



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

FEBRUARY 1, 2022

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Because of the Novel Coronavirus (COVID-19) Emergency, the Zoning Board meeting of the Town of Greece scheduled for February 1, 2022 will be held electronically via Facebook Live instead of in person. Members of the public may view the Board meeting by logging onto Facebook and viewing the live feed under "Town of Greece"

<https://www.facebook.com/Town-of-Greece-Planning-and-Economic-Development-112829703867340/>.

Minutes of the Board Meeting will be transcribed and posted on the town's website as always.

While the public will not be able to attend the meeting in person, written comments may be submitted to Zoning Board Secretary, Maryjo Santoli via e-mail at msantoli@greecenyc.gov prior to 5:00 PM on Friday, February 11, 2022.

To speak with someone in the Zoning Office, please call (585)-723-2355

Present:

Albert F. Meilutis, Chairman

Thomas F. Hartwig

Randy T. Jensen (Arrived at 7:25 P.M.)

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Planning and Zoning Secretary

Absent

Linda Andreano

**Additions, Deletions and Continuances to the Agenda
Decorum Policy
Announcements**

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Old Business

1. Applicant: Cristobal Ramos
Address: 152 Ledgewood Drive
Mon. Co. Tax No.: 074.12-6-14
Zoning District: R1-E (Single Family Residential)
Request: An area variance for an existing accessory structure, (13.0 feet x 24.0 feet; 312.0 square feet detached car port), to have a (south) side setback of 0.6 feet, instead of the 8.3 feet minimum required. Section 211-11 E(1), Table I

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 152 Ledgewood 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), (11), (13), (16) & (17).)
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. Shea and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Cristobal Ramos, 152 Ledgewood Drive, Mr. Ramos and Jackie Cotto appeared remotely, via zoom, before the Board of Zoning Appeals, requesting an area variance for an existing accessory structure, (13.0 feet x 24.0

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feet; 312.0 square feet detached car port), to have a (south) side setback of 0.6 feet, instead of the 8.3 feet minimum required.

WHEREAS, the findings of fact are as follows. On December 7, 2021 Cristobal Ramos and Jackie Cotto, who reside at 152 Ledgewood Drive in a R1-E residential district, appeared before this Board via zoom to request the above mentioned variance. Mr. Ramos stated that he has owned this property for 2-1/2 years and that the need for this accessory structure is due to the acquisition of a fishing boat. The structure was started by installing structural posts and placing roof trusses in a location adjacent to their garage and to the property line. It was done by Mr. Ramos' father, who did not realize that a building permit was necessary.

Discussion continued relative to rain water drainage off of the roof and where it would go. Due to this location water damage could occur to their house and water would go onto the neighbor's property. Mr. Ramos was asked to provide engineering drawings to address these concerns. In order to give Mr. Ramos sufficient time to accomplish this request this application was continued to the meeting of January 4, 2022.

Comments were received from Mr. Ramos' neighbors. Pete and Peggy Blyck of 174 Ledgewood Drive, Helen Trotter of 149 Ledgewood Drive, William and Jennifer Buttino of 143 Ledgewood Drive and Starr and Joe Young of 157 Ledgewood Drive all expressing their disapproval of the location and stating that the accessory structure should be moved to the backyard.

On January 4, 2022, Jackie Cotto wife of the applicant and who also resides at this location, appeared before this Board via zoom stating she and her husband have changed their plans and intend to move the structure to their backyard. However, a site map was not submitted showing this new location. As such, this application was continued to the meeting of January 18, 2022 in order for an updated site map to be submitted. On January 18, 2022 Jackie Cotto showed the new location would be just behind the rear of the dwelling and four feet off the south property line. The structure is of natural wood and has a gray galvanized roof with a peak at 12'. There would be no utilities installed. The existing structure will be relocated by August 31, 2022 to the backyard 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 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. That all necessary building permits be obtained.
2. That the existing accessory structure will be relocated by August 31, 2022.
3. That no utilities will be installed.
4. That the accessory structure will be relocated in the back yard 4' off the property line.

So moved.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: Bernard J. Vito
Address: 33 Putney Place
Mon. Co. Tax No.: 058.01-3-64
Zoning District: R1-44 (Single-Family Residential)
Request: An area variance for an existing accessory structure (18.2 feet x 27.7 feet; 504.14 deck) to have a rear setback of 17.3 feet, instead of the 42.0 feet minimum required. Section 211-11 E(1), Table I

On a motion by Mr. Wechsler and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of February 15, 2022.

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

**Motion Carried
Application Continued Until
Meeting of February 15, 2022**

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3. Applicant: Thomas Neary
Address: 233 Chesterton Road
Mon. Co. Tax No.: 074.15-6-3
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing accessory structure, (approximately 166 square feet deck) located in a front yard (Chesterton Road), where accessory structures, including decks are permitted in rear yards only. Section 211-11 E(3)
b) An area variance for an existing accessory structure, (approximately 260 square feet deck) located in a front yard (Ridgecrest Road), where accessory structures, including decks are permitted in rear yards only. Section 211-11 E(3)
c) An area variance for an existing accessory structure, (approximately 256 square feet pool deck) located in a front yard (Ridgecrest Road), where accessory structures, including pool decks are permitted in rear yards only. Section 211-11 E(3)

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 233 Chesterton 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), (11), (13), (16) & (17).)
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	Absent	Mr. Hartwig	Yes
	Mr. Jensen	Late	Mr. Meilutis	Yes
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried

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

WHEREAS, with regard to the application of Thomas Neary, 233 Chesterton Road, Mr. Neary appeared remotely, via zoom, before the Board of Zoning Appeals, requesting an area variance for an existing accessory structure, (approximately 166 square feet deck) located in a front yard (Chesterton Road), where accessory structures, including decks are permitted in rear yards only, an area variance for an existing accessory structure, (approximately 260 square feet deck) located in a front yard (Ridgecrest Road), where accessory structures, including decks are permitted in rear yards only and an area variance for an existing accessory structure, (approximately 256 square feet pool deck) located in a front yard (Ridgecrest Road), where accessory structures, including pool decks are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. This parcel is located at 233 Chesterton Road and is in an R1-E (Single-Family Residential) district. The applicant, Mr. Thomas Neary, appeared before the Board of Zoning Appeals, via zoom on January 4, 2022, requesting the aforementioned variances. Mr. Neary has resided at this residence for over 30 years.

He stated that a deck was installed by a contractor approximately 17 years ago and as such, the contractor failed to obtain any permits and/or variances that may have been required at the time of the deck installation. This past summer, the applicant and some friends installed a pool and deck and at the time of the final inspection, it was noted that a variance was going to be needed for the pool deck. To remove these structures at this point would put a financial hardship on the applicant and his family.

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 regulations, requiring no further action by this Board.

I move to approve this application with the condition that building permits are obtained for the porch decks and the pool deck.

So moved.

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

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

Motion Carried
Application Approved
With Conditions

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4. Applicant: Tammy Lynne Dionisio
Address: 450 Ridgemont Drive
Mon. Co. Tax No.: R1-E (Single-Family Residential)
Zoning District: 073.19-1-17
Request: An area variance for a proposed accessory structure, (10.0 feet x 12.0 feet; 120 square feet shed) to be located in a side yard, where accessory structures, including sheds, are permitted in rear yards only. Section 211-11 E(3)

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 450 Ridgemont 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), (11), (13), (16) & (17).)
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	Absent	Mr. Hartwig	Yes
	Mr. Jensen	Late	Mr. Meilutis	Yes
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried

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

WHEREAS, with regard to the application of Ms. Tammy Lynne Dionisio, 450 Ridgemont Drive, in an R1-E (Single-Family Residential) district, Ms. Dionisio and Mr. Larry Lehning appeared remotely, via zoom before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure, (10.0 feet x 12.0 feet; 120 square feet shed) to be located in a side yard, where accessory structures, including sheds, are permitted in rear yards only.

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WHEREAS, the findings of fact are as follows. The applicant, Ms. Tammy Lynne Dionisio, attended the hearing of January 4th, 2022 via Zoom. This parcel is located at 450 Ridgmont Drive, and is a double-wide lot where the north side of the property borders the Ridgmont Country Club golf course. The applicants purchased the home in Sept of 2021, knowing that the limited storage space would require them to build a shed. The purpose is storage, specifically mentioning yard maintenance equipment, and winter-storage for summer furniture and their grill. The shed is a pre-assembled kit from Home Depot, purchased in grey & white colors to complement the home. NO utilities are planned to be run or attached to the shed.

The shed placement location was discussed at length. The applicants explained that this was carefully considered, keeping the neighbors in mind. While it seems the side yard isn't the best location, it is practically the only location due to the varying levels in the rear yard, the presence of plantings and an existing slab, and in the northeast corner where there is the only level spot the shed could be placed, the yard slopes down approximately 6 feet, making transport and placement of the shed nearly impossible. And this location would also then place the shed in full view of the neighbors, blocking their view of the golf course. Placing the shed behind a row of existing trees to the side of the home was found to be the most limiting in view to all, though still partially in the applicant's view from the windows of their home, as well. The applicants added that they would definitely consider adding a hedgerow of Rose of Sharons, especially if there were any neighbor concerns expressed, and should any of the existing trees come down, they offered that they would want to replace them to continue to block the view of the shed & to help improve the appearance of their yard.

A neighbor letter from 429 Ridgmont Drive from Linda Werth and William Houska was read into the record that did raise questions & concerns about the shed location. The applicants had already pre-addressed these questions and concerns in their testimony.

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 condition that the applicant obtain all required Town permits.

So moved

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

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

Motion Carried
Application Approved
With Condition

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5. Applicant: KBM Associates, Inc. (aka American Custom Exteriors)
Address: 2015 Maiden Lane
Mon. Co. Tax No.: 074.06-1-11
Zoning District: BN (Neighborhood Business)
Request: An area variance for a second story addition, (32.0 feet x 40.0 feet; 1280 square feet second floor), to an existing (32.0 feet x 40.0 feet; 1280 square feet first floor) detached accessory structure, to have a (west) side setback of 3.0 feet, instead of the 15.0 feet minimum required, from a residential district. Section 211-20 A(6)(d)[3]

On a motion by Mr. Hartwig and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of February 15, 2022.

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

Motion Carried
Application Continued Until
Meeting of February 15, 2022

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6. Applicant: Jason R. Glasow
Address: 54 De Ville Drive
Mon. Co. Tax No.: 046.16-3-4
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed principal structure addition to have an (east) side setback of 5.9 feet, instead of the 8.0 feet minimum required. Section 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 54 De Ville 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), (11), (13), (16) & (17).)
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	Absent	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	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 Jason Glasow, 54 De Ville Drive, in an R1-E (Single-Family Residential) district, Mr. Glasow appeared remotely, via zoom on January 18, 2022 before the Board of Zoning Appeals, requesting an area variance for a proposed principal structure addition to have an (east) side setback of 5.9 feet, instead of the 8.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This parcel is located at 54 DeVill Drive, being a cul-de-sac street. It is approximately 80 feet wide 150 feet deep. It is situated in an

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R1-E (Single-Family Residential) zoning district, and adjoins the Lake Ontario State Parkway to the north; and residential to the south, east and west.

The applicants, Jason Glasow and Stephanie Ewert, appeared before this Board at a hearing on January 18, 2022, via Zoom. They have been working with an architect for two additions to the home, one which would be for an attached garage, as currently there is no garage on the premises – and the second addition being a first floor master bedroom. The master bedroom addition will be located to the rear of the home and separate from the garage addition. The reason for the setback variance is due to the current footprint of the home and the location of interior walkways, windows and exterior utilities.

The proposed addition, in my opinion, would not be a detriment to any nearby parcels. The most affected would be the neighbor to the east, being David Picardo of 64 Deville Drive, and of which staff received an email in support of the project.

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 regulations, requiring no further action by this Board. I move to approve this application with the condition that building permits are obtained.

So moved

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

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

Motion Carried
Application Approved
With Condition

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New Business

1. Applicant: Paul Kondolf
Address: 59 Rockwell Drive
Mon. Co. Tax No.: 044.02-3-46
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed attached accessory structure, (totaling 1135 square feet attached garage); resulting in a total gross floor area of 1135 square feet in all accessory structures, where 1000.0 square feet is the maximum gross floor area permitted for lots more than 16,000 square feet in area, but less than one acre in area. Section 211-11 E(1), Table I

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 February 15, 2022.

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

**Motion Carried
Application Continued Until
Meeting of February 15, 2022**

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ADJOURNMENT: 7:48 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: Tuesday, February 15, 2022

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