



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 6, 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

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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

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 165 Barcrest Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (10), (12) & (13).)

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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	yes	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:

WHEREAS, with regard to the application of James & Lynda Pilkenton (collectively, the "Applicants"), 165 Barcrest Drive (the "Property") appeared before the Board of Zoning Appeals (the "Board"), requesting the following variances:

- 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.
- 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.
- 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.
- d) An area variance for a proposed lot coverage of 42.8% instead of the 28% granted by the Board of Zoning Appeals on August 5, 2014.
- 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 feet to 7.4 feet, instead of the 8.0 feet minimum required.
- 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.
- 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.

WHEREAS, the findings of fact are as follows. The Property is located on the west side of Barcrest Drive within an R1-E (Single-Family Residential) zoning district, and is 80 feet x 122.5 feet, being 9,800 square feet or 0.22 acres. The Applicants have appeared before this

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Board on two (2) separate dates previously as it related to the construction/renovation of their home.

On August 13, 2015, an inspector from the Town's Building Department noted "a wall structure & fence & patio being installed without a permit"; this structure was later determined to be a deck and not a patio. Section 211-5 of the Town Zoning Ordinance defines a deck as a "a structure which forms a level, roofless walking surface above ground level and which is greater than 50 square feet in area," whereas a patio is at ground level.

On November 4, 2016, the Applicants appeared before this Board. During the public meeting, the Applicants stated that they did not believe a permit was needed. Also, during discussion it was stated that a 6.0-foot-high, closed-construction fence was installed in the rear yard on top of the deck's walking surface. The installation of the fencing was a result of a permit issued by the Building Department on October 16, 2015, with the condition that a hold harmless agreement be signed due to pending zoning requirements. Also, at the meeting, the Applicants submitted letters from Kevin Vacca and Mary-Jude Fox of 155 Barcrest Drive and Terri Cooper of 5 Lamplighter Lane. In their letters, both neighboring property owners stated that they have no issues with the Applicants' variance requests. The Board voted to continue the public hearing to December 1 in order to give the Applicants time to gather more information that the Board requested, and to review their options, and also for staff to visit the site to determine if the application had to be re-advertised as it related to the fencing.

On December 1, 2015, the Applicants reappeared before this Board. Also, it should be noted that the application was re-advertised and items "e," "f," and "g" were added, which relates to the fencing in the rear yard of the Property. During discussion, the Applicants provided monetary amounts of the deck and fencing project in the rear yard. The monetary breakdown is as follows:

- Fencing: \$2,000
- Deck/Wall Materials: \$14,000
- Deck/Wall Labor: \$17,000
- Total: \$33,000

Also, during further discussion, the Applicants stated the change in grade in the rear yard was the result of the basement foundation having an additional two (2) courses of concrete block added on, resulting in a total of 12 courses, where the previous home was approximately 10 courses. By doing so, the deck would have the same elevation as the garage. In terms of the variance as it relates to the garage, the Applicants stated it would cost approximately \$43,600 to remove a four (4)-foot section of the garage. Also, the Board requested staff to reach out to Rochester Gas and Electric Corporation ("RG&E") for their comment due to the close proximity of the deck and fencing to an RG&E utility pole. The Board then voted continue the public hearing on this application until the meeting of January 5, 2016 in order to give the Applicants time to gather more information that the Board requested, and to review their options.

On January 5, 2016, staff stated that no comments have been received at that time from RG&E. Also, the Applicants submitted an estimate from Six Nations Masonry, which is located in Spencerport, New York. In the proposal, Six Nations Masonry proposed to "saw cut 7.0 inches thick concrete completely 6.0 feet wide on north end and 5 feet wide on west end. 112 linear feet total." To conclude, the total cost of the removal would be \$15,400. The Board then voted to continue the public hearing on this application until the meeting of January 19, 2016 in order to give staff time receive correspondence from RG&E.

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On February 2 and March 1, the Board voted to continue the public hearing regarding this application, as comments have not been received yet by RG&E, and the Applicants were to reappear before this Board on April 5, 2016.

On April 5, the Applicants reappeared before this Board. At this meeting, staff stated that they were in receipt of comments from RG&E dated March 8, 2016. In a letter written by Paul Hood, RG&E's Right-of-Way Agent, it was stated that the structure was located in an easement area which was granted to RG&E in 1954, and that said easement is recorded in the Monroe County Clerk's Office. Additionally, Mr. Hood stated that "RG&E does not waive or relinquish any of the rights granted in this easement" and "this structure was built without consultation with RG&E and without any formal permits from the Town of Greece." In addition, it was stated that the "structure violates the National Electric Safety Code standard for a structure located near distribution lines and poles. This structure is located on or over the underground electric service which services 165 Barcrest Drive." Also, "the ground anchor, which is sole property of RG&E, was cut without authorization or permission from RG&E". Mr. Hood concluded that "RG&E hereby demands that above reference structure encroaching upon its facilities be removed forthwith. If this is not a feasible option, RG&E shall relocate the necessary facilities to be in compliance with all Federal, State and Local safety codes. Such relocation shall be done at your expense. The current estimate for the proposed relocation work is Eight thousand eight hundred fifty-five dollars and thirty eight cents (\$8858.38) plus applicable sales tax; and subject to the acquisition of any additional easements required from adjacent property owners." As a result, the Board voted to continue the public hearing on this application until the meeting of May 3, 2016 in order to give the Applicants time to correspond with RG&E and come up with an agreement.

On May 3, staff notified the Board that the Applicants had requested a two (2)-week adjournment in order to give necessary time to review remediation options with the Town of Greece engineers for drainage and runoff. The adjournment request was the response to concerns this Board had regarding drainage, runoff, and the impact to adjoining properties.

On May 17, the Board voted to adjourn the application to June 21, and an additional adjournment request was submitted until August 16. The request for the adjournment was due to the Applicant working with a site engineer to create a plan that would lessen the amount of runoff from the rear yard to adjoining properties.

On August 16, the Applicants reappeared before this Board. During the meeting, staff read into the record comments from John Gauthier, Associate Town Engineer, as it relates to a storm water mitigation plan created by Bill Grove, P.E., who is the Applicants' site engineer. In his comments regarding the mitigation plan, Mr. Gauthier stated that he "reviewed the proposed changes and find the design to be acceptable. To assure that they are properly constructed, I recommend having the engineer certify the final construction." The Board then voted to close the public hearing on this application and reserve decision until the meeting of September 6, 2016.

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. An undesirable change will not occur in the character of the neighborhood, nor is there a detriment to nearby properties by granting these variances. As stated previously, this Board has received letters from adjoining property owners stating that they have no issues with this applications. Also, in terms of a detriment to nearby property

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owners, the Applicants have submitted a storm water mitigation plan which would lessen the runoff in the rear yard onto adjoining properties.

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. There is no method feasible for the Applicants to pursue other than area variances. The Applicants have a large monetary investment into the construction of the house, as well as the deck and fencing in the rear yard.
3. Whether the variance is substantial. While the number of overall variances could be considered substantial, the Applicants have agreed to measures which would reduce storm water runoff from the deck, and to move the existing utility poles, which would address the safety concerns of RG&E.
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 to the neighborhood, due the rear yard grade being higher than adjoining properties, the Applicant has agreed to install a storm water mitigation plan in an effort to reduce the amount of surface runoff to adjoining properties.
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. It be can argued that the alleged difficulty was self-created, because work was done without obtaining the necessary approvals and permits.

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. The Applicants shall comply with all conditions of RG&E and shall allow RG&E to complete the work necessary to repair and maintain its facility that the Applicants have encroached upon by building in the RG&E easement.
2. Within 45 days of this meeting, the Applicants shall sign an agreement and/or make payment for RG&E to complete work that would render the utility poles and facility safe pursuant to safety guidelines.
3. After the facility/utility poles are rendered safe pursuant to RG&E guidelines, the Applicants shall obtain all the necessary permits from the Town's Building Department for the deck and for the drainage/storm water mitigation plan. Furthermore, no permits shall be issued until all RG&E guidelines are fulfilled and met.
4. The Applicant shall submit a letter from a Licensed Professional Engineer stating the proposed drainage/storm water mitigation plan was constructed in accordance with its design.
5. The Applicant shall sign a hold harmless agreement relative to the understanding of the easement situation with RG&E. This approval does not make the Town or the Board of Zoning Appeals liable for any damages that a third party might do to the concrete deck, wall and fencing in the course fulfilling its obligations in its easement, which would be a third-party action over which the Town has no control.
6. If the existing structure is to be removed, it shall not be rebuilt without obtaining all necessary approvals, meaning the variances are for the life of the structures.

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Seconded by Mr. Jensen 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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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

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 2419 Latta Road, as outlined above; and

WHEREAS, Bell Atlantic Mobile of Rochester, L.P. (d.b.a. Verizon Wireless) (the "Applicant" or "Verizon") has submitted a request to the Board of Zoning Appeals (the "Board of Zoning Appeals") of the Town of Greece (the "Town"), Monroe County, New York, for a special use permit to establish a cellular service telecommunications facility, and an area variance for barbed wire, both as more particularly described above (collectively, the "Proposal"), on property located at 2419 Latta Road, in an R1-44 (Single-Family Residential) Zoning District; and

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

1. In summary, the Applicant has proposed a telecommunications facility to be located at 2419 Latta Road (the "Property"), which is zoned R1-44 (Single-Family Residential). The facility would be located near the southwest corner of the Property and would include a 128-foot-high freestanding antenna tower and related antenna(s) and accessory antenna structures. The Applicant would lease a 100-foot x 100-foot area (the "Leased Parcel") from the owner of the Property, Fernwood Fruit Farm, Inc. The proposed antenna tower would have a south setback of 165± feet from the adjoining properties located on Applewood Drive. Vehicular access to the Leased Parcel would be provided via a driveway that is to be installed from the northern dead-end of Red Apple Lane, a two-lane, local subdivision road.
2. Upon review of the Proposal, the Board of Zoning Appeals determined that the Proposal 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 Proposal constitutes an Unlisted action under SEQRA.
3. Pursuant to the procedures established by SEQRA, the Board of Zoning Appeals became the lead agency for the coordinated environmental review of the Proposal.

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4. The Board of Zoning Appeals has considered the Proposal at a public hearing (the "Hearing") in the Greece Town Hall, One Vince Tofany Boulevard, at which all parties in interest and citizens were afforded an opportunity to be heard.
5. Documentary, testimonial, and other evidence relative to the Proposal was presented at the Hearing for the Board of Zoning Appeals' consideration.
6. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant's representatives or the Town's staff, which included but was not limited to: a project narrative; a conceptual site plan; simulated photographs; aerial photographs; a radio frequency engineering report (the "RF Report"); an analysis of radiofrequency electromagnetic field strength relative to human exposure, health and safety (the "RF Safety Analysis"); and Part 1 of an Environmental Assessment Form (the "EAF") (including a Visual EAF Addendum), which was prepared in part by using the New York State Department of Environmental Conservation's (the "NYSDEC") online EAF Mapper application (collectively, the "Environmental Analysis").
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have 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, the New York State Department of Environmental Conservation, the Town of Greece Planning Board, and the Town's own staff.
9. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that that may have resulted from telephone conversations or meetings with or written correspondence from owners of nearby properties or other interested parties, and all other relevant comments submitted to the Board of Zoning Appeals as of September 6, 2016.
10. The Board of Zoning Appeals has carefully considered the Environmental Analysis, which examined the potential effects of the Proposal on the following principal relevant issues: vehicular traffic; impact on human health; and consistency with community character. A summary of the analyses of these issues and the Board of Zoning Appeals reasoned elaboration supporting its determination of environmental significance follows.
11. Vehicular traffic.
 - a. Description of analysis and impacts. The Applicant has testified that the Proposal will generate little vehicular traffic—about one or two visits to the Leased Parcel per month for maintenance purposes. Even if there were two additional antenna arrays co-located on the antenna tower, that still would result in a total of about six vehicles per month. The Proposal was reviewed by the Town's Fire Marshal and the Town's Department of Public Works; both will have final review and approval authority on the design and construction of the access road.

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- b. Project design elements. The proposed access road will be 12 feet wide and constructed of either asphalt or gravel materials. In addition, the access road will be private, meaning not dedicated to the Town of Greece. The Applicant will install a gate and lock at the northern end of Red Apple Lane to prevent unauthorized access to the Leased Parcel.
 - c. Conclusions. The existing transportation network and the Applicant's proposed private access road and security measures can accommodate the projected vehicular traffic from the Proposal.
12. Impact on human health.
- a. Description of analysis and impacts. The Applicant is in possession of a license from the Federal Communications Commission (the "FCC") to operate cellular service telecommunication facilities. As part of that license, the Applicant must comply with all regulations of the FCC, including but not limited to those that regulate limits on human exposure to radiofrequency electromagnetic fields. The Applicant submitted an RF Safety Analysis, which was an independent determination and certification relative to the compliance of this telecommunications facility with the FCC's regulations on this subject. The RF Safety Analysis concluded that the level of human exposure at ground level at any publicly accessible distance from the antenna tower would be well below 1% of the FCC's exposure limit.
 - b. Project design elements.
 - i. As stated previously, the Applicant is in possession of an FCC license to operate cellular service telecommunication facilities. This facility will be constructed in accordance with FCC regulations, including but not limited to those that regulate limits on human exposure to radiofrequency electromagnetic fields.
 - ii. Pursuant to the Federal Telecommunications Act of 1996 (the "Telecom Act"), the Board of Zoning Appeals may not regulate the placement of a cellular service telecommunications facility on the basis of any potential environmental effects of radio frequency emissions, as long as the facility complies with FCC regulations for the limits on the level of human exposure to radiofrequency electromagnetic fields.
 - iii. The Applicant has also taken into consideration the impact of future co-location of additional telecommunication service providers on this antenna tower. In the future, if additional tenants or licensees co-located on the tower, the exposure rate still would comply with FCC regulations.
 - c. Conclusions. The Proposal will not have a significant adverse impact on human health.
13. Consistency with community character.
- a. Description of analysis and potential impacts. The Proposal currently consists of a cellular service telecommunications facility, consisting of a freestanding antenna tower (128 feet high, including lightning rod) and related antenna(s), accessory structures, and access driveway, on approximately 0.23 acres. Existing land uses in the vicinity of the Proposal include but are not limited to single-family houses, a place of worship, senior citizen residential facilities (assisted living and memory care), a senior citizen apartment and townhouse

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complex (currently under construction), and agricultural uses (principally, orchard).

- b. Project design elements.
 - i. The proposed antenna tower is located away from as many existing houses as practicable. Currently, the antenna tower would be more than 200± feet from adjoining residential properties to the south (on the north side of Applewood Drive) and southeast (on the east side of Red Apple Lane). The closest residence to the east is located 700 or more feet away from the antenna tower. Placing the antenna tower at other locations would put it closer to more houses and would remove the tower from an existing wooded buffer area, within which it is located.
 - ii. Existing trees that are along the west bank of Paddy Hill Creek will not be removed.
 - iii. Trees and an 8.0-foot-high, board-on-board fence will be provided along the east, west, and south sides of the Leased Parcel to buffer the Proposal from the residents to the south.
 - iv. Site lighting will be contained on the Premises, and light sources will be aimed and/or shielded to minimize intrusion on nearby residents.
 - v. The Board of Zoning Appeals and the Town's Planning Board will require additional buffering around the perimeter of the Proposal if a future extension of Red Apple Lane to the north was to occur.
 - vi. No disturbance will occur in adjacent federal wetlands.
 - c. Conclusions. The Proposal will not have a significant adverse effect on the existing character of the surrounding area.
14. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
 15. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
 16. 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.
 17. 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 and all additional information submitted.
 18. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
 19. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
 20. To the maximum extent practicable, the Proposal as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were revealed in the environmental review process.

NOW, THEREFORE, be it

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

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

VOTE:	Mr. Bilsky	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:

Regarding the application of Bell Atlantic Mobile of Rochester, L.P. (d.b.a. Verizon Wireless) (the "Applicant" or "Verizon") requesting approval for the following (collectively, the "Proposal"):

- 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 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

First, I would like to mention up front that I am going to be reading a motion to move for approval of this application. This Board has carefully and conscientiously reviewed all the data, information, and testimony as it relates to this application.

I would like to state that applications pertaining to telecommunication facilities and towers are somewhat unique to the Board of Zoning Appeals (the "Board"). It should be noted, however, that in addition to Town of Greece regulations, the United States Congress and the Federal Communications Commission (the "FCC") have promulgated rules and regulations and federal courts and the Courts of the State of New York have rendered judicial decisions regarding how we must treat such applications. It is important to briefly recite the effect that this greater regulatory framework has on these applications.

The Federal Telecommunications Act of 1996 (the "Telecom Act") squarely addresses the facility which the Applicant seeks to install. The three most important aspects of the statute as it relates to this application are as follows:

1. The Applicant cannot be prohibited from providing personal wireless services in the Town of Greece.
2. The Town of Greece cannot discriminate among providers of equivalent services.

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3. This Board may not regulate the placement of such facilities on the basis of any potential environmental effects of radio frequency emissions, as long as the facility meets FCC regulations.

Although these provisions are imposed upon this Board under the guise of preservation of local zoning authority, the Telecom Act deprives this Board of much of the authority it otherwise would have for a special use permit. The Applicant has demonstrated that it possesses the appropriate federal license for this service area and is entitled to operate within the means of available technology in the Town of Greece. Also, it should be noted, that as outlined in Section 211-53 of the Zoning Ordinance, the Town cannot impact a "person's ability to receive telecommunication signals without interference from other telecommunications service providers, while not unreasonably limiting competition among telecommunications service providers or unreasonably limiting the reception of receive-only antennas, in accordance with the codes, rules, and regulations promulgated by the Federal Communications Commission."

The next layer of regulations imposed upon this Board is by the highest court of this state. In a series of decisions, most notably the 1993 decision of Cellular Telephone vs. Rosenberg, the Court of Appeals found that a cellular telephone company met the criteria of being judged as a public utility. In conjunction with that status, the courts have stripped away the requirements of non-public utility applicants to prove certain criteria in order obtain variances and special permits and in essence substituted a test of need. The court basically has directed that the Town must allow the Applicant to locate its facility in any zoning district where the Applicant can demonstrate a need for the facility. This Board is left only to determine the most appropriate available site within the area of need, along with various reasonable measures of mitigation, which can be imposed upon the facility.

The Findings of Fact are as follows. On June 7, 2016, Robert Brenner, Esq., of Nixon Peabody LLP appeared before the Board on behalf Bell Atlantic Mobile of Rochester, L.P. (d.b.a. Verizon Wireless) (collectively "the Applicant" or "Verizon") in regard to a proposed telecommunications facility to be located at 2419 Latta Road (the "Property"), which is zoned R1-44 (Single-Family Residential). The facility would be located near the southwest corner of the Property and would include a 128-foot-high freestanding antenna tower and related antenna(s) and accessory antenna structures (collectively "the Proposal"). The Applicant would lease a 100-foot x 100-foot area (the "Leased Parcel") from the owner of the Property, Fernwood Fruit Farm, Inc. The proposed antenna tower would have a south setback of 165± feet from the adjoining properties located on Applewood Drive. Vehicular access to the Leased Parcel would be provided via a driveway that is to be installed from the northern dead-end of Red Apple Lane, a two-lane, local subdivision road. Mr. Brenner stated that the need for the facility in this location was due to cellular telecommunication coverage and capacity issues in this area of the Town of Greece, generally being between Crossroads Lane, English Road, Latta Road, and New York State Route 390, which encompass the radio frequency search ring cell. In addition to coverage issues, the existing network facilities were reaching their maximum capacity. The need for the antenna tower is due to the increase in cellular customers' data usage, which has increased drastically in the last decade.

The Town's zoning ordinance encourages the co-location of antennas on antenna towers or other existing structures. In this case, there is no site within the search ring cell that would be viable for the Applicant to co-locate to. However, the antenna tower has been designed to allow future co-location by other telecommunications service providers.

The Town's zoning ordinance also encourages the location of telecommunications facilities in nonresidential areas, especially on public lands. The only public land within the Applicant's search area is a 23± acre property that is owned by the Town, southeast of the Lease Parcel. However, the ability to use this property is very limited, if not completely

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precluded, by federal wetlands according to the United States Fish and Wildlife Service National Wetlands Inventory Mapper.

As part of the Proposal, alternative antenna tower locations were analyzed and reviewed based on their ability to provide proper coverage. The following sites were considered within the Applicant's search ring:

- 2285 Latta Road, being Orchard Community Church, was ruled out due the fact that a tower at this location would not satisfy Verizon's objective to provide reliable wireless telecommunication service to the surrounding areas. In addition, the parcel would have provided only limited screening for adjacent residential neighborhoods. Furthermore, the church did not respond to the inquiry about interest letter that Verizon mailed to them.
- 3 Treeline Drive, being Crimson Ridge Senior Living Campus, was not selected due to circumstances similar to those at the Orchard Community Church: the tower at this location would not satisfy Verizon's objective to provide reliable wireless telecommunication service to the surrounding areas; the parcel has limited space and screening capabilities; and the property owner did not respond to Verizon's letter of inquiry about interest.
- 1766 Latta Road, being North Greece Fire District Headquarters, was eliminated for co-location purposes due to the presence of an existing antenna tower, on which Verizon is a tenant. Being in close proximity to a neighboring cell site causes signal overlap, excessive signal noise, unreliable service, slow data speeds, and dropped calls.

Also at the June 7 meeting, the Board heard testimony from William McNelis of 20 Applewood Drive, Ron Cooper of 36 Applewood Drive, and Mary Fulkerson of 438 Red Apple Lane. Both Mr. McNelis and Ms. Fulkerson stated their concerns about the proposal, such as the number of trees that would be removed, the use of barbed wire, the height of the antenna tower, and the overall appearance after the removal of trees and the installation of the antenna tower. As a result, the Board voted to continue the public hearing until the meeting of June 21 in order to give the Applicant time to gather more information that the Board requested.

On June 21, Nathan Vander Wal, Esq., of Nixon Peabody LLP appeared before the Board on behalf of the Applicant. At this meeting, Mr. Vander Wal presented an updated submittal based on comments from the Board and the public. The most notable changes to the Proposal were the shifting of the antenna tower location an additional 50 feet to the north and by doing so, increasing the setback of the antenna tower to approximately 218 feet and by doing so, increasing the overall tree buffer from the properties on Applewood Drive, and removing the 8.0-foot-high, chain-link fence with barbed wire and replacing it with an 8.0-foot-high, board-on-board fence.

The Board and the Applicant discussed whether it would be feasible to relocate the antenna tower to the east, meaning directly north of the property located at 328 Red Apple Lane. The Applicant stated that, based on information provided by the Applicant's site engineer, Costich Engineering, the relocation to the east would place the antenna tower and/or the rest of the telecommunications facility in close proximity to or in federal wetlands. Furthermore, this location potentially would result in the antenna tower and/or the rest of the telecommunications facility being in the floodplain of Paddy Hill Creek, and would require the antenna tower height to increase by 10.0 feet.

As part of the initial submittal, the Applicant has provided three (3) alternative locations for the antenna tower and why they were not selected. During discussion, the Board inquired if it would be feasible to place the antenna tower at the newly constructed Gardens at Town Center apartments, which are located to the southeast of the intersection of Latta and Long Pond Roads. Peter Franz, the radio frequency engineer for the Applicant, testified

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that the Gardens at Town Center site would be located outside of the radio frequency search ring analysis that was performed. In a document that the Applicant submitted, Mr. Franz stated that the proposed antenna tower would have to be at least 120.0 feet in height to ensure adequate and reliable service to customers in the cell area. Mr. Franz's submittal was the result of questions that this Board had regarding the need for the proposed tower height.

Also at the June 21 meeting, the Board heard testimony from Ms. Fulkerson of 438 Red Apple Lane, regarding the trees that would be removed, Mr. McNelis of 20 Applewood Drive, regarding the setback requirements, and Arthur Daughton of 52 Goethals Drive. Mr. Daughton stated that he would prefer an asphalt access road instead of gravel, commented on the visual impact of the antenna tower, and referenced a recent report that dealt with cellular antenna towers. The Board voted to continue the public hearing on this application until the meeting of July 5 in order to give the Applicant time to gather more information that the Board requested.

On July 5, Town staff had indicated that the Applicant had requested an adjournment of the public hearing on the Proposal until the meeting of July 19.

On July 19, Mr. Vander Wal reappeared before this Board to discuss an updated Proposal that was submitted for review. Mr. Vander Wal stated that Town staff requested the Applicant to explore the feasibility of locating the antenna tower at 2451-2455 Latta Road, that being the Orchard View Apartment Complex, which is currently under construction. The reasons that the Applicant ruled out this potential alternative site were: the inability of the antenna tower to meet setback requirements; the likelihood that the antenna tower and/or the rest of the telecommunications facility would have to be placed within a Town of Greece floodplain; and the telecommunications facility would be situated on top of a contaminated soil mitigation berm.

Additionally, the Applicant provided information to the Board regarding the antenna tower itself. The proposed antenna tower would be constructed of hot-dip galvanized steel, which is better suited for this environment. Also, the use of the galvanized steel would protect the structure from corrosive environments in the soil, at ground level and in the atmosphere, and the galvanized steel has the potential to last for approximately 70+ years little or no maintenance. Furthermore, if an issue did arise, it would be noticed quickly because the Applicant's maintenance policy calls for frequent site visits (one to two per month). In the unlikely event of a structural failure of the antenna tower, it would be designed to "buckle" and "fold over," basically collapsing on itself in an area with a radius of approximately 81.0 feet, meaning that it would not damage adjoining properties.

In terms of site design layout, the Applicant addressed the type of construction for the access road. Although the Applicant would prefer a gravel road based on industry standard, they would not object to having to construct the road out of asphalt, with the design and construction being subject to Town approval. The Applicant also stated that the access gate to the Leased Parcel would be designed and built in accordance with Town requirements. Lastly, it was discussed that there would not be a need for additional landscape buffering at the base of the antenna tower due to the increase in setback of the tower from the south and the natural buffer already present in the existing wooded area.

The Board also heard oral testimony from Arthur Daughton of 52 Goethals Drive, Mary Roberts of 147 Bridgewood Drive, Robert McRonald of 123 Bridgewood Drive, and Jack Rittler of 853 North Greece Road. Each individual took the time to address the Board and state their questions, comments, and concerns regarding the Proposal.

The Board voted to continue the public hearing on this application until the meeting of August 16 in order to give the Applicant time to gather more information that Town staff requested. The continuation also would provide an opportunity for the Town's Planning Board

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to review the updated Proposal, especially a plan that the Applicant submitted which showed a hypothetical future single-family residential development and an extension of Red Apple Lane to the north. The issue to be determined by the Town's Planning Board was, if future development were to occur as shown, would additional landscape screening be needed, and what should be the location of an access road to the Leased Parcel?

On August 16, Thomas Greiner, Jr., Esq., of Nixon Peabody LLP appeared before this Board. During this meeting, Mr. Greiner took the opportunity to discuss an updated Proposal that was submitted to this Board. First to be discussed was a revised plan showing a future extension of Red Apple Lane to the north, as requested by the Town's Planning Board and Town staff. Mr. Greiner presented exhibits, showing why the antenna tower could not be located east of a northward extension of Red Apple Lane. The updated Proposal reiterated testimony given on June 21, and the Board was in receipt of an e-mail from the owner of the property at 2419 Latta Road, in which he stated his concerns about relocating the antenna tower to the east. Furthermore, Mr. Greiner stated that if required, the Applicant could shift the antenna tower location an additional 50.0 feet to the west. However, Mr. Greiner pointed out that that location would be partially removed from the densely-wooded area, and the antenna tower would have a greater visual exposure. Mr. Greiner also stated that, if required to do so, the Applicant would agree to camouflage the antenna tower and construct a 134.0-foot-tall "monopine" antenna tower.

The Board has reviewed the exhibits of the monopine antenna tower and feels that this structure would not be necessary. The monopine tower would be taller in height, and it is in the opinion of this Board that it would have more of a visual impact on surrounding areas.

Lastly, Mr. Greiner took the time to discuss a treatise entitled On Considering a Mutually Beneficial Solution to the Location of the Bell Atlantic Mobile of Rochester Cell Phone Tower Application for construction on Apple Annie's Property (Fernwood Fruit Farm Inc.), which was written and submitted to the Board by Robert McDonald of 123 Bridgewood Drive. In the treatise, Mr. McDonald discussed concerns that he would have if the Proposal was approved, principally the impact on the health of neighboring property owners and how the presence of an antenna tower would affect neighbors' property values. In addition to comments about the impact of the antenna tower at this location, Mr. McDonald recommended that the antenna tower be relocated to Basil Marella Park. However, Mr. Greiner noted that such location would be outside the area where Verizon currently needed to fill its service coverage gap, but the area in the vicinity of Basil Marella Park could be a potential location for a future antenna tower to address other service coverage gaps. Following further discussion between Mr. Greiner and Mr. McDonald regarding the impact on health and property values, the Board heard testimony from Jack Rittler of 853 North Greece Road, Arthur Daughton of 52 Goethals Drive, Mary Roberts of 147 Bridgewood Drive, and Jennifer Brown of 215 Bridgewood Drive, who all voiced their comments and concerns regarding the proposed antenna tower and the overall process as it relates to cellular tower siting and approvals. Also, it should be noted, that at the time of discussion, no analysis or data was present or submitted from either a realtor or licensed property appraiser, as it relates to the impact the proposed antenna tower would have on neighboring property values.

The Board then closed the public hearing for this application in order to consider all relevant information and render a decision at the Board's meeting date of September 6, 2016.

On September 6, 2016, in accordance with 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 Board of Zoning Appeals issued a Negative Declaration for the Proposal (the "SEQRA Negative Declaration"). The SEQRA Negative Declaration indicated that, to the maximum extent practicable, the Proposal as originally designed or as voluntarily modified by the Applicant will

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minimize or avoid potential adverse environmental impacts that were revealed in the environmental review process. The SEQRA Negative Declaration is incorporated herein by reference as if fully set forth, as findings of the Board of Zoning Appeals in its decision on the Proposal.

As I noted earlier, the Telecom Act, the FCC, and federal and state courts have shaped how this Board must consider telecommunications facilities for commercial cellular service. The Applicant is a public utility, and has presented documentary, testimonial and other evidence to demonstrate a need for the Proposal.

1. Need. As mentioned previously, the need for an antenna tower in this location is due to coverage issues that Verizon has in this section of the Town of Greece, being north of English Road, south of Latta Road, and east of Crossroads Lane. Also, the proposed antenna tower is needed to offload capacity at Verizon's nearby sites, which are operating to near exhaustion of their capacity. In addition to capacity issues, the need for the antenna tower is due to the increase in cellular customers' data usage, which has increased drastically in the last decade.
2. No other location. As mentioned previously, the Applicant has analyzed five (5) different alternative sites and the feasibility of placing the antenna tower at those locations. It was determined that each alternative site would not be feasible for the placement of the antenna tower for reasons including, but not limited to: limited screening from residential neighborhoods; inability to meet setback requirements; property owners not responding to Verizon's inquiries; and negative impact that an antenna tower at an alternative location would have on telecommunication service.
3. Minimum equipment necessary to address the need. As mentioned previously, the Applicant's radio frequency engineer, Peter Franz, submitted written testimony that the minimum antenna tower height which is needed to address capacity and coverage concerns in this area would be 120-feet.

In addition to the reasons stated above, I believe that this Board would be remiss if it did not address the following criteria for a special use permit, as specified in the Town's zoning ordinance:

1. Access to the site and the size of the site are adequate for the proposed use. The Applicant has submitted a Proposal which provides adequate access to the site. Access will be via a private road to be constructed at what is currently the northern dead-end of Red Apple Lane.
2. The proposed use will not adversely affect the orderly pattern of development in the area. The Proposal will not adversely affect the orderly pattern of development in the area. As submitted on August 9, 2016 as Exhibit A, the Applicant has provided a plan showing the feasibility of a hypothetical and future residential subdivision extension of Red Apple Lane to the north and a potential connection with Latta Road. The plan, designed by Costich Engineering, takes into consideration the lot area requirements for the R1-44 zoning district and a road design and layout based on the construction specifications of the Town's Department of Public Works.
3. The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof. The Proposal will not alter the essential character of the neighborhood. The placement of an antenna tower on the Property or the Leased Parcel does not adversely affect current land uses of the properties located within Verizon's search ring cell. Also, the antenna tower would be located in area with a mixture of natural deciduous vegetation, notably taller trees with thick undergrowth which would allow for only the

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"crown" portion of the antenna tower to be visible. In addition to the natural vegetative buffer, the Applicant will be installing an 8.0-foot-high, board on board fence, along with an additional landscaping which will further screen the base of the antenna tower from the adjoining properties. This would not be the only area of the Town in which you have a cellular antenna tower in close proximity to residential neighborhoods or areas. Furthermore, the Applicant has stated that it is willing, and the antenna tower is able, to permit co-location of additional antennas as outlined in Exhibit J of Applicant's initial submittal; this reduces the possibility of another antenna tower being needed in the immediate vicinity of the Leased Parcel.

4. The proposed use will not create a hazard to health, safety or the general welfare. Although there has been discussion regarding the potential impact that the proposed antenna tower might have on the health of individuals at neighboring properties, the Telecommunications Act of 1996 is explicit as it relates to this concern. The Board is sympathetic to the concerns that have been raised, but per the Telecommunications Act, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." As demonstrated in Exhibit I of the Applicant's initial submittal, the appropriate measures will be taken to comply with exposure limits and guidelines adopted by the FCC that govern human exposure to radiofrequency electromagnetic fields.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity. The proposal will not be detrimental to the flow of traffic in the vicinity. As stated previously and in the Findings of Fact, access will be provided from what is currently the northern dead-end of Red Apple Lane. The Applicant testified that maintenance visits to the site would occur approximately one to two times per month.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities. The proposal will not place an excessive burden on public improvements, facilities, services or utilities. The only utility the Proposal would require is electrical service. There will not be any Town sanitary or storm sewers, and the proposed access road will not be dedicated to the Town.

Therefore, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Section 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), I move to approve this special use permit, subject to the following conditions:

1. The Applicant shall operate this telecommunication facility in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole and absolute discretion and without hearing, shall determine the resolution of such conflict.
4. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code. Failure to comply with such requirements may be ground for revocation of this special use permit.
5. The maximum occupancy of this telecommunication facility shall be the limit established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.

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6. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
7. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
8. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding authority.
9. The Applicant shall obtain site plan approval from the Town Planning Board.
10. As offered and agreed to by the Applicant, if a future extension of Red Apple Lane occurs, the Applicant shall install additional landscape buffering around the antenna tower, subject to the approval of the Planning Board Clerk.
11. The design and construction of the access road shall be subject to the approval by the Commissioner of Public Works and the Town Fire Marshal.
12. The Applicant shall permit future co-location on the tower to other cellular service providers.
13. As offered by the Applicant, Item "b," the request of barbed wire fencing, has been formally withdrawn.

Seconded by Ms. Nigro 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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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 20, 2016, per the applicant's 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 September 20, 2016

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4. 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 20, 2016, per the applicant's 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 September 20, 2016**

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New Business:

1. Applicant: Phillip Wegman
Location: 130 Hogan Point Road
Mon. Co. Tax No.: 025.02-1-10.111
Zoning District: R1-44 (Single-Family Residential)
Request: The following area variances are required in order to subdivide Lot CR-4 of the Wegman Subdivision to form Lots 501 and DR-4:
 - Lot 501
 - a) An area variance for a total gross floor area of 4071± square feet in all existing accessory structures, instead of the 1250 square feet maximum gross floor area permitted for accessory structures on lots with a lot area greater than one (1) acre. Sec. 211-11 E (1), Table I
 - Lot DR-4
 - a) An area variance for an existing shed (8.2 feet x 8.2 feet; 67.2 square feet) located on a vacant lot without a principal building. Sec. 211-5 (Structure, Accessory)
 - b) An area variance for an existing shed (12.0 feet x 12.0 feet; 144.0 square feet), resulting in two (2) accessory structures located on a vacant lot without a principal building. Sec. 211-5 (Structure, Accessory)
 - c) An area variance for an existing pavilion (20.0 feet x 30.0 feet; 600.0 square feet), resulting in three (3) accessory structures located on a vacant lot without a principal building. Sec. 211-5 (Structure, Accessory)
 - d) An area variance for an existing detached garage (2785± square feet), resulting in four (4) accessory structures located on a vacant lot without a principal building. Sec.211-5 (Structure, Accessory)
 - e) An area variance for a total gross floor area of 2996.2± square feet in all existing accessory structures, instead of the 1250 square feet maximum gross floor area permitted for accessory structures on lots with a lot area greater than one (1) acre. 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 130 Hogan Point 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

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

Mr. Chairman, regarding the application of Phillip Wegman, 130 Hogan Point Road, their representative, Richard Giraulo from LaDieu Consulting, appeared before the Board of Zoning Appeals this evening, requesting several area variances that are required in order to subdivide Lot CR-4 of the Wegman Subdivision to form Lots 501 and DR-4, as mentioned above.

The findings of fact are as follows. The applicant representing Phillip Wegman came before the Board, requesting this due to an estate planning. This property is common land for family use and with this estate planning they have separated into Lot 501, which would be Mr. Wegman's residence. This is a preexisting home that has a barn, along with accessory structures, that he uses on the property. Prior to this property being split, subdivided into another lot, it met all codes. By splitting up Lot CR-4 into Lot 501 and Lot DR-4, it is a self-created hardship. For Lot DR-4, once again this is a pre-existing condition. The sheds maintain toys and games for the family; also, the pavilion is used for family activities. Along with the garage—the existing, detached garage—is the storing of tractors and also other equipment that is needed to maintain the property. Once again, these accessory structures are used by the family and have been used just for the estate planning and also is common land for family use, with family all living in this entire area on Hogan Point Road.

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 there will be no commercial development on this site.

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2. That there will be no commercial activities or no storage of commercial vehicles on this site.
3. That there will be random inspections by the Town to this site.
4. And this is subject to Planning Board approval.

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

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Abstain
	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: Doris Tubbs
Location: 2422 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-61.1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 4.0-foot-high, open-construction fence (32± 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. Sec. 211-46 D

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 2422 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. Bilsky 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

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

Mr. Chairman, regarding the application of Doris Tubbs, 2422 Edgemere Drive, Ms. Doris Tubbs appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 4.0-foot-high, open-construction fence (32± 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.

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The findings of fact are as follows. This evening Ms. Tubbs, who has lived at this address for 57 years, is looking to install steel fencing to maintain the security and general welfare for her pet dog. The proposed fence has already been purchased and is of open construction made out of steel. The proposed fence is located in what is considered a clear visibility portion of the yard; however, with the open construction of this fence there is no blocking visibility. The rest of the property is fenced from the breakwall up to about 150 feet on each side. Ms. Tubbs has purchased this and it is waiting for installation. Neighbors have said that they approve of what is considered a substantial improvement to the fencing.

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. And that the approval is for the life of the fence.

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Robert Burris
Location: 32 Putney Place
Mon. Co. Tax No.: 058.01-3-47
Zoning District: R1-44 (Single-Family Residential)
Request: a) An area variance for a proposed attached garage addition (16.0 feet x 25.0 feet; 400.0 square feet), resulting in a total gross floor area of 1610.2± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), Table I
b) An area variance for an existing shed 10.0 feet x 18.5 feet; 185.0 square feet) to have a (south) side setback of 1.4± feet, instead of the 10.0 feet minimum required; and for said shed to have a (east) rear setback of 5.5± feet, instead of the 10.0 feet minimum required. Sec. 211-11 E (1), 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 32 Putney Place, 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. 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

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

Mr. Chairman, regarding the application of Robert Burris, 32 Putney Place, an R1-44 (Single-Family Residential) zoning district, Mr. Burris appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed attached garage addition (16.0 feet x 25.0 feet; 400.0 square feet), resulting in a total gross floor area of 1610.2± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre; and an area variance for an existing shed (10.0 feet x 18.5 feet; 185.0 square feet) to have a (south) side setback of 1.4± feet, instead of the 10.0 feet minimum required; and for said shed to have a (east) rear setback of 5.5± feet, instead of the 10.0 feet minimum required.

The findings of fact are as follows. Mr. Burris stated that he has owned the property for approximately three years, and the need for this garage addition is that he has acquired two additional ATVs and also for additional lawn equipment. He was asked if the size could be reduced, but with the option to place a vehicle at some point in the future that really is not possible. He has sized up that 400 square feet with all the equipment and that is what he needs. The total of the 1610 feet gross floor area is also in range of the neighborhood. The finishes of the garage will be matching the primary structure; the only utilities run to the garage will be electric. Now, as for the shed being mentioned in variance "b," Mr. Burris said that it has been relocated; therefore, he is withdrawing the request for variance "b" relative to the shed. He has spoken to neighbors, who have expressed no concerns. In addition, there was a letter read from Sean and Annette McCabe at 34 Putney Place stating that also they have no concerns.

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

1. That all building permits be obtained and Town codes satisfied and met.

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 Approved
With Conditions

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4. Applicant: Wayne Edgecombe
Location: 102 Pointe Vintage Drive
Mon. Co. Tax No.: 059.03-2-58
Zoning District: R1-18 (Single-Family Residential)
Request: a) An area variance for a proposed attached garage addition (10.0 feet x 37.0 feet; 370.0 square feet) to have a (west) side setback of 3.2 feet, instead of the 10.0 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for a proposed attached garage addition (10.0 feet x 37.0 feet; 370.0 square feet), resulting in a total gross floor area of 1194 square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), Table I

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 102 Pointe Vintage 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) & (12).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

VOTE:	Mr. Bilsky	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 Wayne Edgecombe, 102 Pointe Vintage Drive, Mr. Wayne Edgecombe and his wife, Sherri, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed attached garage addition (10.0 feet x 37.0 feet; 370.0 square feet) to have a (west) side setback of 3.2 feet, instead of the 10.0 feet minimum required; and an area variance for a proposed attached garage addition (10.0 feet x 37.0 feet; 370.0 square feet), resulting in a total gross floor area of 1194 square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre.

The findings of fact are as follows. This parcel is located at 102 Pointe Vintage Drive in an R1-E (Single-Family Residential) district, and is approximately 95 feet x 190 feet. The Edgecombes have lived at this address for 17 years. The proposed garage addition is to provide storage of a boat. The construction will be overseen by a contractor. It will match the existing home, it will be built on a concrete foundation, there will not be a second story, there will be electricity to provide lighting, and there will be no heat or water. There is an existing back door for outside access. The proposed garage is not able to be scaled back to within code due to the size of the boat; the storage area is needed to provide storage for the boat. Mr. Edgecombe did provide photos of approximately eleven homes on their street that have three- or four-car garages, and he also provided a letter from his two next-door neighbors and the neighbor across the street, who have approved of this request.

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

1. The applicant will obtain necessary building permits and will meet all Town code.

Seconded by Mr. Jensen 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: Robert Spratt
Location: 20 Damsen Road
Mon. Co. Tax No.: 045.16-2-11
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed aboveground pool (18-foot-diameter; round) to be located in a side yard, where accessory structures, such as pools, are permitted only in rear yards. Sec. 211-11 E (3)
b) An area variance for a proposed pool deck (10.0 feet x 10.0 feet; 100.0 square feet) to be located in side yard, where accessory structures, such as decks, are permitted only in rear yards. 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 20 Damsen 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. Forsythe 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. Shea then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of Robert Spratt, 20 Damsen Road, Mr. Spratt appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed aboveground pool (18-foot-diameter; round) to be located in a side yard, where accessory structures, such as pools, are permitted only in rear yards; and an area variance for a proposed pool deck (10.0 feet x 10.0 feet; 100.0 square feet) to be located in side yard, where accessory structures, such as decks, are permitted only in rear yards.

The findings of fact are as follows. Mr. Spratt has lived there for about eight years, and the reason for the location of the pool and deck is because it is so impractical to put it anywhere else, especially in the back yard. The proposed pool will be about 10 feet from the nearest fences. There will be no lights or electrical outlets on the pool deck. The deck will not be covered, and Mr. Spratt has agreed to sign a Hold Harmless agreement with the Town. No one appeared before the Board tonight 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 all necessary Town permits be obtained.
2. This approval is for the life of the deck.
3. And that the applicant sign a Hold Harmless agreement with the Town.

Seconded by Mr. Forsythe 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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6. Applicant: Shaun Sick
Location: 94 Crossgate Road
Mon. Co. Tax No.: 088.03-2-29
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed in-ground pool (16.0 feet x 34.0 feet; 544.0 square feet) to be located 6.0± feet (measured from the water's edge) from an existing principal building (single-family dwelling), instead of the 10.0 feet minimum required. Sec. 114.12.1 B (2)
b) An area variance for a proposed in-ground pool (16.0 feet x 34.0 feet; 544.0 square feet) to have a (east) rear setback of 4.0± feet (measured from the water's edge), instead of the 9.0 feet minimum required. Sec. 211-11 E (1), Table I
c) An area variance for a proposed in-ground pool (16.0 feet x 34.0 feet; 544.0 square feet) to be located 6.0± feet (measured from water's edge) from an existing shed, instead of the 10.0 feet minimum required. Sec. 114.12.1 B (2)

On a motion by Mr. Forsythe and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of September 20, 2016 due to the applicant not attending this meeting.

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 September 20, 2016**

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7. Applicant: Edward Mascadri
Location: 10 Putney Place
Mon. Co. Tax No.: 058.01-3-4
Zoning District: R1-44 (Single-Family Residential)
Request: An area variance for a proposed attached garage addition (16.0 feet x 24.7 feet; 395.2 square feet), resulting in a total gross floor area of 1086.8 square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre. 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 10 Putney Place, 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	yes	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 Edward Mascadri, 10 Putney Place, Mr. Mascadri appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed attached garage addition (16.0 feet x 24.7 feet; 395.2 square feet),

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resulting in a total gross floor area of 1086.8 square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre.

The findings of fact are as follows. The applicant has lived at this location for 6 and 1/2 years, and the applicant requested a third car garage in order to store lawn equipment and ATVs. The applicant also calculated all the area and all the equipment and everything needed to fit this application. The applicant also stated that the addition will look similar to the house, with the siding and the roofline. The applicant also stated that there will be electric to the garage and he will not be running a business out of the garage. These 1086.8 square feet of accessory structures are within a range with other accessory structures and homes within these types of neighborhoods.

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

Seconded by Ms. Nigro 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 Condition

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8. Applicant: BLDG 502, LLC
Location: 1245 Lee Road
Mon. Co. Tax No.: 089.15-2-14
Zoning District: IG (General Industrial)
Request: a) An area variance for a proposed second (north side) building-mounted sign (#Snap Burger & Fries; 6.5 feet x 7.4 feet; 48.1 square feet), instead of the one (1) 67.5 square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
b) An area variance for a proposed third (west side) building-mounted sign (#Snap Burger & Fries; 7.5 feet x 7.5 feet; 56.3 square feet), instead of the one (1) 67.5 square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

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 1245 Lee 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 and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. 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.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have

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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.

8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations, and comments that may have 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.
9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. 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.
13. 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 and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. 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. Bilsky 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. Hartwig then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of BLDG 502, LLC, at 1245 Lee Road, in an IG (General Industrial) district, their representative appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second (north side) building-mounted sign (#Snap Burger & Fries; 6.5 feet x 7.4 feet; 48.1 square feet), instead of the one (1) 67.5 square-foot building-mounted sign permitted and an area variance for a proposed third (west side) building-mounted sign (#Snap Burger & Fries; 7.5 feet x 7.5 feet; 56.3 square feet), instead of the one (1) 67.5 square-foot building-mounted sign permitted.

The findings of fact are as follows. This evening, Jamie Rawleigh appeared before the Board on behalf of BLDG 502, LLC to request the aforementioned variances. The need for these additional signs on the building is to identify the business that will be located there, as it is in a low, commercial area. The size of the signs are needed because the distance from the building to the road is excessive and the signs of that size are needed so that they can be seen from the surrounding roads, mainly New York State Route 390 to the west and Ridgeway Avenue to the north. The signs will be a cabinet box sign in nature and they will be LED backlit. They have agreed or the agreement is made that the signs will be turned off two hours after the business closes each evening.

As such, I move to approve these variances of this application with the condition that all signage permits are obtained.

Seconded by Ms. Nigro 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 Condition

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ADJOURNMENT: 9:10 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 20, 2016