



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

DECEMBER 20, 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
Andrew P. Forsythe (left at 7:30)
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

Robert J. Bilsky

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business:

1. 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. Hartwig and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of April 4, 2017, per the request of the applicant.

VOTE:	Mr. Bilsky	Absent	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 April 4, 2017**

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New Business:

1. Applicant: Douglas Sample
Location: 728 Edgemere Drive
Mon. Co. Tax No.: 035.14-1-22
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (north) front setback of 49.0± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 41.8± feet maximum established by the neighborhood average. Sec. 211-11 D (2), Table I, Sec. 211-11 D (1) (b)
 - b) An area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (west) side setback of 4.0± feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
 - c) An area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (south) rear setback of 34.0 feet (measured from the centerline of Edgemere Drive), instead of the 103.5± feet minimum required. Sec. 211-11 D (2), Table I

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 728 Edgemere Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (12) & (13).)
2. According to SEQRA, Type II actions have been determined to not 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. Hartwig and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	Absent	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 Douglas Sample, 728 Edgemere Drive, Mr. Sample appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (north) front setback of 49.0± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 41.8± feet maximum established by the neighborhood average; an area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (west) side setback of 4.0± feet, instead of the 6.0 feet minimum required; and an area variance for a proposed two-story principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (south) rear setback of 34.0 feet (measured from the centerline of Edgemere Drive), instead of the 103.5± feet minimum required.

The findings of fact are as follows. The parcel is located within an R1-E (Single-Family Residential) zoning district and is approximately 0.31 acres. As mentioned by Mr. Sample, he and his family have owned this property for about nine years. The new proposed two-story frame house will be built upon the existing foundation, which is 43.2 feet long x 16.7 feet wide. All existing services will be reconnected, and no basement is proposed. No one appeared before the Board to speak either in favor or against this application, and he has spoken with all his neighbors.

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 Town and County permits be obtained.
2. That this approval is for the life of the structure.

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

VOTE:	Mr. Bilsky	Absent	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: Saint Charles Borromeo Church
Location: 2999-3017 Dewey Avenue
Mon. Co. Tax No.: 060.81-1-2
Zoning District: R1-8 (Single-Family Residential)
Request: a) An area variance for a proposed 8.0-foot-high, closed-construction fence (80.0± linear feet) to be located in a rear yard, where fences in rear yards shall not exceed 6.0 feet in height. Sec. 211-47
b) An area variance for an existing 8.0-foot-high, closed-construction fence (66.0± linear feet) located in a rear yard, where fences in rear yards shall not exceed 6.0 feet in height. Sec. 211-47

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 2999-3017 Dewey Avenue, 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 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	Absent	Mr. Forsythe	Absent
	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 Saint Charles Borromeo Church, 2999–3017 Dewey Avenue, Mr. Daniel Leitten appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 8.0-foot-high, closed-construction fence (80.0± linear feet) to be located in a rear yard, where fences in rear yards shall not exceed 6.0 feet in height; and an area variance for an existing 8.0-foot-high, closed-construction fence (66.0± linear feet) located in a rear yard, where fences in rear yards shall not exceed 6.0 feet in height.

WHEREAS, the findings of fact are as follows. This parcel is located at 2999–3017 Dewey Avenue and is located in an R1-8 zoning district. The parcel is located on the west side of Dewey Avenue, between Maiden Lane and Pomona Drive. Existing land uses in the vicinity of the parcel include but are not limited to single-family homes, a church, fire station, utility building, gas station, and retail businesses. Saint Charles Church has existed at this location since at least 1850.

This evening, Dan Leitten, the financial director of St. Charles, appeared before this Board on behalf of the church, requesting the aforementioned variances. The reason for the eight-foot fence was due to complaints that the church had received anonymously from neighborhood properties. During the public forum, the e-mail correspondence that the church had received was read. In the e-mail, the writer stated there were issues including, but not limited to: teens cutting through this area of the property at night; individuals setting up a tent and sleeping there overnight; the close proximity of the parking lot to the adjoining residential properties; and the visual presence of snow plowing equipment that they had in this area of the church's property. In terms of the existing 8.0-foot-high fence, it has been in place for the last two years; it is of wood construction and is used to block/screen the HVAC from the neighbors to the west. Also, the staff stated that the Town's Code Compliance Department had received no complaints from the adjoining property owners regarding the existing fence in four years.

In further discussion, the Board did receive testimony from Janise and Mark Nicastro, who also presented a package filled with photos of the view that they have, and Internet searches of hardier trees that might be more acceptable for that berm in this winter weather. They are the owners of the property located at 53 Cleverdale Road. They prefer the presence of the berm with trees. Should this eight-foot-high fence be installed, it would block their view—which the photos show that it certainly would—and it would also block the view of what goes on at the church, and they have been somewhat safe keepers of the church in that when they see suspicious activity they will call police. It was also discussed with Mr. Leitten preference for either the fence or the berm, and it was determined that Item "A," the proposed eight-foot-high fence, would be withdrawn, leaving Item "B" for approval.

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 Item "B" with the following condition: That the applicant will obtain all necessary approvals and building permits for the eight-foot-high fence.

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

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

Motion Carried

Item "A" Withdrawn

Item "B" Approved With Conditions

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ADJOURNMENT: 7:42 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: _____

NEXT MEETING: January 17, 2017, (January 3, 2017-**CANCELLED**)