



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

MARCH 5, 2019

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

John T. Caterino, Planning Assistant

Ivana Casilio, Planning Assistant

Michelle Betters, Acting Zoning Board Secretary

Absent

Christopher A. Schiano, Esq., Deputy Town Attorney

Maryjo Santoli, Zoning Board Secretary

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

Chairman Meilutis welcomed Boy Scout Troop 5 of Messiah Lutheran Church, who opened the meeting with the Pledge of Allegiance

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Old Business:

1. Applicant: Reid Petroleum Corporation
Location: 3561 Latta Road & 638 North Greece Road
Mon. Co. Tax No.: 044.04-1-1 & 044.04-1-12
Zoning District: BR (Restricted Business)
Request: a) A special use permit to operate a gasoline dispensing station in accordance with the regulations established in Section 211-34. Sec. 211- 17 B (3) (b) [2]
b) An area variance for a proposed gasoline dispensing station canopy (42.0 feet x 86.0 feet; 3612.0 square feet), instead of the 1500.0 square feet maximum permitted. Sec. 211-34 C
c) An area variance for a proposed 6.0-foot-high, closed-construction fence (275± linear feet) to be located in the front and corner yard of a corner lot, where fences in front and corner yards shall be of open construction and shall not exceed four feet in height. Sec. 211-46 L

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 April 2, 2019, per the request of the applicant.

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 Continued Until
Meeting of April 2, 2019**

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2. Applicant: Stephen Costanza
Location: 127 Limerick Lane
Mon. Co. Tax No.: 088.03-2-34
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed detached garage (20.0 feet x 30.0 feet; 600.0 square feet), resulting in a total gross floor area of 1051± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots less than 16,000 square feet in area. Sec. 211-11 E (1), Table I

On a motion by Ms. Nigro and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of April 2, 2019 due to the fact that the applicant did not attend this meeting.

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 Continued Until
Meeting of April 2, 2019**

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3. Applicant: Michael Margiotta
Location: 100 Edgemere Drive
Mon. Co. Tax No.: 035.20-1-11
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed attached garage addition (702± square feet), resulting in a total gross floor area of 1136± 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
b) An area variance for a proposed attached garage addition (702± square feet), to have a (south) rear setback of 110.4± feet (measured from the centerline of Edgemere Drive), instead of the 129.1± feet minimum required. Sec. 211-11 D (2), 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 100 Edgemere Drive, as outlined above; and

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

1. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (2), (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. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Michael Margiotta, 100 Edgemere Drive, Omero Paris, the contractor for the project and also the representative for the applicant, Mr. Margiotta, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed attached garage addition (702± square feet), resulting in a total gross floor area of 1136± 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; and an area variance for a proposed attached garage addition (702± square feet), to have a (south) rear setback of 110.4± feet (measured from the centerline of Edgemere Drive, instead of the 129.1± feet minimum required).

WHEREAS, the findings of fact are as follows. The contractor, Mr. Paris, representing the applicant, stated that he believes that the applicant has lived at this location for less than one year. The reason for this variance is for a proposed two-car garage; this garage will also be used for storage. The existing garage that is currently with this residence will be turned into a gym/fitness room for the applicant. South rear setback of 110 feet is common in this neighborhood, this being a waterfront property on Edgemere Drive. The portion facing Edgemere Drive is considered the rear, but this setback is common in this Edgemere Drive neighborhood. The applicant stated also that the proposed garage will line up with the current house so it will be flush on the east side. Also, the house will match the existing house with siding and roofline. The contractor, Mr. Paris, also stated that there will be a stone front on the lower level facing Edgemere Drive. The applicant also stated that the garage will only have electrical services, and the reason for the garage and the storage area is for the storing of two vehicles along with additional storage of lawnmowers, snow blowers, and outdoor materials for the applicant. Also, if I did not state it, the applicant will only have electric into this proposed 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 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 the applicant obtain all necessary permits.
2. That the applicant will only have electric service in this addition. There will be no water or sewers in the proposed attached garage.

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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 Approved
With Conditions

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4. Applicant: Paul McGowan
Location: 152 Snowy Owl Ridge
Mon. Co. Tax No.: 044.04-8-23
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed attached garage addition (11.7 feet x 28.0 feet; 327.6 square feet), resulting in a total gross floor area of 841± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots less than 16,000 square feet in area. 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 152 Snowy Owl Ridge, 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
	Ms. Nigro	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 Paul McGowen, 152 Snowy Owl Ridge, his representative, Mr. Darrell Grills of 136 Snowy Owl Ridge, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed attached garage addition (11.7

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feet x 28.0 feet; 327.6 square feet), resulting in a total gross floor area of 841± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots less than 16,000 square feet in area.

WHEREAS, the findings of fact are as follows. This parcel is located at 152 Snowy Owl Ridge and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Mr. Paul McGowan who is represented tonight by Mr. Darrell Grills, stated that the owner has resided at this address for about 27 years. The current garage, which is 22 feet x 23 feet, is used to store two cars, and he currently has a shed behind that, which stores his lawn equipment and accessory outdoor equipment. The proposed garage addition will be used for storage of an additional car, and with the elimination of the shed, the contents of the shed will then be stored inside this additional garage. The construction of the additional garage will be of similar look and material now used in the garage of the house, and there will be lighting inside the garage. There will be an exit door to the east side of the additional garage and no entry from the back or the west side, which faces the neighbor at 136 Snowy Owl Ridge. There will not be any garage doors; the only entrance from the outside will be a single door on the east side. Also tonight there was a neighbor, Katherine Honsinger at 356 Olde Harbour Trail, who shared concerns about drainage, the closeness of those who live behind the applicant, but primarily about the drainage and how that is going to affect her property. No other neighbors spoke in favor or against the applicant. There will be no commercial use of the proposed garage or the existing garage. Also, as offered by the applicant's representative, there is no overhead garage door on any side of the existing structure and the man door will be on the east side of the addition near the deck; there will be no other entrance to the addition other than through that.

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 the applicant obtain all necessary Town permits for the proposed garage addition.
2. That the proposed garage addition or the existing garage not be used for any commercial use.
3. That the existing shed be removed before the new one is installed or constructed. And also if the applicant wanted any further sheds, he would need to seek relief from the Board of Zoning Appeals to allow him to put up a shed.
4. The applicant will comply with all codes as they relate to drainage and storm water.

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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: 7:45 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 19, 2019