



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

APRIL 16, 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

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

Thomas F. Hartwig

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

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Old Business:

1. Applicant: Clifton Land Company LLC & SNORAC, LLC
Location: 3022 West Ridge Road
Mon. Co. Tax. No.: 074.13-1-1.1
Zoning District: BR (Restricted Business)
Request: A Use Variance for a car rental business, including service facilities (car wash) and outdoor storage of vehicles; a BG (General Business) use in a BR (Restricted Business) district. Section 211-17 (C)(3)(b)[3] & Section 211-17 (C)(3)(b)[4]

On a motion by Mr. Jensen and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of May 7, 2019 in order to give staff time to receive Planning Board comments .

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

**Motion Carried
Application Continued Until
Meeting of May 7, 2019**

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New Business:

1. Applicant: Michael J. Margiotta
Location: 100 Edgemere Drive
Mon. Co. Tax No.: 035.20-1-11
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (approximately 20.0 feet x 42.0 feet; In-ground pool), to be located in a (waterfront) west side yard, where accessory structures, including pools, are permitted in rear yards only. Section 211-11 E (3)

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	Absent
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

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WHEREAS, with regard to the application of Michael Margiotta, 100 Edgemere Drive, Mr. Margiotta appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (approximately 20.0 feet x 42.0 feet; In-ground pool), to be located in a (waterfront) west side yard, where accessory structures, including pools, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. This applicant has lived at this location for 7 months and the reason for the pool is because they previously had one and they have 3 boys who would enjoy having a pool for the summers on Edgemere Drive. The applicant picked this location, after surveying his entire property and speaking with staff; this was the only location, on west side of the yard that was outside of the Coastal Erosion Hazard Zone. Along Edgemere Drive, the back yard is considered the street side and the lake side is considered the front yard. The applicant was asked if he would want to put the pool on the street side and he thought he would rather have it in the front or side yard, but staying out of any restricted coastal zones. The applicant also said there are no plans for any pool supply type structures, cabana's or hot tubs. The applicant was aware of the Town of Greece swimming pool law, Local Law No. 2 of 1990 and he has also received positive feedback from neighbors. He is also going to have a fence around his pool that will accent his property. Once again, these pools in this neighborhood are very common along the front yards being the waterfront (or the lake side) and some residents within the immediate area do have in-ground pools in their side yards.

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 obtains all necessary permits.

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

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

Motion Carried
Application Approved
With Condition

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2. Applicant: Eric A. Blackwood
Location: 133 Estall Road
Mon. Co. Tax. No.: 060.74-1-31
Zoning District: R1-E (Single-Family Residence)
Request: An area variance for lot coverage of 28.8% instead of the 25% permitted. Sec. 211-11 D (2), Table I

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 133 Estall 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:

3. 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).)
4. 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	Absent
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Eric Blackwood, 133 Estall Road, in a R1-E (Single-Family Residential) district, Mr. Blackwood, whom has lived at this location for 6 years, appeared before the Board of Zoning Appeals, requesting an area variance for lot coverage of 28.8% instead of the 25% permitted.

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WHEREAS, the findings of fact are as follows. This parcel is located at 133 Estall Road and is located in a R1-E (Single-Family Residential) zoning district. This parcel is located within an older, denser area of the town, with lots being very small in size. This particular lot is an irregular shaped lot, almost "pie-shaped" in nature - with the parcel having approximately 58.8 feet of frontage along Estall Road and only 17.85 feet along the rear property line; making this lot somewhat challenging for placement of most any new structure. There is currently a single-family dwelling on the parcel and a 13 ft. x 20 ft. detached garage, located almost to the very corners of the rear property line.

The applicant has resided here for approximately 6 years and is proposing to install a 9 ft x 18 ft above ground pool, which is intended to be located between the single-family dwelling and the detached garage. There is literally nowhere else for your pool to be located on the parcel that would comply with the zoning ordinance. It appears that a portion of driveway will be lost due to this pool location as well.

A six foot high fence is also proposed to be located around the proposed pool, as per the applicants choosing.

The applicant will meet the required setbacks for the proposed pool, being six feet from the south side property line and a minimum of ten feet from all structures. Upon a site visit, it was noticed that the overhead electrical line appears to be directly above the pool location. The applicant will have to relocate such electrical line; working with the building department to find a location for the new connection that will meet the state building code requirements of separation for such.

The variance request pertains to lot coverage only. The proposed lot coverage is 28.8%, instead of 25% maximum permitted. Currently, as per staff, the property is at the maximum of 25% and this is just with the dwelling and detached garage; any type of additional structure would require a variance by this board. Given the size of the lot and the fact that the proposed pool, being very small in size, is what brings the lot coverage over the 25%; I believe that this request is minimal in nature and will have no negative impact on the neighborhood or on this property.

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) The applicant works with the building department for the relocation of the overhead electrical line;
- 2) The applicant will obtain all necessary permits;
- 3) The applicant will sign a "Hold Harmless" agreement with the Town;
- 4) And this approval is for the life of this pool.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Absent
	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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3. Applicant: James W. McDaniel, Jr.
Location: 110 North Avenue
Mon. Co. Tax. No.: 058.04-2-7
Zoning District: R1-18 (Single-Family Residence)
Request: An area variance for a proposed accessory structure (12.0 feet x 24.0 feet; 288.0 square feet; detached garage), to have a north side setback of 6.0 feet, instead of the 10.0 feet minimum required. Section 211-11 E (1), Table 1

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 110 North 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:

5. 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).)
6. 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	Absent
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	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 James McDaniel, Jr., 110 North Avenue, in an R1-18 (Single-Family Residential) district. Mr. McDaniel appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (12.0 feet x

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24.0 feet; 288.0 square feet; detached garage), to have a north side setback of 6.0 feet, instead of the 10.0 feet minimum required.

WHEREAS, the findings of fact are as follows. He has owned the property for 22 years and the reason for the need for the garage is to give him storage for an additional vehicle. Overall, the applicant will be storing a car and three motorcycles, but no more than a total of four vehicles total in storage. The reason that he is not going for an attached garage is due to the costs associated in order to build an attached single-car garage. There was also no way to minimize the setback distance that he is asking for in this variance. Regarding the utilities at this new structure, the applicant states that he will not have any electric or any other utilities. This construction will be made to match the existing property, including color. One neighbor wrote a letter, Georgette Leger, and she said that she is ok with the project, but expressed a concern about noise and suggested a fence be constructed.

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 apply for all necessary permits;
2. That the applicant comply with Town code;
3. That the applicant has agreed to random inspections by Code Compliance;
4. That only four vehicles are allowed for storage inside these two garages;
5. There is no electric or plumbing in this garage.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Absent
	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: Gatti Enterprises, LLC
Location: 441 Elmgrove Road
Mon. Co. Tax. No.: 088.03-1-12.131
Zoning District: IG (General Industrial)
Request: An area variance for a proposed parking area (approximately 190.0 lineal feet), to be located a distance of 22.9 feet from the right-of-way line of Elmgrove Road, instead of the 50.0 feet minimum required. Section 211-18 B (4), Table IV

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 441 Elmgrove 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:

6. 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).)
7. 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	Yes	Mr. Hartwig	Absent
	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 Gatti Enterprises, LLC, 441 Elmgrove Road, represented tonight by Mr. Richard Giraulo, from Landtech Architects, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed parking

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area (approximately 190.0 lineal feet), to be located a distance of 22.9 feet from the right-of-way line of Elmgrove Road, instead of the 50.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This parcel is located at 441 Elmgrove Road and is located in an IG (General Industrial) district. The applicant represented by Mr. Richard Giraulo stated that Gatti has been there since 1960 and the purpose for the variance is to add customer parking in the front of the building, 20 spots to be exact. A neighbor, Tracy Sgroi, at 438 Elmgrove Road appeared before the board and made several comments, some will be addressed by the Planning Board at a later date and there are no further approvals needed by the county or utility companies for approval of this request at this time. There was one neighbor that spoke and he was concerned specifically about the lighting that would be generated on site and he was specifically concerned about the landscaping and that would be provided.

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.
2. That this is subject to Planning Board approval.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Absent
	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: 8:35 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, May 7, 2019

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