



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

NOVEMBER 15, 2016

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present

Albert F. Meilutis, Chairman

Robert J. Bilsky

Andrew P. Forsythe

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business:

1. Applicant: Patsy D'Alesio
Location: 134 Ridgedale Circle
Mon. Co. Tax No.: 075.14-7-38
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow four (4) dogs to be kept at a residence, instead of the maximum three (3) dogs permitted per dwelling unit. Sec. 211-30 A

On a motion by Mr. Bilsky and seconded by Mr. Hartwig, it was resolved to close the public hearing on this application and reserve decision until the meeting of December 6, 2016.

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

**Motion Carried
Application Closed and Decision Reserved Until
Meeting of December 6, 2016**

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2. Applicant: Jean Whitney
Location: 341 Longridge Avenue (aka 215 Dorsey Road)
Mon. Co. Tax No.: 060.63-3-1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing deck (9.5 feet x 12.4 feet; 117.8 square feet) located in the side yard of a corner lot, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a (east) side setback of 2.1± feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec. 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 341 Longridge Avenue (aka Dorsey Road), as outlined above; and

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

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

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

Motion Carried

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

Mr. Chairman, with regard to the application of Jean Whitney, 341 Longridge Avenue AKA 215 Dorsey Road, the applicant has appeared before the Board of Zoning Appeals,

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requesting an area variance for an existing deck (9.5± feet x 12.4 feet; 117.8 square feet) located in the side yard of a corner lot, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a (east) side setback of 2.1± feet, instead of the 6.0 feet minimum required.

WHEREAS, the findings of fact are as follows. The parcel is located on the northeast corner of the intersection of Dorsey Road and Longridge Avenue, located within an R1-E (Single-Family Residential) zoning district, and is approximately 6,240 square feet, or 0.14 acres. On November 1st, the applicant, Jean Whitney, appeared before this Board in regard to an existing deck on the property. Ms. Whitney has lived at the property for over 30 years, and stated that the deck was constructed by her grandson in June of this year. The deck was constructed in an area over an existing concrete patio, although the specific dimensions and size of said patio are unknown. It should be noted that the Town does not regulate ground level concrete patios and said patio could be the size of the deck or larger and no building permits or approvals from this Board would be required. Also, the deck is constructed of wood materials, with a railing around the perimeter, and the walking surface is less than a foot in height above grade. During the course of the public hearing, Ms. Whitney did state that a portion of the deck could be removed, specifically two (2) boards, which would increase the setback from the property line and reduce the overall square footage of the deck.

Also, at the November 1st meeting, the Board received testimony from Robin and Natalya Kunow, who reside at 207 Dorsey Road, being the property directly to the east of the applicant. Mr. and Ms. Kunow stated that they have lived at their residence for approximately 10 years and that they are opposed to having the deck remain in its current location. The Kunows submitted oral, written, and photographic testimony as it relates to this application. Furthermore, they believe that the deck is an invasion of their privacy, would result in a reduction of resale value of their property, and that accessory structures are permitted only in rear yards. As part of their photographic testimony, the Kunows submitted photographs showing the deck in different stages with a grill and exterior lighting being shown during the day and nighttime.

While the Board is sympathetic to their concerns, there are existing regulations in place that could remediate their concerns. For example, Section 211-32 of the Town's Zoning Ordinance, titled "Outdoor Lighting," prevents exterior lighting from shining on to an adjoining property. Also, in terms of noise, Section 139 of the Town Code, the "Noise Ordinance," regulates any noise issues in regard to neighboring properties. Both of these sections of the Town Code could address the neighbors' concerns and are enforced by either the Town's Code Compliance and/or Police Departments. As it relates to property values, the Board cannot act on speculation and no analysis or data was submitted from a licensed property appraiser or real estate agent, as it relates to a reduction in property resale values. Furthermore, if the applicant was to use a grill in that section of their property, the Town does not have any regulations which would prevent her from doing so, even if it was on a deck, grass, or concrete patio.

In making its determination, the Board of Zoning Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. In making such determination the Board shall also consider the following:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. An undesirable change will not be produced in the neighborhood. As stated previously, the deck is in the location of an existing concrete patio, which could be utilized for the same purposes as a deck.

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2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance. No other method is feasible. While under the Zoning Ordinance the deck is considered to be in the side yard, it can be argued that the location of the deck is in the rear of the house. But, because the property is a corner lot, this area is considered side yard. Also, as stated during the public hearing, there was an existing concrete patio in this location of the property prior to the construction of the deck.
3. Whether the variance is substantial. It is in the opinion of this Board that this variance is not substantial.
4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district. It is the opinion of this Board that this deck does not cause an adverse effect or impact on the physical or environmental conditions in the neighborhood.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

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

1. The applicant must obtain all the necessary permits.
2. As offered and agreed to by the applicant, two (2) boards shall be removed from the existing deck and by doing so, would increase the (east) side setback from 2.1± feet to 3.0± feet and reduce the overall size to approximately 106.4± square feet.
3. This approval is for the life of the structure.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Garland Beasley
Location: 245 Talon Run
Mon. Co. Tax No.: 033.04-1-30
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 8.0-foot-high, closed-construction fence (80.0± linear feet) to be located in the rear yard, where fences in rear yards shall not exceed 6.0 feet in height. Sec. 211-47

On a motion by Mr. Bilsky and seconded by Mr. Hartwig, it was resolved to close the public hearing on this application and reserve decision until the meeting of December 6, 2016.

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

**Motion Carried
Application Closed and Decision Reserved Until
Meeting of December 6, 2016**

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New Business:

1. Applicant: Mark DeNeve
Location: 91 Haskins Lane North
Mon. Co. Tax No.: 033.02-4-20
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed attached garage addition (656± square feet), resulting in a total gross floor area of 1279± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots with a lot area less than 16,000 square feet. 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 91 Haskins Lane North, 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. Bilsky and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, regarding the application of Mark DeNeve, 91 Haskins Lane North, Mr. DeNeve appeared before the Board of Zoning Appeals this evening, requesting an area

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variance for a proposed attached garage addition (656± square feet), resulting in a total gross floor area of 1279± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots with a lot area less than 16,000 square feet.

The findings of fact are as follows. The applicant has lived at this location for eight years. The applicant is requesting the addition to the garage for the vehicles that he has and also his children are getting older and he needs the additional space. He also would like this addition to work on cars. The applicant is going to, as a hobby, fix and repair vehicles in this area; this area will be separated from the existing garage by a wall. The applicant stated that it will have a concrete floor and it will also have only electricity as the only utility within there. The applicant also stated that he will not be running a commercial business out of this residence and that the addition will also match the siding of the house, along with the roofline. The roofline of the garage will be no wider than it currently is at this time. We asked the applicant if he could achieve what he is looking for by making it smaller. The applicant stated that it would be very difficult to achieve what he is looking for by making it smaller than 656 square feet. The applicant also has a 10 x 10 shed, which is located in the rear corner of this property. In this shed he maintains lawn and garden equipment, also snowblower storage in the summertime, has a tractor that he uses as a wagon around his area, and he also has pool supplies. We asked the applicant if something could be done with the shed and the applicant would prefer that the shed would remain. The applicant also said that the roofline will match with the existing roofline of the current garage. The applicant also stated that he has spoken to the neighbors and none of the neighbors had any problem with it; no one spoke at this evening's meeting to object this proposed attached garage.

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. There will be no commercial business run out of the garage area.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: John Dell'anno
Location: 419 Red Apple Lane
Mon. Co. Tax No.: 059.08-1-49
Zoning District: R1-E (Single-Family Residential)
Request: a) A special use permit for a proposed in-law apartment (682± square feet). Sec. 211-11 (C) (2) (e)
b) An area variance for a proposed in-law apartment to have a total gross floor area of 682± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which such in-law apartment is located). Sec. 211-11 C (2) (e) [2]

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 419 Red Apple Lane, 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) & (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.

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

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

Motion Carried

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

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Mr. Chairman, regarding the application of John Dell'anno, 419 Red Apple Lane, Mr. John Dell'anno appeared before the Board of Zoning Appeals this evening, requesting a special use permit for a proposed in-law apartment (682± square feet) and an area variance for a proposed in-law apartment to have a total gross floor area of 682± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which such in-law apartment is located).

The findings of fact are as follows. This parcel is located at 419 Red Apple Lane, and is located in an R1-E (Single-Family Residential) District. The parcel is 88 feet wide x 223 feet deep and contains a two-story, single-family dwelling with an attached garage. The survey map provided shows an existing morning room on the rear of the home. The applicant, Mr. Dell'anno, appeared before the Board this evening and stated that he has lived at this residence for the past 24 years. They are constructing this in-law apartment for his 85-year-old father, Anthony, who is downsizing reluctantly to move in with Mr. Dell'anno to help care for him. They have submitted a notarized affidavit to confirm this. The size of this addition or apartment will be approximately 682 square feet; it will be located on the northwest side of the home. The apartment will consist of a living area, kitchen, eating area, bedroom and bath. Also, with this in-law addition there will be a common area or internal access between the in-law apartment and the principal residence located at the rear of the garage, and the in-law will also have its own entrance off the south side of the apartment. There will be no separation of utilities. The proposed in-law will not cause any traffic problems within the neighborhood, nor will parking be an issue. The existing driveway is wide enough for two cars to be parked side by side and at least two deep. With this addition, construction would be planned as soon as approved, and it will be made to blend with the existing house. Additionally, no neighbors spoke opposing this request.

In going through the in-law apartment requirements for a special use permit:

1. The in-law apartment may be occupied only by members of the family unit occupying the main part of the dwelling or by in-laws of the member of the family unit. As stated previously, the in-law apartment will be inhabited by Mr. Dell'anno's father, Anthony.
2. The floor area of the in-law apartment shall not exceed 30% of the gross floor area, exclusive of attached garage, of the one-family dwelling in which such apartment is located or 600 square feet, whichever is less. This in-law does exceed 30%; however, it is consistent with others approved in the area.
3. Occupancy of the apartment shall be non-transferrable to subsequent owners. A new owner of the premises shall have to apply to the Board of Zoning Appeals for a special use permit to continue the in-law apartment use.
4. In-law apartment use shall be able to have a separate means of ingress and egress, but must also have an internal access point connecting the two. As stated, the apartment will have its own ingress and egress and an internal access point.
5. If an in-law apartment becomes vacant, the family occupying the main part of the dwelling shall have full use and occupancy of the in-law apartment as if it were an integral part of the dwelling without further permitting of the town. The applicant understands that, should the in-law no longer be used by an in-law, it shall be used as a portion of the principal dwelling and not be a rental property.
6. Regarding exterior appearance, if an in-law apartment is located in or attached to the principal dwelling, the design of the unit and its entry shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residence. Which it does.

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7. Any residence containing an in-law apartment shall be considered a single-family residence.
8. The in-law apartment shall meet the standards of Title 19NYCRR, the building code of New York State, for habitable space. The construction of the in-law addition would require a permit from the Building Department and would be required to comply with the New York State Building Code.

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 for construction of this in-law.
2. This is non-transferable to subsequent owners.
3. The size of the in-law shall not exceed 682 square feet.
4. The applicant must annually submit who resides in the in-law apartment.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Kim Bolinger
Location: 7 Ruddy Duck Lane (Pvt.)
Mon. Co. Tax No.: 088.04-2-93
Zoning District: R1-18 (Single-Family Residential)
Request: An area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet), resulting in a total gross floor area of 1169.2± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), Table I

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 7 Ruddy Duck Lane (Pvt.), 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 Ms. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, regarding the application of Kim Bolinger, 7 Ruddy Duck Lane (Pvt.), Ms. Bolinger appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet), resulting in a total

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gross floor area of 1169.2± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre.

The findings of fact are as follows. Ms. Bolinger, who has lived at 7 Ruddy Duck Lane for four years, has appeared before the Board this evening to obtain approval for an area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet), resulting in a total gross floor area of 1169.2± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre. This property is located in an R1-18 (Single-Family Residential) zoning district. As mentioned by Ms. Bolinger, she purchased this and took delivery of the shed, not realizing the 1000-square-foot limitations for accessory structures that existed on her property. The Town has issued her a permit for the shed, with a Hold Harmless agreement that Zoning Board approval is needed before this shed is completed. The applicant stated that the shed exterior will be similar to the home and that there will be no electrical connections inside or out. The shed will be used for lawn maintenance equipment. No one appeared before the Board to speak either in favor or against this application.

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

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

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

Motion Carried
Application Approved
With Condition

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4. Applicant: Michelina LaDelfa
Location: 23 Bright Autumn Lane
Mon. Co. Tax No.: 074.05-4-3
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed one-story addition (20.0 feet x 27.5 feet; 550.0 square feet) to an existing house, to have a (west) rear setback of 38.5± feet, instead of the 48.0 feet minimum required. Sec. 211-11 D (2), Table I

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 23 Bright Autumn Lane, 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 Ms. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, regarding the application of Michelina LaDelfa, 23 Bright Autumn Lane, Ms. LaDelfa appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed one-story addition (20.0 feet x 27.5 feet; 550.0 square feet) to an existing house, to have a (west) rear setback of 38.5± feet, instead of the 48.0 feet minimum required.

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The findings of fact are as follows. Ms. LaDelfa appeared before this Board this evening and stated that she has lived at the current residence for the past 27 years with her mother, Nina LaDelfa, and her two new additions of her small dogs. Ms. LaDelfa stated that the addition is for a master bedroom for her mom, who currently has a bed in the great room addition, which is not very accommodating for guests and visitors as they enter the house to see her mom's bed in the great room. She indicated that the room is going to be used as just a bedroom, with no other utilities other than electric. The exterior of the house is going to match the current residence as far as siding and rooflines. She indicated that the addition size really can't be made smaller because she is trying to keep in line with the current lines of the house; to make it smaller would not look proper. She also indicated that she has checked with 10 neighbors, including, but not limited to, Beverly A. Horn at 33 Bright Autumn Lane, Earle Riddley at 32 Bright Autumn Lane, Vince Cimino at 17 Bright Autumn Lane, Ted Marelllo at 246 Chicory Ridge, and Joyce Riola at 22 Bright Autumn Lane, and the applicant also submitted written petition/testimony that all 10 neighbors are in favor of the addition.

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 obtain all the necessary building and Town permits.

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

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

Motion Carried
Application Approved
With Condition

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5. Applicant: Mars Hill Broadcasting
Location: 990 Manitou Road
Mon. Co. Tax No.: 044.01-2-7.11
Zoning District: R1-44 (Single-Family Residential)
Request: A special use permit for a proposed telecommunications facility (23-foot-high, roof-mounted FM translator antenna) to be located on an existing building. Sec. 211-56 A

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 990 Manitou Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that

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recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Mars Hill Broadcasting, 990 Manitou Road, located in an R1-44 (Single-Family Residential) district, Mr. Carl Cottorone, representing First Bible Baptist Church and Mars Hill Broadcasting, appeared before the Board of Zoning Appeals this evening, requesting a special use permit for a proposed telecommunications facility (23-foot-high, roof-mounted FM translator antenna) to be located on an existing building.

The findings of fact are as follows. This evening, Carl Cottorone appeared before the Board on behalf of Mars Hill Broadcasting and the First Bible Baptist Church relative to the special use permit for a proposed telecommunications facility. Mr. Cottorone mentioned that the telecommunications facility actually will be two 1-foot x 1-foot antennas attached to an existing lighting rod that currently is situated on the roof of the First Bible Baptist Church at 990 Manitou Road. The need for the antennas, which will be FM in nature, is that they will increase the range of the signal to the north and west to benefit the broadcasting of Christian education programs in the Town of Greece. Once again, the installation will be on the roof. The church building was built in 2007 and as such, the access to the site will be the same as the access to the site has been for the past eight or nine years. The antenna will be no higher than 23 feet above the roof, which is the height of the existing lighting rod. The installation and operation of the telecommunications facility will be in accordance with FCC requirements and regulations. It will not be manned, as there will be a transmitter in the church. Since the building is more than 580 feet from Manitou Road, the sight of this antenna will be negligible.

No special use permit shall be granted by the Board of Zoning Appeals unless and until the applicant has demonstrated to the satisfaction of the Board that:

1. Access to the site and the size of the site are adequate for the proposed use. As previously mentioned, this building has been in existence for nine years, and access will not be changing from its current egress and ingress.
2. The proposed use will not adversely affect the orderly pattern of development in the area. As mentioned before, it will be located on the roof of an existing building; therefore, it will have no effect on the development.
3. The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof. Once again, as stated the antenna will be on the roof of an existing building so nothing basically will be changing.
4. The proposed use will not create a hazard to health, safety or the general welfare. The installation and operation of this facility will be in accordance with FCC requirements and regulations.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity. Since the antenna will be on the roof of an existing building, once again traffic will not be affected.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

Therefore, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Section 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by Mars Hill Broadcasting for a special use permit for a proposed telecommunications facility (23-foot-high, roof-mounted FM translator antenna) to be located on an existing building on property located at 990 Manitou Road, in an R1-44

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(Single-Family Residential) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this telecommunications facility in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without hearing, shall determine resolution of such conflict.
2. The maximum occupancies in this telecommunications facility shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code. Failure to comply with such requirements may be grounds for revocation of this special use permit.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
7. Upon the sale or other transfer of controlling interest in this telecommunications facility to any persons or entity other than Mars Hill Broadcasting, its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
8. Building permits must be obtained and all applicable building codes must be satisfied.
9. The installation and operation of this telecommunications facility shall be in conformance with FCC requirements and regulations.
10. As stated by the applicant, the height of the antenna will be no more than the 23 feet off the building roof surface, which also is no more than 73 feet above ground level at the building.

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

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

Motion Carried
Application Approved
With Conditions

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6. Applicant: Honey Nails and Spa, Inc.
Location: 100 Center Place Drive
Mon. Co. Tax No.: 074.20-1-13.1
Zoning District: BR (Restricted Business)
Request: An area variance for 47 existing parking spaces, instead of the minimum 78 parking spaces required. Sec. 211-45 S (1), Sec. 211-45 Z

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 100 Center Place 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)(12).)
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. Jensen and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, regarding the application of Honey Nails and Spa, Inc., 100 Center Place Drive, Mr. Michael Palumbo from Flaum Management, representing the applicant, appeared before the Board of Zoning Appeals this evening, requesting an area variance for 47 existing parking spaces, instead of the minimum 78 parking spaces required.

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The findings of fact are as follows. As testified by the staff this evening, the reason that the 78 parking spaces were determined was based on the nature of the businesses of Starbucks plus the nature of the business of what may be considered a beauty salon; thus, the need for 78 spaces was calculated. Mr. Michael Palumbo, representing Flaum Management, came before the Board this evening, representing the applicant and requesting this variance on their behalf in order that a vacant spot may be filled at this location. This particular spot that the nail studio wishes to occupy has been vacant for a number of years. Mr. Palumbo testified that there would be no more than five employees located at this enterprise, that there are no non-employees there. Mr. Palumbo presented a series of charts, indicating similar businesses located in and around the area and suggesting that there will be no more than, at the maximum, 14 customers attending this salon at any given time. Mr. Palumbo indicated and agreed to that the applicant is agreeable to limiting the nature of this business strictly to nails and pedicures and that no other businesses or services will be provided at this location. Mr. Palumbo indicated that there will be eight pedicure stations and eight nail stations. There was discussion around the existence of massage beds in this location. Mr. Palumbo indicated that that was an error and would be subsequently corrected, and that no massage services or any other services other than pedicures and nails would be offered at this location.

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. As offered and agreed to by the applicant, that there be no more than five employees at this location and no operators leasing space.
2. As offered and agreed to by the applicant, services at this site would be limited to pedicures and nails.
3. And as offered and agreed to by the applicant, no massage or any other services, hair styling, etc., will be offered at this location.
4. The hours of operation shall be limited from 9:00 a.m. to 9:00 p.m. Mondays through Saturdays, and 11:00 a.m. to 6:00 p.m. on Sundays.
5. This approval for this application is for this applicant only. As offered and agreed to by the owner, the owner will relinquish this variance should the tenant/operator of this business vacate the property.
6. Any reference to massage tables shall be deleted and updated on drawings submitted to the Town for building permits.
7. And this applicant shall comply with all necessary building permits as well.

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

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

Motion Carried
Application Approved
With Conditions

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7. Applicant: The Home Depot
Location: 1250 West Ridge Road
Mon. Co. Tax No.: 075.17-2-22.1
Zoning District: BG (General Business)
Request: A special use permit for the rental of motor vehicles (box trucks), including related service facilities. Sec. 211-17 C (3) (b) (3)

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 1250 West Ridge Road, as outlined above; and

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property

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owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, regarding the application of The Home Depot, 1250 West Ridge Road, Betsy Brugg, representing the applicant, appeared before the Board of Zoning Appeals this

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evening, requesting a special use permit for the rental of motor vehicles (box trucks), including related service facilities.

The findings of fact are as follows. Further regarding the application of The Home Depot, Ms. Betsy Brugg and Mr. John Kerekes came before the Board this evening, requesting a special use permit to allow them to park a maximum of eight trucks at any one time. These trucks will be rental trucks under the Penske name; they are referred to as box trucks. They may or may not be used for Home Depot purposes and have no relationship with Home Depot operations other than a place to park and pick up and drop off Penske trucks. The applicant has considered various locations within this shopping plaza, and as a result of a meeting with the Town Board, the Town Board and the applicant agreed that the parking spaces will be as indicated on the material submitted to the Zoning Board this evening. The parking was selected in a way that is located away from most of the customer traffic for Home Depot. The applicant has agreed to limit the use of these spaces to eight trucks at any one time, and these spaces will be stenciled to identify them as Penske parking spots. The applicant has also indicated that they will have no parking of these rental trucks in the spaces located in the most southern part of the parking lot in front of Home Depot.

No special use permit shall be granted by the Board of Zoning Appeals unless and until the applicant has demonstrated to the satisfaction of the Board that:

1. Access to the site and the size of the site are adequate for the proposed use. This is a large retail operation; these eight spaces have minimal impact on overall parking.
2. The proposed use will not adversely affect the orderly pattern of development in the area.
3. The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
4. The proposed use will not create a hazard to health, safety or the general welfare.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities. And as stated previously, this is a large commercial shopping plaza; these eight spaces will have minimal impact on all the items identified.

Therefore, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Section 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by The Home Depot for a special use permit for the rental of motor vehicles (box trucks), including related service facilities, on property located at 1250 West Ridge Road, in a BG (General Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this rental of motor vehicles (box trucks), including related service facilities in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without hearing, shall the determine resolution of such conflict.

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2. The maximum occupancies in this motor vehicle rental facility shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code. Failure to comply with such requirements may be grounds for revocation of this special use permit.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding authority.
7. Upon the sale or other transfer of controlling interest in this rental of motor vehicles (box trucks), including related service facilities, to any persons or entity other than The Home Depot, its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
8. As offered and agreed to by the applicant, the applicant has agreed to limit the use of the spaces to 8 trucks, 8 spaces and 8 trucks at any one time.
9. The applicant has agreed to have these spaces stenciled to identify them as Penske parking spaces.
10. The applicant has agreed that there will be no parking of these rental trucks in the spaces located in the most southern part of the parking lot in front of Home Depot.
11. The largest truck that would be there for use would be a 26 foot-long box truck, which is the wheelbase that is the limit. The vehicles would need to fit in the parking spots and not block any drive lanes. The trucks should not exceed the size of the double parking, they cannot block the drive aisle.

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

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

Motion Carried
Application Approved
With Conditions

MODIFICATION TO NEIGHBORHOOD NOTIFICATION:

1. Applicant: New Cingular Wireless PCS, LLC ("AT&T")
Location: 1541 & 1555 Long Pond Road
Mon. Co Tax No.: 089.01-1-6.11
Zoning District: CHC (Central Health Care)
Request: A special use permit for a proposed cellular service telecommunications facility (roof-mounted antenna) to be located on an existing building. Sec. 211-56 A

The staff has recommended a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this recommendation is the large size of the entire parcel, of which this site is but one part, and the many properties which would be included in the notification but which are not near the subject of the special use permit.

On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to amend the Neighborhood Notification for a special use permit for a proposed cellular service telecommunications facility (roof-mounted antenna) to be located on an existing building on the parcel submitted by New Cingular Wireless PCS, LLC ("AT&T"), relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be just the parcels across the street from the site on Long Pond Road (directly east of Unity Hospital) , which are the parcels in the immediate vicinity that potentially would be most affected by the proposed special use permit.

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

**Motion Carried
Request Granted**

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ADJOURNMENT: 9:20 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: December 6, 2016