



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

JANUARY 16, 2018

Work Session Began: 6:30 p.m.

Meeting Began: 7:00p.m.

Place: Community Conference Room, Greece Town Hall

Present

Albert F. Meilutis, Chairman

Andrew P. Forsythe

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Additions, Deletions and Continuances to the Agenda

Announcements

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

Old Business

1. Applicant: Michael Melvin
Location: 3197 Edgemere Drive
Mon. Co. Tax No.: 026.39-4-7 & 026.39-4-8
Zoning District: R1-E (Single-Family Residential)
Request: The following variances are requested for the resubdivision of Lot 13, Block B, of the Braddocks Heights subdivision and additional lands to create lot R-13:
- a) An area variance for a proposed lot to have an area of 7326 square feet, instead of the 7849± square feet minimum established by the neighborhood average. Sec. 211-11 D (1) (a), Sec. 211-11 D (2), Table I
 - b) An area variance for a proposed lot to have a lot width of 48± feet, instead of 51± feet established by the neighborhood average. Sec. 211-11 D (2), Table 1
 - c) An area variance for a proposed lot to have a depth of 151± feet, instead of 160± feet established by the neighborhood average. Sec. 211-11 D (2), Table 1

The following variances are requested for a proposed single-family dwelling and deck on Lot R-13:

- d) An area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a front setback of 127± feet (measured from the north right-of-way line of Edgemere Drive) instead of the 122± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I
- e) An area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (east) side setback of 5.0± feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
- f) An area variance for a proposed two-story principal structure (single-family dwelling), following demolition of the existing single-family dwelling, to have a (west) side setback of 3.0± feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
- g) An area variance for a proposed lot coverage of 33.9±%, instead of the 25% maximum permitted. Sec. 211-11 D (2)

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

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 3197 Edgemere Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (10), (12) & (13).)
2. According to SEQRA, Type II actions have been determined to not have a significant 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. Forsythe	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

On January 2, 2018, Mr. Robert Hannon appeared before this Board on behalf of Michael Melvin, who resides at 3197 Edgemere Drive in an R1-E (Single-Family Residential) district.

The following variances are requested for the re-subdivision of Lot 13, Block B, of the Braddocks Heights subdivision and additional lands to create lot R-13:

- a) An area variance for a proposed lot to have an area of 7326 square feet, instead of the 7849± square feet minimum established by the neighborhood average.
- b) An area variance for a proposed lot to have a lot width of 48± feet, instead of 51± feet established by the neighborhood average.
- c) An area variance for a proposed lot to have a depth of 151± feet, instead of 160± feet established by the neighborhood average.

The following variances are requested for a proposed single-family dwelling and deck on Lot R-13:

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

- d) An area variance for a proposed deck (12.0 feet x 20.0 feet; 240.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 127± feet (measured from the north right-of-way line of Edgemere Drive) instead of the 122± feet maximum established by the neighborhood average.
- e) An area variance for a proposed one-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (east) side setback of 5.0± feet, instead of the 6.0 feet minimum required.
- f) An area variance for a proposed one-story principal structure (single-family dwelling), following demolition of the existing single-family dwelling, to have a (west) side setback of 3.0± feet, instead of the 6.0 feet minimum required.
- g) An area variance for a proposed lot coverage of 33.9±%, instead of the 25% maximum permitted.

Mr. Hannon stated that Mr. Melvin has owned this property for 15 years. He and his wife are retired, spending their summers at this property and their winters in the south; however, at this time they have decided to remain at 3197 Edgemere Drive year round.

As the existing structure is primarily for summer use, it will be demolished and a new year-round structure will be built. To accomplish this, the applicant acquired a contiguous preexisting lot to the north from the County of Monroe in order to combine it with their current property, thereby increasing their lot size to 7,326 square feet. With this lot size increase, their lot depth also increased correspondingly to 151 feet, and the preexisting lot width of 48 feet was maintained.

In addition to the new structure, plans are to construct a deck on the waterfront side of the house in order to enhance the applicant's lifestyle and enjoyment of the outdoors. Waterfront sides are front yards, but decks are commonly approved on water sides, which is consistent with the neighborhood. The new primary structure will utilize the same front setback as the existing structure; however, with the addition of the deck, this front setback will increase to 127 feet.

The first floor will include a master bedroom. Therefore, an east side setback of five feet is being requested in order to provide sufficient space for it.

The existing storage shed on the property will be removed. As the new structure will not have a basement but will have a garage, this garage will need to be large enough to store the shed items of lawn equipment and furniture, along with their automobiles. Consequently, a west side setback of three feet is also being requested.

With this new construction, a lot coverage of 33.9% will result, which is consistent with the neighborhood's smaller lot sizes.

Mr. Hannon also stated that the neighbors both to the east and west have been contacted, and neither one expressed any concerns.

Variances "e" and "f" were advertised as being for a "one-story principal structure"; the structure, however, will be a two-story structure. As such, this application was continued to January 16th in order to re-advertise accordingly. These variances now read as follows:

- e) An area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (east) side setback of 5.0± feet, instead of the 6.0 feet minimum required.

AND

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

- f) An area variance for a proposed two-story principal structure (single-family dwelling), following demolition of the existing single-family dwelling, to have a (west) side setback of 3.0± feet, instead of the 6.0 feet minimum required.

Subsequent to the continuance, the applicant changed plans, which also required a change to variance "d." As such, this variance was also revised and re-advertised to the following:

- d) An area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a front setback of 127± feet (measured from the north right-of-way line of Edgemere Drive) instead of the 122± feet maximum established by the neighborhood average.

This evening on January 16th, Mr. Hannon re-appeared before the Board on behalf of Mr. Michael Melvin to state that the deck that was previously mentioned in variance "d" will now have a roof over it, that it will be covered, so as such, it will be an open porch to the dwelling; however, the dimensions will remain the same at 127 feet.

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

1. That all Building permits must be obtained.
2. All applicable building codes need to be satisfied.
3. The existing storage shed must be removed.
4. Also, an approval from the Town for the combination of the two lots.

Seconded by Ms. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

2. Applicant: Maiden, LLC & Village Crossing, LLC
Location: 3455, 3471, & 3507 Mount Read Boulevard
Mon. Co. Tax No.: 075.05-2-3.12, 075.05-2-3.11/COM, 075.05-2-5.1, 075.05-2-8, 075.05-2-9
Zoning District: BR (Restricted Business)
Request: a) An area variance for the proposed expansion of an existing business center to have 624 parking spaces, instead of the 722 minimum parking spaces required. Sec. 211-45 K (1), Sec. 211-45 Q, Sec. 211-45 S (1), & Sec. 211-45 Z
b) An area variance for the proposed expansion of an existing business center to have a lot coverage of 17.2%, instead of the 15% maximum permitted. Sec. 211-17 B (4), Table III
c) An area variance for a proposed driveway/parking area (335± linear feet) to be located 16.0 to 19.9 feet from a single-family residential district, instead of the 20.0 feet minimum required. Sec. 211-17 B (4), Table III
d) An area variance for a proposed drive-up service aisle/driveway (85± linear feet) for a one-story restaurant to be located a distance of 10.0 to 19.9 feet from a front lot line (measured from the west right-of-way line of Mount Read Boulevard) instead of the 20.0 feet minimum required. Sec. 211-17-C (4), Table III
e) An area variance for a proposed 6.0-foot-high, closed-construction fence (50± linear feet) to be located in a front yard of a business center, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

On a motion by Ms. Nigro and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of February 6, 2018, in order to give staff time to re-advertise.

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

**Motion Carried
Application Continued Until
Meeting of February 6, 2018**

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

3. Applicant: Bell Atlantic Mobile Systems of Allentown, Inc. (d.b.a. Verizon Wireless)
- Location: 1510 Maiden Lane
- Mon. Co. Tax No.: 059.19-3-1.1
- Zoning District: R1-18 (Single-Family Residential)
- Request: a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (119 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 (188± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in Section 211-49. Sec. 211-46 E

On a motion by Ms. Nigro and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of March 6, 2018, per the request of the applicant.

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

Motion Carried
Application Continued Until
Meeting of March 6, 2018

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

New Business:

1. Applicant: Arthur DiPasquale
Location: 148 Sharon Drive
Mon. Co. Tax No.: 074.07-7-14
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing 4.0-foot-high, closed-construction fence (112± linear feet) located in a front yard of a corner lot, where fences in a front yard shall be of open construction. Sec. 211-46 L

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 148 Sharon 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 to not have a significant 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. Wechsler and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, regarding the application of Arthur DiPasquale, 148 Sharon Drive, Mr. DiPasquale appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing 4.0-foot-high, closed-construction fence (112± linear feet) located in a front yard of a corner lot, where fences in a front yard shall be of open construction.

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

WHEREAS, the findings of fact are as follows. This parcel is located at 148 Sharon Drive and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Mr. Arthur DiPasquale, appeared before the Board this evening and stated that he has resided at this property for about 35 years. The fence is an existing four-foot fence that he is seeking approval for. It is located in the front yard of a corner lot where fences in a front yard shall be of open construction. To remove the new fencing to comply with Town code would not be practical and would be a financial burden to the owner. He already has Town permits for this new fencing, and the purpose is to help contain a dog that he has.

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 sign a Hold Harmless agreement with the Town of Greece.

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

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

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

2. Applicant: Robert Minnick
Location: 1430 Edgemere Drive
Mon. Co. Tax No.: 035.09-1-15
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed deck (1163± square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 153.0± feet (measured from the north right-of-way line of Crescent Beach Road, aka Old Edgemere Drive) instead of the 118.5± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I
b) An area variance for a proposed deck (1163± square feet) to have a (east) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I
c) An area variance for a proposed deck (1163± square feet) to have a (west) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I
d) An area variance for proposed lot coverage of 56±%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

On a motion by Mr. Jensen and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of February 20, 2018 in order to give Board members time to visit the property, time to receive comments from the New York State Department of Environmental Conservation, and also to give the applicant time to review her options.

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

**Motion Carried
Application Continued Until
Meeting of February 20, 2018**

BOARD OF ZONING APPEALS MINUTES
January 16, 2018

ADJOURNMENT: 7:55 p.m.

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____

Date: _____

Albert F. Meilutis, Chairman

NEXT MEETING: February 6, 2018