



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

FEBRUARY 4, 2020

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

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

BOARD OF ZONING APPEALS MINUTES
February 4, 2020

Old Business:

1. Applicant: James Henning
Location: 193 Orchard Creek Lane
Mon. Co. Tax No.: 059.07-1-17
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed principle structure addition, (20.0 feet x 27.0 feet; 540.0 square feet attached garage), to have a front setback of approximately 30.0 feet instead of the 42.4 feet minimum, established by the neighborhood average. Section 211-11 D(1)(b); Section 211-11 D(2), Table I
b) An area variance for a proposed principle structure addition, (20.0 feet x 27.0 feet; 540.0 square feet attached garage), to have a rear setback of approximately 25.0 feet instead of the 36.0 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 193 Orchard Creek 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 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 Ms. Nigro and duly put to a vote, which resulted as follows:

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	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 James Henning, 193 Orchard Creek Lane, Mr. Henning appeared before the Board of Zoning Appeals, requesting an area variance for a proposed principle structure addition, (20.0 feet x 27.0 feet; 540.0 square feet attached garage), to have a front setback of approximately 30.0 feet instead of the 42.4 feet minimum, established by the neighborhood average and an area variance for a proposed principle structure addition, (20.0 feet x 27.0 feet; 540.0 square feet attached garage), to have a rear setback of approximately 25.0 feet instead of the 36.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This parcel is located at 193 Orchard Creek Lane, it is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Mr. James Henning, appeared before the board on three different occasions: November 6th, 2019, January 7th, 2020, January 21st, 2020 and again tonight and stated that he has lived at this residence for approximately 6 months. At the previous three meetings, Mr. Henning didn't really clarify in detail the need for the an additional garage with a 10 ft. door, thus the board suggested that he return to tonight's board meeting to better explain he needs.

Before tonight's meeting the applicant did submit drawings to staff depicting a 9 ft. high overhead door. At previous meetings, Mr. Henning said the addition of the 27 ft. X 20 ft. garage will be used to house his 4-door pickup truck, a snowplow with a 4 ft. extension and 9 ft. wide frame, a standard motorcycle, and a 5 ft. wide riding mower with a bagger. Mr. Henning did provide a floor plan drawing showing the size of each of the vehicles (to scale) and placement in the garage. None of this equipment will be used for commercial use. There will not be any second story floor installed. The applicant's needs cannot be met with an 8 ft. overhead door. The applicant is proposing a 9 ft. overhead door of which will have the roof line be approximately 2 ft. higher over the current attached garage.

Mr. Bob Schroeder at 196 Orchard Creek Lane spoke to Mr. Henning and felt that the new garage will eliminate the current sight of vehicles and equipment on the property. No one else spoke at tonight's meeting, either in favor or opposed to the 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 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, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That Mr. Henning obtain the all necessary Town permits.
2. That Mr. Henning allow for periodic inspections by the Town building department to be certain that this applicate complies with variance approval.
3. That the construction will be done in the form and fashion that was presented in the rendering tonight versus the one submitted to staff via email prior to the meeting. The applicant did submit tonight a new rendering to accommodate his equipment.
4. There will be no outdoor storage of any type of vehicles or trailers.

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

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

Motion Carried
Application Modified and Approved
With Conditions

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2. Applicant: Michael Fabian
Location: 47 Torrey Pine Drive
Mon. Co. Tax No.: 045.03-3-41
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure (approximately 22.0 feet x 24.0 feet; 816.0 square feet, two-story detached garage), resulting in a total gross floor area of 1402.8 square feet in all accessory structures, where 1250.0 square feet is the maximum gross floor area permitted for lots over one acre in area. Section 211-11 E (1), Table I
b) An area variance for a proposed accessory structure (approximately 22.0 feet x 24.0 feet; 816.0 square feet, two-story detached garage), to have an overall height of 18.1 feet, instead of the 17.0 feet maximum permitted. Section 211-11 E (1), Table 1

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 47 Torrey Pine 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	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Michael Fabien, 47 Torrey Pine Drive, Mr. Fabian appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (approximately 22.0 feet x 24.0 feet; 816.0 square feet, two-story detached garage), resulting in a total gross floor area of 1402.8 square feet in all accessory structures, where 1250.0 square feet is the maximum gross floor area permitted for lots over one acre in area and an area variance for a proposed accessory structure (approximately 22.0 feet x 24.0 feet; 816.0 square feet, two-story detached garage), to have an overall height of 18.1 feet, instead of the 17.0 feet maximum permitted.

WHEREAS, the findings of fact are as follows. On January 21, 2020 Michael Fabian who resides at 47 Torrey Pines Drive in a R1-E (Single-Family Residential) District appeared before this Board to request the following variances: a) an area variance for a proposed accessory structure (approximately 22.0 feet x 24.0 feet; 816.0 square feet, two-story detached garage), resulting in a total gross floor area of 1402.8 square feet in all accessory structures, where 1250.0 square feet is the maximum gross floor area permitted for lots over one acre in area b) an area variance for a proposed accessory structure (approximately 22.0 feet x 24.0 feet; 816.0 square feet, two-story detached garage), to have an overall height of 18.1 feet, instead of the 17.0 feet maximum permitted.

Mr. Fabian stated that he has owned this property for 20 years. He is requesting this accessory structure, because he wants the space to store pool furniture and equipment along with lawn furniture, snow mobiles and a trailer. He also stated that a second story is needed for additional storage space. The first floor will have a ceiling height of 10 ft. and due to that second story the building is proposed to have a total height on 18 ft. 1 in. He plans to have only electric service run to the structure. The exterior will match the exterior of the existing house. There will be no asphalt or crushed stone driveway installed. Entrance will be over grass. Mr. Fabian stated that there will be no commercial activities in this structure and has agreed to random inspections by Town personal. A structure of this nature is out of character of the neighborhood, but would be placed at the rear of his lot, which is approximately 250' in depth, limiting the view from the street. He has spoken with his neighbors and he reports that they are in agreement with the project. As this Board expressed concerns about the structure's height and size, this application was continued to the meeting of February 4, to give Mr. Fabian time to review his options.

This evening Mr. Fabien returned to explain that he has revised the plans for this accessory structure, as such he is withdrawing variance "b" as this structure will have a height of no more than 17 ft. In addition he has submitted scaled floor plans of this structure showing what will be included in it and showing that the garage will have its maximum use with everything being stored. There is a reduction in the second story of the plan though, resulting in a width of 10.2 ft. as opposed to 12 ft., as originally planned. As a result, the structure will contain approximately a little over 43 sq. ft. than what was originally proposed. There is also correspondence that was received by the Town from a David John at 39 Torrey Pine Drive, a Tim and Claudia Goetzman of 55 Torrey Pine Drive, a Pat and Sue Kraft of 71 Torrey Pine Drive and Barb and John Giordano of 63 Torrey Pine Drive all speaking in favor of this project.

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Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of 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, 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 and Town code satisfied.
2. That variance "b" is being withdrawn as the structure will have a height of no greater than 17 ft.
3. That the applicant has agreed to random inspections by Town personnel.
4. That the first floor will not exceed 22 ft. X 24 ft. and the second floor not to exceed 10.2 X 24 ft. and that the second floor is to be used for storage purposes only.
5. And that the applicant obtains an easement release from each easement holder to run an electrical service to the accessory structure.

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

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

Motion Carried
Application Approved
With Conditions

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New Business:

1. Applicant: Dollar Tree
Location: 3870 Dewey Avenue
Mon. Co. Tax No.: 060.10-1-16.1
Zoning District: BG (General Business)
Request: An area variance for a proposed second sign (6.25 square feet), instead of the one (1) 42.0 square foot sign permitted. Section 211-52 B(2)(a)[1]

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 3870 Dewey Avenue, for variances, 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

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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 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. 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. Nigro	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Dollar Tree, 3870 Dewey Avenue, in a BG (General Business) district, Mr. Josh Palmer of Vital Signs, who is here on behalf of Anchor Signs, which is the company doing the work for the Dollar Tree stores, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed second sign (6.25 square feet), instead of the one (1) 42.0 square foot sign permitted.

WHEREAS, the findings of fact are as follows. Mr. Josh Palmer has attended our meeting tonight as a representative of Vital Signs on behalf of the Anchor Signs Company, which is doing the work for the Dollar Tree stores on this request. Dollar Tree is requesting that a sign that Mr. Palmer has testified is 30 in. X 30 in., a circular medallion sign, is part of a rebranding effort that Dollar Tree stores is undertaking nationally and one by one adding the medallion to all of its store fronts. Mr. Palmer was unaware of the implementation period for this project, however he is here just to represent this first request this evening. Mr. Palmer also testified that this would be a considerable integral factor for brand recognition for the company to add the medallion sign as it is happening nationally. Also, in this plaza other businesses have added second signs with variances granted by this board, particularly iconic signs representing various companies. We have also added the condition that the power and the lighting for the sign is going to be tied into the existing sign and will be powered off at night, and Mr. Palmer accepts that as a condition.

Having summarized the findings of fact, I move to approve this application with the condition that the power and lighting will be tied into the existing sign and turned off at night and that all necessary permits are satisfied for the Town.

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. Nigro	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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ADJOURNMENT: 7:50 PM

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 18, 2020

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