



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

OCTOBER 20, 2015

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 (left meeting at approx. 8:40 p.m.)

Thomas Hartwig

Randy T. Jensen

Christopher A. Schiano, Esq., Deputy Town Attorney

Scott Copey, Planner

Maryjo Santoli, Zoning Board Secretary

Absent

Cathleen A. Nigro

Bradford Shea

John Caterino, Planning Assistant

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business:

1. Applicant: Heather Cox
Location: 4038 Mount Read Boulevard
Mon. Co. Tax No.: 060.54-3-1
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed deck (16.0 feet x 18.0 feet; 288 square feet) to be located in a front yard, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)
b) An area variance for proposed lot coverage of 33%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

On a motion by Mr. Meilutis and seconded by Mr. Bilsky, it was resolved to allow this application to be withdrawn, with the right to re-file the application, pending a final attempt by the staff to contact the applicant's representatives.

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

**Motion Carried
Application Withdrawn
With Right to Re-file**

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2. Applicant: Jeffrey Owen
Location: 70 Barcrest Drive
Mon. Co. Tax No.: 060.13-5-18
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow seven (7) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Sec. 211-30 A

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 70 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 an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

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9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
12. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

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.

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	Absent
	Mr. Shea	Absent		

Motion Carried

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

Mr. Chairman, with regard to the application of Mr. Jeffrey Owen, 70 Barcrest Drive, for relief from the stipulation to allow seven (7) dogs to be kept at a residence where not more than three dogs shall be permitted per dwelling unit, Mr. Jeffrey Owen of 70 Barcrest Drive appeared before the Board on September 15, 2015 to request a variance to allow seven dogs to be kept at his residence, where no more than three dogs shall be permitted per dwelling unit.

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Mr. Owen testified that he has resided at 70 Barcrest Drive for approximately 18 years. He indicated that his home has approximately 1000 square feet of living area, plus a finished basement. The lot size of his property is 70 feet x 150 feet.

This request for a variance is before this Board as a result of a neighbor's complaint to the Town about barking dogs at the applicant's address. However, no resident came forward during the Board meetings in opposition to this variance. Mr. David Mitchell, residing at 4099 Mount Read Boulevard, stated that he had "no problem with Mr. Owen's dogs."

A canine inventory at 70 Barcrest Drive was reviewed and confirmed with Mr. Owen. The canine inventory listed four spayed females and three unneutered males. All are considered small dog breeds that include three Chihuahuas, three Pomeranians and one Japanese Chin. Mr. Owen speculated that these dogs had a life span of approximately 12 years or more.

Mr. Owen testified that until about six months ago, he had five dogs at his home. Then, approximately six months ago, one of the females had a litter of six puppies, four of which Mr. Owen gave away. He retained one male and one female from this litter with the intent of keeping them indefinitely. He testified that he would prefer to keep all seven dogs at his residence, if possible.

This Board member asked for a continuation of the hearing to the meeting of October 6, 2015 in order to provide Mr. Owen time to consider alternatives that would allow him to come closer to the zoning requirement of a maximum of three dogs. He was asked to return with a plan of the number of dogs he ultimately wished to retain and the amount of time he would need to achieve that target number.

On October 6, 2015, Ms. Janice Thompson of 70 Barcrest Drive and her attorney, Mr. Richard Kroll, appeared before this Board to further testify on this application. Mr. Kroll, speaking on behalf of Ms. Thompson, offered various and sundry reasons why all seven dogs should remain at 70 Barcrest Drive. Mr. Kroll stated that he had a letter from Ms. Thompson's psychologist, opining that Ms. Thompson's dogs "provide emotional support to manage her stress." Upon review of this letter, it was determined that letter was written by Ms. Carol Horowicz, who is a Licensed Clinical Social Worker and not specifically a psychologist. Aside from this letter, no medical evidence was submitted to support Ms. Horowicz's allegation of Ms. Thompson's condition. After some additional discussion, Mr. Kroll and Ms. Thompson ultimately agreed to find homes for two of her dogs: one, named "Aphrodite," a five-year-old female Japanese Chin; and the other, named "Gabrielle," a six-year-old female Pomeranian. Ms. Thompson stated that she would prefer to place these two dogs within the same home and that it would take her no more than 60 days to accomplish this. By doing so, this would reduce the total number of dogs at the residence to five (5). As discussed at the previous meeting, this Board is for the granting of minimal relief. The permitting of five (5) dogs at this residence is consistent with what this Board has allowed in the past at other addresses. Ms. Thompson agreed that should this variance be approved, she would have all three males neutered: "Ares," "Lumpy," and "Joxer." This hearing was continued until tonight to provide Ms. Thompson time to contact her veterinarian and determine a reasonable timeframe to accomplish this neutering.

On October 20, 2015, this evening, Mr. Richard Kroll, on behalf of Ms. Thompson, appeared before this Board to testify that it would take approximately 90 days to neuter her male dogs. Upon further discussion, we agreed that the oldest of the males, "Ares," should be exempted from this neutering requirement due to the age of the animal.

Therefore, I move to approve this application, with the following conditions:

1. That the canine inventory at 70 Barcrest Drive shall not exceed five (5) dogs.

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2. That Ms. Thompson and Mr. Owen find homes for two of their dogs within 60 days of the approval of this variance. The two dogs to be retained at this address, which will be part of the five granted and which are the two older dogs (with a shorter life expectancy, getting closer to code), will be "Ares," a nine-year-old Pomeranian, and "Xena," an eight-year-old Pomeranian.
3. That Ms. Thompson and Mr. Owen ensure that all remaining male dogs, with the exemption of "Ares," in their household be neutered within 90 days of the approval of this variance.
4. That this variance applies only to the specific dogs named in the canine inventory of record at 70 Barcrest Drive as of the date of the approval of this variance, and that this variance remains in effect for the life of the named animals within this application.

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	Absent
	Mr. Shea	Absent		

Motion Carried
Application Approved
With Conditions

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3. Applicant: Walter Kupchock
Location: 4035 Dewey Avenue
Mon. Co. Tax No.: 060.06-2-6
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (52± linear feet) to be located in a front yard, where fences in a front yard and shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46L

This application has been withdrawn by the applicant.

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4. Applicant: James Russo
Location: 700 Edgemere Drive
Mon. Co. Tax No.: 035.14-1-27
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed deck (16.0 feet x 18.3 feet; 292.8 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a proposed front setback of 55.0 feet (measured from the north right-of-way line of Edgemere Drive), instead of the 42.2 feet maximum established by the neighborhood average; and for said deck to have a proposed (west) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec.211-11 D (2), Table I, Sec. 211-11 E (1), Table I
b) An area variance for a proposed second-story deck (10.0 accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a proposed front setback of 49.0 feet (measured from the north right-of-way line of Edgemere Drive), instead of the 42.2 feet maximum established by the neighborhood average; and for said deck to have a proposed (west) side setback of 3.6 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec.211-11 D (2), Table I, Sec. 211-11 E (1), Table I
c) An area variance for an existing principal structure to have a (west) side setback of 0.5 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I, Sec. 211-22 B (1) (a)
d) An area variance for an existing principal structure to have a rear setback of 30.8 feet (measured from the centerline of Edgemere Drive), instead of the 113.0 feet minimum required. Sec. 211-11 D (2), Table I, Sec. 211-22 B (1) (a)

On a motion by Mr. Meilutis and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of November 4, 2015 to give Monroe County time to respond with their comments on the request.

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

**Motion Carried
Application Continued Until
the Meeting of November 4, 2015**

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5. Applicant: Joseph Tamburino
Location: 894 Edgemere Drive
Mon. Co. Tax No.: 035.10-1-30
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed addition (953.8± square feet) to an existing house to have a rear setback of 42.0 feet (measured from the centerline of Edgemere Drive), instead of the 101.9 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for a proposed driveway length of 12.0 feet, instead of the 22.0 feet minimum required. Sec. 211-41 G
c) An area variance for an existing house to have a side (east) setback of 0.4 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
d) An area variance for an existing house to have a front setback of 72.0 feet, instead of the 57.5 feet maximum established by the neighborhood average. Sec. 211-11 D (2), Table I
e) An area variance for an existing second-story deck (10.0 feet x 19.9 feet; 199 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)
f) An area variance for portions of an existing and proposed 6.0-foot-high, closed-construction fence (13± linear feet) to be located within 20.0 feet of the rear lot line of a waterfront lot, where fences shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-47 A (4)

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 894 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).)
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

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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	Absent
	Mr. Shea	Absent		

Motion Carried

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

Mr. Chairman, with regard to the application of Joseph Tamburino, 894 Edgemere Drive, Mr. Tamburino and his wife, Melissa, appeared before the Board of Zoning Appeals on October 6th and again this evening, requesting an area variance for a proposed addition (953.8± square feet) to an existing house to have a rear setback of 42.0 feet (measured from the centerline of Edgemere Drive), instead of the 101.9 feet minimum required; an area variance for a proposed driveway length of 12.0 feet, instead of the 22.0 feet minimum required; an area variance for an existing house to have a side (east) setback of 0.4 feet, instead of the 6.0 feet minimum required; an area variance for an existing house to have a front setback of 72.0 feet, instead of the 57.5 feet maximum established by the neighborhood average; an area variance for an existing second-story deck (10.0 feet x 19.9 feet; 199 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only; and an area variance for portions of an existing and proposed 6.0-foot-high, closed-construction fence (13± linear feet) to be located within 20.0 feet of the rear lot line of a waterfront lot, where fences shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of facts are as follows. Mr. Tamburino and his wife, Melissa, appeared before this Board on October 6th and again this evening to request area variances, most of which are in response to preexisting, nonconforming conditions of this older home. Mr. Tamburino indicated that he has lived at this residence for 2 1/2 years and that he wishes to put a rather sizable addition onto his home to increase the personal enjoyment for him and his family of this home. He intends to add a dining area, family room and a two-car garage onto what is essentially a vacant portion of his land. On October 6th, I asked Mr. Tamburino to go and review his plans with the architect to see if they could come up with an alternative plan for lengthening the driveway. Initially, the driveway was proposed to be a 12-foot-long driveway. Mr. Tamburino did that and came back with an alternative to extend the driveway for 16 feet, instead of the original 12 feet that he originally requested. Mr. Tamburino indicated that as part of this construction, the stockade fence that exists on this property will be removed and an existing shed will be removed. Mr. Tamburino also indicated that it is his intent to remove the existing driveway to the east of the property and replace that with shrubbery or landscaping or what have you. In the course of discussion this evening, it was determined that item "F" of this application, because an existing and proposed closed-construction fence is being removed, that item has been withdrawn from this application.

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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 item "B," the proposed driveway length of 12 feet, be modified to 16 feet per the applicant.
2. That the existing driveway will be removed, as the applicant has proposed.
3. That all proper permits be obtained from the Monroe County Department of Transportation, and other building permits be obtained through the Town of Greece for this particular project.
4. That Item "A" of this request, the proposed setback of 42 feet for the new structure, be modified to a setback of 46 feet from the centerline of Edgemere Drive, as per the revised drawing the applicant gave us tonight.

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	Absent
	Mr. Shea	Absent		

Motion Carried
Application Approved
With Conditions

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New Business:

1. Applicant: Stephanie Astute
Location: 75 Rockwell Drive
Mon. Co. Tax No.: 044.02-3-66
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed garage addition (14.0 feet x 29.0 feet; 406 square feet) to have a (west) side setback of 7.0 feet, instead of the 10.0 feet minimum required. Sec. 211-11 D (2), Table I
 - b) An area variance for existing and proposed accessory structures, totaling 1203 square feet, where 1000 square feet is the maximum gross floor area permitted for lots greater than 16,000 square feet in lot area, but less than one 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 75 Rockwell 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.

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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	Absent
	Mr. Shea	Absent		

Motion Carried

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

Mr. Chairman, with regard to the application of Stephanie Astute, 75 Rockwell Drive, Mr. Phil Astute appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed garage addition (14.0 feet x 29.0 feet; 406 square feet) to have a (west) side setback of 7.0 feet, instead of the 10.0 feet minimum required; and an area variance for existing and proposed accessory structures, totaling 1203 square feet, where 1000 square feet is the maximum gross floor area permitted for lots greater than 16,000 square feet in lot area, but less than one acre.

WHEREAS, the findings of facts are as follows. The applicant has stated that they have lived at this location for less than one year and they are requesting a third-bay garage. The reason for the third-bay garage is to store the applicant's work van. The work van is 17 feet long and 9 feet wide; it also stores his work equipment. He is a licensed electrician and the gross weight does not exceed 4500 pounds. The applicant stated that the siding and the roof of the addition will match the current home. Third-bay garages are very common in this neighborhood and this will not cause any adverse effect to this neighborhood. The applicant will also be installing or also looking for a permit to put in a 10 feet x 12 feet shed in the rear yard, which adds in to the accessory structures of the 1203 square feet; this will store patio, lawn and garden materials, along with a golf cart. The applicant stated that this project will start sometime next year. The applicant has agreed that he will store no materials from his business within the garage, and he has also agreed to random inspections by code enforcement, and also the second floor will not be used for any type of storage.

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

1. That the applicant will obtain all necessary permits.
2. That the applicant has agreed to random inspections by code enforcement regarding the use of the second floor, which is that the second floor of the 3rd bay garage will not be used for any type of storage.
3. That the approval is for the life of the shed once it is constructed.
4. And the applicant has agreed to store no materials of his business within the garage.

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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	Absent
	Mr. Shea	Absent		

Motion Carried
Application Approved
With Conditions

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2. Applicant: Joseph Fina
Location: 29 Norway Drive
Mon. Co. Tax No.: 059.01-7-44
Zoning District: R1-E (Single Family Residential)
Request: a) An area variance for a proposed cabana (8.0 feet x 16.0 feet; 128 square feet) to be located 5.0 feet from an existing in-ground pool, instead of the 10.0 feet minimum required for a structure from water's edge. Sec. 114-12.1 B (2)
b) An area variance for an existing pergola (10.0 feet x 14.5 feet; 145.0 square feet) to be located 6.0 feet from an existing in-ground pool, instead of the 10.0 feet minimum required for a structure from water's edge. Sec. 114-12.1 B (2)

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

WHEREAS, the applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 29 Norway 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. 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	Absent
	Mr. Shea	Absent		

Motion Carried

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

Mr. Chairman, with regard to the application of Joseph Fina, 29 Norway Drive, Mr. Fina appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed cabana (8.0 feet x 16.0 feet; 128 square feet) to be located 5.0 feet from an existing in-ground pool, instead of the 10.0 feet minimum required for a structure from water's edge and an area variance for an existing pergola (10.0 feet x 14.5 feet; 145.0 square feet) to be located 6.0 feet from an existing in-ground pool, instead of the 10.0 feet minimum required for a structure from water's edge.

WHEREAS, the findings of facts are as follows. This parcel is located at 29 Norway Drive and is located in an R1-E Single-Family Residential neighborhood. The applicant, Joseph Fina, appeared before this Board this evening and stated that he has lived at the residence for approximately 13 years. Mr. Fina has requested to add a cabana, and he has an existing pergola that was permitted originally, but then later he was told that he would need to file a variance due to it is not conforming to the roof structure. He is unable to remove that pergola at this time due to a financial hardship and it is currently in place where it is. The cabana/shed area, the location for that, Mr. Fina is saying that there is really no other location on the property in the back to be able to put that due to that it is going to have a changing room as well as storage for lawnmower, furniture equipment, and that is due to the slope in the hill of the rear of his yard. The location for the cabana/shed that he is looking at is the optimal location in the rear of his property for this. He plans on having a changing area and a storage area. The construction of the cabana/shed will match his existing home and the only utilities that he is requesting is electric. It will be made of brown cedar, which will match the house. He has agreed to sign a Hold Harmless because of the closeness to the pool, both the pergola and cabana. There have been no neighbors that have protested this project. The purpose for the cabana/shed is for personal enjoyment as well as storage of his lawn equipment.

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

1. That the applicant obtains all necessary permits.
2. That the applicant agrees to sign a Hold Harmless.
3. That the applicant meets all Greece Town swimming pool regulations with regard to the cabana/shed.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
October 20 2015

3. Applicant: Smith Creek Estates, Ltd.
Location: 243 Hillbridge Drive
Mon. Co. Tax No.: 044.04-11-15
Zoning district: R1-E (Single Family Residential)
Request: a) An area variance for a proposed freestanding entrance identification sign (7.0 feet x 10.0 feet; 70.0 square feet), including a decorative wall support, for a single-family dwelling development, where said sign shall be no greater than 20 square feet in size. Sec. 211-52 A (3) (c)
b) An area variance for a proposed freestanding entrance identification sign to have a height of 7.0 feet, where the highest side of said sign shall not exceed 3.0 feet above the ground. Sec. 211-52 A (3) (d)
c) An area variance for 16± linear feet of wall and decorative structure with a height of 7.0 feet to be located in a front, where fences located in a front yard shall be of open construction and not exceed 4.0 feet in height. Sec. 211-46 L

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 243 Hillbridge 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 an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted

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from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.

7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
12. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

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. 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	Absent
	Mr. Shea	Absent		

Motion Carried

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

Mr. Chairman, with regard to the application of Smith Creek Estates, Ltd., 243 Hillbridge Drive, Mr. Joseph Proia, representing Smith Creek Estates, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed freestanding entrance identification sign (7.0 feet x 10.0 feet; 70.0 square feet), including a decorative wall support, for a single-family dwelling development, where said sign shall be no greater than 20 square feet in size; an area variance for a proposed freestanding entrance identification sign to have a height of 7.0 feet, where the highest side of said sign shall not exceed 3.0 feet above the ground; and an area variance for 16± linear feet of wall and decorative structure with a height of 7.0 feet to be located in a front, where fences located in a front yard shall be of open construction and not exceed 4.0 feet in height.

WHEREAS, this evening, Joseph Proia, representing Smith Creek Estates, approached the Board relative to a sign for Smith Creek Estates. This evening, Mr. Proia mentioned, with the development of this community he would like to establish an estate image. He would like to construct a dramatic entryway to set the stage for this community upon entrance into it. He has checked with the neighbors in and around and the neighbors approve; they have no concerns for this structure. In further discussion, Mr. Proia mentioned that the height of the structure will be reduced from 7 feet to 5 feet, and the length of the overall structure will be reduced from 16 feet to 14 feet, thereby resulting in the actual "Smith Creek Estate" signage to be 5 feet x 8 feet for a total 40 square feet. It was also agreed that as far as the maintenance of this structure, the developer will be responsible for maintaining it until it is transferred to a homeowners association that is yet to be created for this community. The placement of this sign will not interfere with any roadway visions or restrictions and it was also mentioned that the monument will be placed on a berm no higher than one-half foot.

Therefore, I move to approve these variances with the following conditions:

1. That all permits first be obtained and relevant codes satisfied.
2. That the developer shall be responsible for all maintenance, repair or replacement of the monument and sign until such responsibility is transferred to a homeowners association that is yet to be formed.
3. That the developer shall create an easement on the property which grants to the developer and to the homeowners association that is to be formed, right of access to the monument and sign for maintenance, repair or replacement.
4. And that the monument and sign will have no illumination whatsoever.

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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	Absent
	Mr. Shea	Absent		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
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4. Applicant: Simonetti Properties & Management, LLC
Location: 2047 & 2081 West Ridge Road
Mon. Co. Tax No.: 074.19-5-5.1, 074.19-5-2.111
Zoning District: BP-2 (Professional Office) & BR (Restricted Business)
Request: An area variance for portions of a proposed parking area (50± linear feet) to be located a distance of 15.0 feet to 19.9 feet from the right-of-way of West Ridge Road, instead of the 20 feet minimum required. Sec. 211-17 A (4), Table III, Sec.211-17 B (4), Table III

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 2047 & 2081 West Ridge Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(12).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, with regard to the application of Simonetti Properties & Management, LLC, 2047 & 2081 West Ridge Road, Mr. Dave Simonetti appeared before the Board of Zoning Appeals this evening, requesting an area variance for portions of a proposed parking

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area (50± linear feet) to be located a distance of 15.0 feet to 19.9 feet from the right-of-way of West Ridge Road, instead of the 20 feet minimum required.

WHEREAS, the findings of facts are as follows. Mr. Dave Simonetti came before the Board this evening to testify and request relief for a parking area to be constructed at 2047 & 2081 West Ridge Road. The parking area to be constructed is part of a new build of a commercial building at 2047 West Ridge Road and because this lot is being developed for commercial purposes, parking is going to be part of this. The problem that the applicant is facing here is a result of a rebuilding of Ridge Road, where additional land was claimed to widen West Ridge Road. The applicant has indicated that he has reached a settlement with New York State regarding how this land was acquired. Nevertheless, the acquisition of this land to enlarge West Ridge Road has resulted in an impingement that has resulted in the need for this variance for the parking that the applicant has come forward. The applicant has indicated that the proposed building cannot be made smaller or moved or in any fashion because that would result in a financial burden for him. The applicant also indicated that the egress and entrance to the parcel will remain unchanged.

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

1. That the applicant receives approval by the Town's Planning Board.

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

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

Motion Carried
Application Approved
With Condition

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ADJOURNMENT: 9:05 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: _____

Albert F. Meilutis, Chairman

Date: _____

NEXT MEETING: Wednesday-November 4, 2015