



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

JANUARY 3, 2023

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

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Sharon M. Quataert

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, AICP, Planner

Janelle Castellana, Planning Board Secretary

Absent

Maryjo Santoli, Planning & Zoning Secretary

Additions, Deletions and Continuances to the Agenda

Deletion: Bruce Darling, 267 & 279 Lake Shore Drive – Moved to the meeting of January 17th.

Decorum Policy

Announcements

PUBLIC HEARINGS

Old Business

1. Applicant: Janette Nunez
Location: 46 Woodhill Drive
Mon. Co. Tax No. 060.42-3-8
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, open construction fence (51 linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height. Sec. 211-50L

Ms. Andreano 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 46 Woodhill 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 Proposal, the Town Board 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c))
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 information, documentation, testimony, and findings, SEQRA does not require further action by the Town Board relative to the Proposal.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Janette Nunez, 46 Woodhill Drive, in an R1-E (Single-Family Residential) zoning district, Ms. Nunez and her husband appeared before this board this evening requesting an area variance for a proposed 6.0-foot-high, open construction fence (51 linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height.

BOARD OF ZONING APPEALS MINUTES
January 3, 2023

WHEREAS, the findings of fact are as follows. The applicant, Janette Nunez, attended the hearing of Nov 15th 2022, and each subsequent hearing through and including January 3, 2023. This parcel is located at 46 Woodhill Dr, which is a lot situated such that the garage of the home and driveway is set directly across from where the perpendicular street Meadowood Road ends.

Mrs. Nunez explained in detail that she suffers from extreme anxiety and stress over the perceived increase in crime in the area, and they have installed several security features to help protect their property, including security cameras and fencing. However, she feels that their new vehicle is being targeted for theft and requests that a higher than normally allowed fence with locking gate be permitted to lock in and enclose their car. The Board asked several questions regarding the care and use of the fence should it become barricaded with snowdrifts, making it difficult or impossible to swing out. Mrs. Nunez insists that her husband plans to keep it clear. The Board suggested that the permitted 4.0-foot fence would suffice as a deterrent, as there are already examples of this working for other residents nearby. Mrs. Nunez insisted that 4.0-foot is too easy to jump over and still feared for their vehicle's security.

Though originally a 6.0-foot fence was requested, Mrs. Nunez had suggested that a maximum of a 5.0-foot fence would be sufficient to deter thieves. She provided the Board with images showing a wrought-iron post fence with locking gate, and she noted that she plans to have it made to match the house with white color. The posts she plans to install are pointed at the top and not closed flat across the top, similar to a style called spears, or straight-top/ball-top ends. Avoiding the use of a flat-top style will add to the difficulty should someone attempt to climb over pointed posts.

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 that 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 regulations, requiring no further action by this Board, I move to approve this application with the following condition:

1. The applicant obtains all necessary Town permits.
2. That the fence does not exceed 5.0 feet in height
3. That the approval shall be for the life of the fence.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
January 3, 2023

2. Applicant: Sonbyrne Sales, Inc.
Location: 1050-1082 Stone Road
Mon. Co. Tax No.: 075.06-1-29.11
Zoning District: BR (Restricted Business)
Request: a) A special use permit for a fuel dispensing station as defined in §211-5 and in accordance with the regulations set forth in §211-37. § 211-17 B(3)(b)[4]
b) An area variance for a proposed fuel dispensing station canopy (24.0 feet x 104.0 feet; 2496.0 square feet), where 1500.0 square feet is the maximum permitted. §211-37 C
c) An area variance for a proposed 70.8 square feet freestanding sign, instead of the 20.0 square feet maximum permitted. §211-56 B(1)(d), Table VI
d) A special use permit for underground storage in tanks which have an aggregate storage capacity greater than 20,000 gallons. § 211-29 C (1) (b)
e) An area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 450± linear feet) to be located in the corner and front yard of a corner lot, where fences in a corner and front yard shall not exceed 4.0 feet in height and shall be of open construction. §211-50 L

On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of January 17, 2023.

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

**Motion Carried
Application Continued Until
Meeting of January 17, 2023**

BOARD OF ZONING APPEALS MINUTES
January 3, 2023

3. Applicant: Bruce Darling
Address: 267-279 Lakeshore Drive
Mon. Co. Tax No.: 017.06-2-20 & 017.06-2-21
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to have farm animals (19-20 Chickens) on a single-family residential premises, where said animals are only permitted to be kept on a farm. § 211-33 B & § 211-33 D

On a motion by Mr. Hartwig and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of January 17, 2023.

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

**Motion Carried
Application Continued Until
Meeting of January 17, 2023**

BOARD OF ZONING APPEALS MINUTES
January 3, 2023

New Business

1. Applicant: John Gebbie
Address: 3350 Edgemere Drive
Mon. Co. Tax No.: 026.30-4-8
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed deck (16.0 feet x 20.0 feet; 320.0 square feet), to be located in the waterfront yard of a waterfront lot, where accessory structures, including decks, are permitted only in the rear yard; and for said deck to have a front setback of 101± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 91.3± feet maximum established by the neighborhood average. § 211-11 E (3), § 211-11 E (1), 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 3350 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 Proposal, the Town Board 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c))
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 information, documentation, testimony, and findings, SEQRA does not require further action by the Town Board relative to the Proposal.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of John Gebbie, 3350 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Gebbie appeared before the board this

BOARD OF ZONING APPEALS MINUTES
January 3, 2023

evening requesting an area variance for a proposed deck (16.0 feet x 20.0 feet; 320.0 square feet), to be located in the waterfront yard of a waterfront lot, where accessory structures, including decks, are permitted only in the rear yard; and for said deck to have a front setback of 101± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 91.3± feet maximum established by the neighborhood average.

WHEREAS, the findings of fact are as follows. The applicant, John Gebbie attended the hearing of January 3, 2023. This parcel is located at 3350 Edgemere Drive. Mr. Gebbie has just purchased the property, the applicant did state that the deck will add to the enhancement of his outdoor living and enjoyment. The proposed deck, located in the waterfront yard will be made of Trex and will contain railings. The proposed deck will not be covered, enclosed, or contain a permanent grill or hot tub. There were no negative comments from 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 that 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 regulations, requiring no further action by this Board, I move to approve this application with the following conditions:

1. The applicant obtains all necessary Town permits.
2. The applicant should reduce the deck height 21 inches from the existing door threshold.
3. The deck shall not be covered or enclosed.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

**Motion Carried
Application Approved
With Conditions**

BOARD OF ZONING APPEALS MINUTES
January 3, 2023

2. Applicant: Kerti Chandarr
Address: 398 Wood Road
Mon. Co. Tax No.: 089.05-1-67
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-closed-construction fence (77± linear feet) to be located in the front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. § 211-50 L

Ms. Quataert 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 398 Wood 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 Proposal, the Town Board 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c))
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 information, documentation, testimony, and findings, SEQRA does not require further action by the Town Board relative to the Proposal.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Kerti Chandarr, 398 Wood Road, in an R1-E (Single-Family Residential) zoning district, Ms. Chandarr appeared before the board this evening requesting an area variance for a proposed 6.0-foot-closed-construction fence (77± linear feet) to be located in the front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. The applicant, Keri Chandarr attended the hearing of January 3, 2023. This parcel is located at 398 Wood Road. The applicant stated

BOARD OF ZONING APPEALS MINUTES
January 3, 2023

that they are looking to put a white vinyl fence for additional privacy that will along Doerun Drive and rear of property, they have lived there since 2010.

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 that 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 regulations, requiring no further action by this Board, I move to approve this application with the following conditions:

1. The applicant obtains all necessary Town permits.
2. The fence shall be kept out of the any easements and out of the FEMA floodway associated with Round Pond Creek.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

SPECIAL ZONING TOPICS

Old Business

None

New Business

None

BOARD OF ZONING APPEALS MINUTES
January 3, 2023

ADJOURNMENT: 8:30 P.M.

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

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

Signed: _____

Date: _____

Albert F. Meilutis, Chairman

NEIGHBORHOOD NOTIFICATION MODIFICATION:

ADJOURNMENT:

NEXT MEETING: Tuesday, January 17, 2023