreed to sign a Hold Harmless agreement for the pool and has also stated that he has reviewed the Greece Swimming Pool Law or is going to before the installation of his pool. The applicant has indicated that he has Sunshine Pools as the installer of his pool.

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 shall obtain all necessary permits and adhere to the building codes.
2. The applicant will sign a Hold Harmless agreement.

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3. The shed variance is going to be for the life of the shed; when the shed is no longer usable he will not replace it.
4. The lot coverage is going to be 35.2%, no more and the deck extension is going to be 5 feet x 10 feet; no larger than that.

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

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

Motion Carried
Application Approved
With Conditions

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ADJOURNMENT: 9.30 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: September 6, 2016