



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

MARCH 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 March 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@greecenycity.gov prior to 5:00 PM on Friday, March 11, 2022.

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

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Planning and Zoning Secretary

Absent

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

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

Old Business

1. 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 (approximately 21.0 feet x 31.7 feet; 665.7 partially covered deck) to have a rear setback of 11.3 feet, instead of the 42.0 feet minimum required. Section 211-11 E(1), Table I

Mr. Wechsler 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 33 Putney Place, 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. Andreano and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Bernard Vito, 33 Putney Place, in an R1-44 (Single-Family Residential) zoning district, Mr. Vito appeared remotely, via zoom, before the Board of Zoning Appeals, requesting an area variance for an existing accessory structure (approximately 21.0 feet x 31.7 feet; 665.7 partially covered deck) to have a rear setback of 11.3 feet, instead of the 42.0 feet minimum required.

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

WHEREAS, the findings of fact are as follows. This was continued from January 4th, and was first heard on January 18th. This parcel is located on a corner lot at the intersection of Putney Place and Hatton Place and faces Putney Place, and as such there is very limited rear yard. Sometime over the past year or so, the applicant constructed a deck with an attached partial roof to the back of his home, without providing any construction drawings or obtaining any permits from the town. The applicant stated that he did not seek any permits as he claims the town was not open due to Covid, however this was not the case as the town never closed during the pandemic. The applicant appeared on February 15th for a second time. After reviewing the provided plans, this board asked staff take more accurate measurements, which was done. The homeowner has agreed not to fully enclose the structure. He has also stated that he is not going to install a hot tub on this deck and he has also agreed to a review by the Fire Marshall prior to installing any type of propane grill. Since it was unknown how the applicant constructed this structure, as no inspections were performed during such, this board has requested stamped plans from a design professional certifying to the construction of both the deck and the attached roof structure. Should the plans provided to this board not be sufficient for obtaining a building permit, it shall become the responsibility of the application to provide new stamped drawings, from a NYS Licensed Professional, certifying to both the deck and the attached roof. Finding that there has been no comments from the neighbors for or against and that this deck and enclosure are not out of character for this neighborhood, as a neighbor has a similar structure.

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 the applicant apply and adhere to all necessary permits.
2. That the Fire Marshall would need to review any plans for any propane grill to be installed.
3. The applicant needs to provide any stamp drawings by a licensed professional that will be required by the building department certifying to the entire structure, for both the roof and the deck.

So moved.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

2. 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. Jensen and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of March 15, 2022 per the request of the applicant.

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

Motion Carried
Application Continued Until
Meeting of March 15, 2022

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

3. Applicant: Harry E. Morris, III
Address: 24 Laureen Lane (Pvt.)
Mon. Co. Tax No.: 089.06-2-46.23
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing 6.0 feet high, closed construction fence, approximately 120.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-50 L
b) An area variance for an existing accessory structure, (8.0 feet x 8.0 feet; 64.0 square feet shed), to be located in a front yard, where accessory structures, including sheds are permitted in rear yards only. Section 211-11 E(3)

Mr. Wechsler 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 24 Laureen 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 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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried

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

WHEREAS, with regard to the application of Harry Morris III, 24 Laureen Lane, in an R1-E (Single-Family Residential) zoning district, Mr. Morris appeared remotely, via zoom,

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

before the Board of Zoning Appeals, requesting an area variance for an existing 6.0 feet high, closed construction fence, approximately 120.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction and an area variance for an existing accessory structure, (8.0 feet x 8.0 feet; 64.0 square feet shed), to be located in a front yard, where accessory structures, including sheds are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. This applicant appeared before this board on February 15, 2022. The applicant resides on the corner of Amy Lane and Laureen Lane. The front of the house faces Laureen Lane, but the side of the house, which included the rear yard of the home, is to be considered a front yard as it faces Amy Lane. With regard to item "a" there was already and existing wood fence that was in place when this home was purchased and finding that the fence was in a bit of disrepair, the applicant replaced it with a much nicer vinyl fence, which was a significant improvement to the property. The reason for the fence and for keeping the fence is that he owns a dog and also needed privacy for the rear yard, and again the rear yard does face Amy Lane, so it is considered under the zoning law to be front yard.

Item "b", the shed was also there prior to his purchase and he is using the shed to store various yard tools. Only one neighbor who resides on Laureen Lane was said to be in favor and no other neighbors have come out against this.

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, Mr. Morris, adhere to and apply for all necessary permits, even though the structures are already in existence.

So moved.

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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

4. Applicant: Michael Green
Address: 156 South Drive
Mon. Co. Tax No.: 026.18-4-51
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure (16.0 feet x 24.0 feet; 384 square feet attached garage), to have a rear setback of approximately 39.0 feet, measured from the east right-of-way line of South Drive, instead of the 53.0 feet minimum required. Section 211-11 E(1), Table I
b) An area variance for a proposed accessory structure (16.0 feet x 24.0 feet; 384 square feet attached garage), to have a (south) side setback of 5.5 feet, instead of the 6.0 feet minimum required. Section 211-11 E(1), Table I
c) An area variance for a proposed accessory structure (16.0 feet x 24.0 feet; 384 square feet attached garage), resulting in a total gross floor area of 1056.0 square feet in all accessory structures, where 800.0 square feet is the maximum gross floor area permitted for lots 16,000 square feet or less in area. Section 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 156 South 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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

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

WHEREAS, with regard to the application of Michael Green, 156 South Drive, Mr. Green appeared on February 15, 2022 remotely, via zoom, before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (16.0 feet x 24.0 feet; 384 square feet attached garage), to have a rear setback of approximately 39.0 feet, measured from the east right-of-way line of South Drive, instead of the 53.0 feet minimum required, an area variance for a proposed accessory structure (16.0 feet x 24.0 feet; 384 square feet attached garage), to have a (south) side setback of 5.5 feet, instead of the 6.0 feet minimum required and an area variance for a proposed accessory structure (16.0 feet x 24.0 feet; 384 square feet attached garage), resulting in a total gross floor area of 1056.0 square feet in all accessory structures, where 800.0 square feet is the maximum gross floor area permitted for lots 16,000 square feet or less in area.

WHEREAS, the findings of fact are as follows. The applicant lives on a water front lot on Long Pond in the Grandview Heights Neighborhood. The street side is considered the rear of the house in regards to request 'A'.

The applicant is looking to add a proposed accessory structure to an existing (2) car garage, this would make it a (3) car garage which will be of open construction. The reason for the proposed accessory structure is to store an additional vehicle which would make (3) vehicles, a Chevy Tahoe, a Chevy Silverado and a Corvette. He will also be storing lawn and garden material including lawn mower, boating equipment bins, portable grill, lawn chairs, bikes and kid toy totes. The applicant did provide a diagram of the placement of the items in the proposed accessory structure. The size of this proposed accessory structure is not uncommon for lots of this size in this neighborhood, also the rear set back is common in this neighborhood. The applicant did not achieve what he is looking for with a smaller proposed accessory structure.

The south side setback of 5.5 feet, instead of the 6.0 feet minimum required will be the same side set back as the existing garage and home. The applicant will match the existing siding and roofing material of proposed accessory structure as close as possible. The applicant stated that there will not be a second floor or loft area, no commercial business and he has also agreed to random inspections by the town of Greece regarding commercial businesses. The Applicant has agreed to electric only, which is already in the existing two car garage. There will be no other utilities, this would include but not limited to water, sewer, heat, natural and propane gas.

Three neighbors submitted a signed document that they support and are in favor of the proposed accessory structure; Grace R. Perry of 148 South Dr., Richard Maynard of 155 South Dr. and Caterina Ann O'Brien of 164 South Dr. There were no other comments regarding the proposed accessory structure.

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

1. The Applicant will obtain all necessary permits.
2. Applicant agrees to random inspections by the town of Greece.
3. Applicant agrees that there will be no commercial business usage.

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

4. Applicant agrees to electric only with no utilities, this would include, but not limited to water, sewer, heat, and natural or propane gas.

So moved.

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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

New Business

1. Applicant: Thomas C. Bidwell
Address: 2544 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-42
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed principal dwelling addition (approximately 330 square feet), to have a (west) side setback of 1.4 feet, instead of the 6.0 feet minimum required. Section 211-11 D(2), Table I
b) An area variance for a proposed principal dwelling addition (approximately 330 square feet), to have an (east) side setback of 5.8 feet, instead of the 6.0 feet minimum required. Section 211-11 D(2), Table I
c) An area variance for a proposed principal dwelling addition (approximately 330 square feet), to have a rear setback of 23.0 feet to the north right-of-way line of Old Edgemere Drive, instead, of the 30.2 feet minimum required. Section 211-11 D(2), Table I
d) An area variance for a proposed accessory structure (16.2 feet x 24.0 feet; 388.0 square feet detached garage addition), to have a (west) side setback of 4.0 feet, instead of the 6.0 feet minimum required for a through lot. Section 211-11 E(1), Table I
e) An area variance for a proposed accessory structure (16.2 feet x 24.0 feet; 388.0 square feet detached garage addition), to have a rear setback of 7.0 feet, measured to the north right-of-way line of Edgemere Drive, instead of the 30.0 feet minimum required for a through lot. Section 211-11 E(1), Table I

On a motion by Mr. Wechsler and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of March 15, 2022 per the request of the applicant.

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

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

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

NEIGHBORHOOD NOTIFICATION MODIFICATION:

Applicant: Maiden II LLC – (Tom Wahl’s)
Address: 671 Maiden Lane
Mon. Co. Tax No.: 075.05-2-5.1
Zoning District: BR (Restricted Business)
Request: a) An area variance for a proposed (6.7 feet x 8.0 feet), 54.0 square feet (north side) building mounted sign, instead of the one (1) 45.0 square feet sign permitted. Section 211-56 B(2)(a)[1] & Section 211-56 B(2)(c)[1]
b) An area variance for a proposed (6.7 feet x 8.0 feet), 54.0 square feet (west side) second building mounted sign, instead of the one (1) 45.0 square feet sign permitted. Section 211-56 B(2)(a)[1] & Section 211-56 B(2)(c)[1]

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 and the many properties which would be included in the notification but which are not near the parcel where the use will be located.

On a motion by Mr. Wechsler and seconded by Mr. Shea, it was resolved to amend the Neighborhood Notification for the proposed building mounted signs relative to Tom Wahl’s, relying on the Town staff’s judgment for fulfillment of the zoning ordinance and this Board’s intent for adequate neighborhood notification, which in this case should be the parcels near the proposed site location, which would be parcels on Maiden Lane and a few parcels on Mount Read Boulevard, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed signs relative to the Tom Wahl’s site.

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

**Motion Carried
Request Granted**

BOARD OF ZONING APPEALS MINUTES
March 1, 2022

ADJOURNMENT: 7:20 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: Tuesday, March 15, 2022

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BOARD OF ZONING APPEALS MINUTES
March 1, 2022