



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

MARCH 7, 2017

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

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

Robert J. Bilsky

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business:

1. Applicant: Philip Haberek
Location: 190 Montvale Lane
Mon. Co. Tax No.: 058.04-3-83
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed attached garage addition (869.7± square feet), resulting in a total gross floor area of 1595.1± 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

On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of March 21, 2017 in order to give the applicant time to review his options.

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

**Motion Carried
Application Continued Until
Meeting of March 21, 2017**

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2. Applicant: Anchor Baptist Church
Location: 25 Arcampus Drive
Mon. Co. Tax No.: 045.12-2-42.331
Zoning District: BP-2 (Professional Office)
Request: An area variance for 17 existing parking spaces, instead of the minimum 44 parking spaces required. Sec. 211-45 E

On a motion by Mr. Shea and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of March 21, 2017.

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

**Motion Carried
Application Continued Until
Meeting of March 21, 2017**

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3. Applicant: Bell Atlantic Mobile Systems of Allentown, Inc. (d.b.a. Verizon Wireless)
- Location: 1510 Maiden Lane
- Mon. Co. Tax No.: 059.19-3-1.1
- Zoning District: R1-18 (Single-Family Residential)
- Request: a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (119 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. Sec. 211-56 A
- b) An area variance for the use of barbed wire (188± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in Section 211-49. Sec. 211-46 E

On a motion by Ms. Nigro and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of March 21, 2017 in order to give the Board's consultant time to review and provide his report.

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

Motion Carried
Application Continued Until
Meeting of March 21, 2017

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New Business:

1. Applicant: Daniel Studeman
Location: 21 Fireweed Trail (Pvt.)
Mon. Co. Tax No.: 025.03-3-42
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed attached garage addition (10.0 feet x 22.3 feet; 223.0 square feet) to have a (south) side setback of 6.9 feet, instead of the 9.2 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for a proposed detached garage (16.0 feet x 24.0 feet; 384.0 square feet) to have a (west) rear setback of 18.2± feet, instead of the 30.0 feet minimum required for a through lot. Sec. 211-11 E (1), Table I
c) An area variance for existing and proposed accessory structures which result in a total gross floor area of 1102.1± square feet, instead of the 1000 square feet maximum gross floor area permitted for accessory structures on lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), Table I

On a motion by Mr. Jensen and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of March 21, 2017 in order to give the applicant time to review his options.

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

**Motion Carried
Application Continued Until
Meeting of March 21, 2017**

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2. Applicant: Dennis J. Ras, Jr.
Location: 139 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-4
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed shed (10.0 feet x 14.0 feet; 140.0 square feet), resulting in a total gross floor area of 936.0± 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

On a motion by Mr. Forsythe and seconded by Ms. Nigro, it was resolved to close the public hearing on this application and reserve decision until the meeting of March 21, 2017.

VOTE:	Mr. Bilsky	Absent	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 the Meeting of March 21, 2017**

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3. Applicant: Barnard Exempt Firemen's Association
Location: 360 & 400 Maiden Lane
Mon. Co. Tax No.: 060.18-1-2.111 & 060.18-1-3
Zoning District: R1-8 (Single-Family Residential)
Request: The following area variances are required in order to subdivide 360 & 400 Maiden Lane to form Lots 1, 2 and 3 of the Barnard Exempt Firemen's Association Maiden Lane Subdivision:
Lot 2
a) An area variance for a proposed lot depth of 98.95 feet, instead of the 100 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for an existing principal building (single-family dwelling) to have a (west) rear setback of 10.8 feet, instead of the 30.0 feet minimum required. Sec. 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 360 & 400 Maiden 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), (12) & (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.

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

VOTE:	Mr. Bilsky	Absent	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 Barnard Exempt Firemen's Association, 360 & 400 Maiden Lane, Mr. David Matt from Schultz Associates appeared before the Board of Zoning Appeals this evening, requesting the following area variances that are required in order to subdivide 360 & 400 Maiden Lane to form Lots 1, 2 and 3 of the Barnard Exempt Firemen's Association Maiden Lane Subdivision: On Lot 2, an area variance for a proposed lot depth of 98.95 feet, instead of the 100 feet minimum required, and an area variance for an existing principal building (single-family dwelling) to have a (west) rear setback of 10.8 feet, instead of the 30.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This variance is required in order to subdivide 360 & 400 Maiden Lane to form Lots 1, 2 and 3 of the Barnard Exempt Firemen's Association Maiden Lane Subdivision. The property is located in an R1-8 (Single-Family Residential) zone. No one appeared before the Board this evening to speak either in favor of or against 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 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 shall obtain subdivision approval from the Town Planning Board.
2. The applicant shall obtain approval for the administrative change of the lot line from Town staff.

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

VOTE:	Mr. Bilsky	Absent	Mr. Forsythe	Unavailable
	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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4. Applicant: Five Star Urgent Care
Location: 3640–3660 Dewey Avenue
Mon. Co. Tax No.: 060.10-2-1
Zoning District: DMU (Dewey Avenue Mixed Use)
Request: a) An area variance for a proposed (north side) building-mounted sign (4.17 feet x 18.02 feet; 75.14 square feet), instead of the 50 square feet maximum permitted. Sec. 211-52 B (2) (c) [1], Table VII
b) An area variance for a proposed (west side) second building-mounted sign (4.17 feet x 18.02 feet; 75.14 square feet), instead of the one (1) 50 square feet building-mounted sign permitted. Sec. 211-52 B (2) (c) [1], Table VII, Sec. 211-52 B (2) (a) [1]
c) An area variance for a proposed (south side) third building-mounted sign (4.17 feet x 18.02 feet; 75.14 square feet), instead of the one (1) 50 square feet building-mounted sign permitted. Sec. 211-52 B (2) (c) [1], Table VII, Sec. 211-52 B (2) (a) [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 3640–3660 Dewey Avenue, 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

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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 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.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Five Star Urgent Care, 3640-3660 Dewey Avenue, which is in a DMU (Dewey Avenue Mixed Use) district, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed (north side) building-mounted sign (4.17 feet x 18.02 feet; 75.14 square feet), instead of the 50 square feet maximum permitted; an area variance for a proposed (west side) second building-mounted sign (4.17 feet x 18.02 feet; 75.14 square feet), instead of the one (1) 50 square feet building-mounted sign permitted; and an area variance for a proposed (south side) third building-mounted sign (4.17 feet x 18.02 feet; 75.14 square feet), instead of the one (1) 50 square feet building-mounted sign permitted.

The findings of fact are as follows. This evening, Frank Imburgia and Kirk Wright of Sign Lighting Services appeared before this Board to discuss the signage requirements for the Five Star Urgent Care facility. There will be three signs placed on the building, on the north, west and south sides. This number of signs is needed to help identify the location in emergency situations. Even though the building is only 15 feet off the road, the size of these signs is required first of all for corporate identity and if the signage were reduced (the lettering), then the Five Star identity would be lost. The signs will be internally lit with LED lighting and they have the capability of being lit 24 hours a day, but the company can make further decision on the hours of illumination. Five Star Urgent Care is a subsidiary of Aspen Dental, and as such I request approval for these variances with the condition that all permits first be obtained.

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

VOTE:	Mr. Bilsky	Absent	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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ADJOURNMENT: 8:16 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: March 21, 2017