



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

MAY 21, 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

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Cathleen A. Nigro

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

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Old Business:

1. Applicant: Christina Dingman
Location: 121 Estall Road
Mon. Co. Tax No.: 060.74-1-30
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow four (4) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Sec. 211-30 A

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 November 19, 2019 per the request of the applicant.

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

**Motion Carried
Application Continued Until
Meeting of November 19, 2019**

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2. Applicant: Alan Metelsky & Debra Hartman
Location: 505 North Drive
Mon. Co. Tax No.: 026.14-1-2.11
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to have farm animals (3 ducks) on a residential property with less than 10 acres. Sec. 211-30 B & Section 211-30 D

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 505 North 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	Absent	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 Alan Metelsky & Debra Hartman, 505 North Drive, they appeared before the Board of Zoning Appeals, requesting an area variance to have farm animals (3 ducks) on a residential property with less than 10 acres.

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WHEREAS, the findings of fact are as follows.

This parcel is located at 505 North Drive. The lot is located along the dead end of North Drive with Cranberry Pond on the north side; heavily treed State Lands (being part of the NYS Parkway) to the south and adjacent to North Drive; and residences to the west and east. The applicant has testified that they have lived in this residence for 22 years and currently own the three ducks; Two (2) Black Swedish and one (1) Blue Swedish. The ducks have been a part of this household since for approximately four (4) years; they are banded with owner's contact information and are considered pets to the applicant. The ducks wings have been clipped, which prevents them from flying and are also banded with the homeowners contact information.

The applicants house the ducks in a 4 foot x 4 foot x 5 foot "coop" type structure for living purposes. The coop is on wheels, making it portable, but not permanent. It is painted, sided and roofed to match the applicant's home. The coop is located along the northwest corner of the lot, adjacent to the pond side and is not visible from North Drive. The coop is shielded by a row of shrubs, in an attempt to keeping it hidden and out of visibility from the neighbors.

The coop is able to be locked to protect it from vandals and theft. It has an automatic door that can be controlled via phone or computer. During the spring and summer months, the ducks are free to move in and out of the coop and to enjoy the pond during daylight hours. During hunting season and winter months, the ducks are contained in a temporary enclosure, utilizing a boat hoist and fencing to contain them from would be hunters and predators. The applicant also has a dog on the premises to aid with would-be predators (coyote, fox) and also utilize a web cam and trail-cam via the Internet to monitor the ducks and would be predators.

With regard to potential predators, it should be noted that staff has spoken to code compliance about coyote and fox in this area. These wild animals (coyote/fox) have become a nuisance within the town and it would not matter if the homeowner had a dog or cat or chickens; these wild coyotes and fox would be and are a threat in neighborhoods throughout the town; not just along heavily wooded areas such as this. The safety of these ducks should be made a priority and it is the homeowner's responsibility to keep these ducks safe and contained so as to not bring harm from would be predators and/or vandals.

The applicants have stated that they allow the ducks outdoors in the yard during the day and are supervised via webcams; they are also provided access to the pond for daytime use and are then locked up during the evening hours.

The applicants were asked about smell and waste from the ducks and how they are taken care of. Waste is typically contained and collected within the coop with the use of straw and it is cleaned every couple of weeks. Feed for the ducks consists of pellets and is stored in the garage.

There are no special deliveries or deliveries from vendors to the home as a result of the ducks. There are no proposals for any expansions to the home as a result of the existing ducks. There are other pets on site but none that require a variance for being considered "farm" animals nor are any additional animals requested as a result of the existing ducks being kept on-site. Care of the ducks is under the applicant, as she is also a veterinarian. There will be no fertilization taking place, only the practice of producing edible eggs. The eggs will not be for retail sale.

The applicant submitted several letters from neighbors supporting their keeping of and maintenance of the existing ducks.

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After considering the criteria when determining an area variance, it is my opinion that there will not be an undesirable change in the neighborhood in granting this variance nor will it be a detriment to the nearby properties. The existing coop is built to keep out potential predators and also is constructed to match the existing principal dwelling. It is not be visible from North Drive or by adjacent properties.

It appears the applicants are taking whatever precautions are needed to protect the ducks from predators and at the same time, keep them as non-visible from the public as possible.

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 pursuant to SEQRA, requiring no further action by this board.

I move to approve this application with the following conditions:

1. This approval is for the existing three ducks as mentioned in the findings and shall not extend to any other farm animals or future ducks. The Applicant shall further certify these existing ducks with the town, by means of names, photos and contact information, providing any distinguishing or unique marks for each duck, for identification purposes. Additionally, there shall be no breeding of the existing ducks. Any future ducks will require a new variance to be approved by the Board of Zoning Appeals.
2. The owners shall continue to take every precaution necessary to protect the coop and pen from stray predators domestic or wild and/or potential vandals. The ducks should be contained to the pond side of the parcel (or front yard) eliminating any further threat that may be warranted from predators along the road side or from the wooded area to the south.
3. This approval is tied to this owner and for this address only and the eggs produced shall be for their own personal consumption not be allowed for retail sale.
4. This application shall be subjected to a one-year review by this Board and this Board shall be notified should any valid complaints arise through code compliance and/or animal control.
5. The applicants shall sign a Hold Harmless agreement with the Town, in the event that one of the ducks penetrate the coop or pen area and causes harm or injury to themselves or a passerby, the applicants do not hold the Town responsible.

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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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3. Applicant: William M. Gunther
Location: 364 Crystal Creek Drive
Mon. Co. Tax No.: 045.01-17-18
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed structure (16.0 feet x 18.0 feet; 288 square feet; 3-season room); to be located a distance of 8.0 ft. from the water's edge of an existing in-ground pool, instead of the 10.0 feet minimum required. Sec. 114-12.1 (B) (2)

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 364 Crystal Creek, 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
	Ms. Nigro	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of William Gunther, 364 Crystal Creek Drive, in an R1-E (Single-Family Residential) district, Mr. Gunther appeared before the Board of Zoning Appeals, requesting an area variance for a proposed structure (16.0 feet x

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18.0 feet; 288 square feet; 3-season room); to be located a distance of 8.0 ft. from the water's edge of an existing in-ground pool, instead of the 10.0 feet minimum required.

WHEREAS, the findings of fact are as follows. Mr. Gunther has stated that he has owned this property for approximately 27 years and the need for the three season room at this time is to enhance his life style and for supervision of his grandchildren in the pool. The structure cannot be reduced or the dimensions changed because the foundation is already in place and it would be an economic hardship for him to reduce the footage. Utilities to the porch will be electric only to run two ceiling fans and a plug. As far as enclosure of the porch, it will be screened only. The new roof will match the existing structure. Relative to potential access to the roof of the porch from the existing house, there are two bathroom windows, however they are small and it would be difficult for anyone to obtain access to the roof porch because of this. The applicant has spoken to the neighbors with no negative comments or concerns.

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.
2. All building codes be satisfied.
3. That the applicant signs a Hold Harmless agreement with the Town of Greece relative to a potential access to the roof of the porch.

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

Motion Carried
Application Approved
With Conditions

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4. Applicant: Dennis & Leanne Boyatzies
Location: 3054 Edgemere Drive
Mon. Co. Tax No.: 026.10-1-10
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed principal structure two-story addition (20.6 feet X 22.0 feet) to have a rear setback of 6.0 feet (measured from the south property line), instead of the 30.7 feet minimum required. Section 211-11 D (2), Table I
b) An area variance for lot coverage of 26.8%, instead of the 25% permitted. Section 211-11 D (2), Table I

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 June 4, 2019 per the request of the applicant.

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

**Motion Carried
Application Continued Until
Meeting of June 4, 2019**

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New Business:

1. Applicant: Matthew J. Goodrich
Location: 6 Hinchler Road
Mon. Co. Tax No.: 025.04-1-5
Zoning District: R1-44 (Single-Family Residential)
Request: An area variance for a proposed accessory structure (22.0 feet x 22.0 feet; 484.0 square feet deck), to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 E (3)

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 6 Hinchler 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:

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. Wechsler 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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

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WHEREAS, with regard to the application of Matthew Goodrich, 6 Hincer Road, Mr. Goodrich appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (22.0 feet x 22.0 feet; 484.0 square feet deck), to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. Mr. Goodrich has lived at this residence for about 10 months. The reason for the deck is that there are existing side doors already on the east side of the house and he wants to extend the enjoyment of the outdoors right off that deck and to put it in the back would not be practical at all because there is no exit from the house to the back. The deck will be constructed of wood and will be about two feet off the ground with railings and steps from ground level. Access from the deck will be through the existing sliding glass doors or from the outside steps. There are no plans to cover the deck or add outside lighting, there are existing out lets out there and lighting. There will not be any hot tubs or permanent grilling equipment. Mr. Goodrich did speak to his, who did support the project. No one spoke at tonight's meeting in favor or opposed to this 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 condition that the applicant obtain all necessary Town permits.

Seconded by Mr. Wechsler 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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Condition

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2. Applicant: Robert D. Gorka, II
Location: 586 Manitou Beach Road
Mon. Co. Tax No.: 017.03-2-27
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing accessory structure (14.0 feet x 26.0 feet; 364.0 square feet deck), to be located on a waterfront yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 E (3)

On a motion by Ms. Andreano and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of June 4, 2019 per the request of the applicant.

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

**Motion Carried
Application Continued Until
Meeting of June 4, 2019**

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3. Applicant: Steven Geery
Location: 119 Legion Circle
Mon. Co. Tax No.: 060.54-3-14
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (12.0 feet x 16.0 feet; 192.0 square feet shed), to be located in a side yard, where accessory structures, including sheds, are permitted in rear yards only. Section 211-11 E (3)

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 119 Legion Circle, 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. Jensen 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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Steven Geery, 119 Legion Circle, in an R1-E (Single-Family Residential) district, Mr. Geery appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (12.0 feet x 16.0

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feet; 192.0 square feet shed), to be located in a side yard, where accessory structures, including sheds, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. Mr. Geery has mentioned that he has owned this property for 16 years and that the need for this shed at this time is that he has an existing shed that is in disrepair and he needs a new shed to store lawn equipment, lawn furniture, four wheelers and such, so he needs to replace the existing shed. The existing shed will be demolished and the new shed will be rebuilt in the general area of where the existing shed is now located. The shed really can't be placed behind the home because the yard is in a pie shape configuration, there are existing gardens in the back yard and there is just not sufficient room for it. The shed will be constructed of wood in a kit format, there will be no utilities run to the shed. The sheds finishes will match the existing house. He mentioned that he has spoken to his neighbors and that he did not have any complaints, however a Robert Mrzywka, who lives at 120 Legion Circle, brought concerns to this board relative to excessive vehicles parked in the driveway and snow plows and things of this nature. However, his concern is not relevant to the existing application because the application is concerning the location of the shed. Staff will follow up about the vehicles, which need to be handled by the Town's Code Compliance Department. Also, the applicant has agreed to random inspections by the Town.

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 building permits be obtained.
2. All building codes be satisfied.
3. And as agreed to by the applicant, he will enter into an agreement with the Town for random inspections by Town Personnel concerning the contents of the shed.

Seconded by Mr. Jensen 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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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4. Applicant: Richard W. Amering
Location: 188 South Drive
Mon. Co. Tax No.: 026.18-4-48
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 3-season room addition/renovation (16.9 feet x 20.9 feet; 353.2 square feet), to be located in a waterfront lot and to have a front setback of 128.5 feet, measured from the eastern right-of-way line of South Drive, instead of the 114.3 feet maximum permitted, as established by the neighborhood average. Section 211-11E (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 188 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 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
	Ms. Nigro	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Richard Amering, 188 South Drive, in an R1-E (Single-Family Residential) district, Mr. Amering and Mr. Larry Fenity of Fenity Associates Architect Firm appeared before the Board of Zoning Appeals, requesting an area variance for a proposed 3-season room addition/renovation (16.9 feet x 20.9 feet; 353.2 square feet), to be located in a waterfront lot and to have a front setback of 128.5 feet, measured from the eastern right-of-way line of South Drive, instead of the 114.3 feet maximum permitted, as established by the neighborhood average.

WHEREAS, the findings of fact are as follows. Larry Fenity, AIA, represented the Amerings. The Amering Family has owned the property since 1925. Mr. Amering testified that he has been there for 17 years and the reason for the renovation is they currently have a small sunroom and they are going to be replacing it for home improvement and enhancement of their view and overall improvement to the property and enjoyment of their lakefront. This would normally be considered a backyard, however it is a waterfront property so therefore the street side is considered the rear yard. They presently have a sunroom there and this new sunroom will only be 5 ft. longer into that setback. The reason they could not really make it less or keep the existing room size is because in the existing room size it is only 11 ft. and that does not make it very practical for the family. They stated that it will have electricity there and at this point no other utilities.

None of the neighbors have had any objections, in fact there was a letter, as reference, from the neighbor who has the best view of the property, Jeff and Barb Ulreich at 194 South Drive. In their letter, a quote would be "the change to the property is a welcomed enhancement and will be in line with complimenting other properties in our waterfront neighborhood", so they were in favor.

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 permits are applied for.
2. And they comply by all Town building codes.

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 21, 2019

5. Applicant: Frank Lader
Location: 296 Laurelwood Drive
Mon. Co. Tax No.: 089.06-4-6
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed attached garage addition (approximately 14.0 feet x 26.0 feet; 364.0n square feet), resulting in a total gross floor area of 952.0 square feet of all accessory structures, where 800.0 square feet is the maximum gross floor area permitted for lots under 16,000 square feet 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 296 Laurelwood 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. Wechsler 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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

BOARD OF ZONING APPEALS MINUTES
May 21, 2019

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

WHEREAS, with regard to the application of Frank Lader, 296 Laurelwood Drive, Mr. Lader and Mr. Larry Fenity of Fenity Associates Architects of Spencerport, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed attached garage addition (approximately 14.0 feet x 26.0 feet; 364.0n square feet), resulting in a total gross floor area of 952.0 square feet of all accessory structures, where 800.0 square feet is the maximum gross floor area permitted for lots under 16,000 square feet in area.

WHEREAS, the findings of fact are as follows. The applicant has lived at this location since 1966. The reason for this proposed attached garage is the applicant would like to store three vehicles inside. Currently, he has a 1999 Corvette, a 1962 Chevy Impala, a 1992 Riviera, he also has a truck that he drives on a regular basis and his wife currently has a 4-door type sedan. With this proposed addition, only three of those vehicles will be stored inside the existing two car garage and the garage. The applicant, along with the architect, Larry Fenity, stated that the proposed attached garage will match with the existing house, using existing materials. The siding will blend in with the existing house, along with the roof line and roof materials. The applicant stated that the only utilities will be electric. One of the concerns was that for future use or when the applicant does sell, that there be no commercial business run out this proposed addition. The applicant did say that there will be no commercial business, but only the storage of three vehicles, one of them being in the proposed attached garage. He also agreed to have random inspections by the Town. Also, part of the proposed addition on the driveway side, the addition will line up with the existing garage and he also stated that he does have a 120 sq. ft. existing shed on the property, the applicant still needs to have the shed for storage of lawn and garden materials, lawn mowers and those types of items. This garage, basically with its size, will be used for storage of vehicles. Once again, there will only be three vehicles stored inside of this garage and the proposed attached garage addition.

Two neighbors spoke, Rob and Gary Streber from 286 Laurelwood Drive, had several concerns regarding the project. One concern was the design of the proposed addition, any type of drainage, the vehicles and basically how it was going to look along with how the snow removal may occur if there is ever a driveway expansion. The building department typically will conduct inspections periodically through the construction phase and they will check to see that drainage is taken care of and that it does not impede any of the neighbors. The neighbor also stated that once he looked at the drawings tonight, he stated that the project looked very nice and he wished the applicant the best of luck.

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.
2. The applicant agrees to random inspections.
3. The applicant stated that there will be no commercial businesses run out of this proposed attached garage.
4. There will only be three vehicles stored inside of the garage and the proposed attached garage.

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Seconded by Mr. Wechsler 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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 21, 2019

6. Applicant: Alan J. & Holly Saxe
Location: 10 Juliet Crescent
Mon. Co. Tax No.: 045.12-2-48
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing 21' feet round, above-ground pool to be partially located in a front yard, where accessory structures, including pools, are permitted in rear yards only. Section 211-11 E (3)
b) An area variance for a proposed accessory structure (12.0 feet x 12.0 feet; 144.0 square feet deck), to be located in a front yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 E (3)

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 10 Juliet Crescent, 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
	Ms. Nigro	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

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WHEREAS, with regard to the application of Alan & Holly Saxe, 10 Juliet Crescent, Holly Saxe appeared before the Board of Zoning Appeals, requesting an area variance for an existing 21' feet round, above-ground pool to be partially located in a front yard, where accessory structures, including pools, are permitted in rear yards only and an area variance for a proposed accessory structure (12.0 feet x 12.0 feet; 144.0 square feet deck), to be located in a front yard, where accessory structures, including decks, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. This parcel is located at 10 Juliet Crescent and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Ms. Holly Saxe, appeared before the board this evening and said she has lived at this residence for one year. The reason for the proposed 12.0 ft. x 12.0 ft. deck is to enhance the outdoor enjoyment of the existing pool, which is currently enclosed in a 6.0 ft. high wooded fence. The owner said that it would not be possible for a person to climb the fence gaining access to the pool and they are willing to sign a Hold Harmless agreement with the Town of Greece. The deck will be constructed of wood and will not contain any electrical or lighting around the deck, on the deck and will not have any permanent outdoor grilling equipment on the deck. The applicant stated that they are aware of the Town's safety pool safety codes. The Saxe's did speak to one neighbor who supported her project. No one at tonight's meeting spoke in favor or was opposed to this 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 the applicant obtain all necessary Town permits for the deck.
2. And that the applicant sign a Hold Harmless agreement with the Town.

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

**Motion Carried
Application Approved
With Conditions**

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7. Applicant: Tailored Tent Rentals (American Promotional Events)
Location: 100 Elm Ridge Center Drive (aka 3520 West Ridge Road)
Mon. Co. Tax No.: 073.02-1-71
Zoning District: BG (General Business)
Request: An area variance for the utilization of approximately 40 parking spaces for the temporary outdoor storage, display of goods, merchandise or materials (New York State approved sparkling devices), where the outdoor storage or display of goods, merchandise or materials shall not impede passage of pedestrians, fire lanes, driveways or any parking spaces. Sec. 211-25 B (2)

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 Elm Ridge Center Drive (aka 3520 West Ridge 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:

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	Absent	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 Tailored Tent Rentals (American Promotional Events, dba TNT Fireworks), 100 Elm Ridge Center Drive (aka 3520 West Ridge Road), their representative, Aaron Powell appeared before the Board of Zoning Appeals, requesting an area variance for the utilization of approximately 40 parking spaces for the temporary outdoor storage, display of goods, merchandise or materials (New York State approved sparkling devices), where the outdoor storage or display of goods, merchandise or materials shall not impede passage of pedestrians, fire lanes, driveways or any parking spaces.

WHEREAS, the findings of fact are as follows. The location of this sale will be in the Elm Ridge Center Drive Plaza and this will be on the south west area near the Walmart Store close to West Ridge Road, a permitted area of at least a minimum of 20 ft. from the West Ridge Road area. The time frame for the sale will be from June 20th to July 5th. The tent will be put up no sooner than June 12th and will be taken down no later than July 12th. The hours of operation, per the statement of purpose, will be from 9:00 AM to 10:00 PM, as permitted by local locations and ordinances. There will be designated parking areas along with a perimeter that will be set up for the minimum of 20 ft. from the tent. The applicant stated that there will be a minimum of two employees on site at all times and along with that if there is not two people on site then any materials that are stored will be locked inside a trailer so there will be no access to anyone. The applicant agreed that there will be fire extinguishers on site, there will be no smoking signs posted along with age limited signs of 18 years old or older. The applicant also stated that he will obtain all necessary permits, from the Town Fire Marshall and/or all other needed Town Personnel. The applicant also stated that they will provide the Town with certificates of liability, not only for the Tailored Tent rental, but also for the American Promotional Event. The applicant also stated that any signage will be attached to the tent itself and that there will be no balloons, hot air balloons, spot lights, search lights or any other type of advertising.

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 will provide the Town with a certificate of liability to the Town's satisfaction.
2. All necessary permits will also be obtained. This will include the New York State Sparklers Sale permit.
3. The applicant also stated that he will post no smoking signs and will have fire extinguishers on site along with age limited signs. And also that there will be a minimum of 2 people on site at all times and if two people are not onsite then all materials will be locked up in some type of storage trailer so no access can be gained by them. Also, that the Fire Marshall (North Greece Fire District) and all needed Town personnel will have control and represent the Town regarding this variance.
4. Also, this is time limited. The tent will go up no sooner than June 12th and will be taken down no later than July 12th. The sale of the sparkling devices will be from June 20th to July 5th.

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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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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8. Applicant: Hospitality Syracuse, Inc.
Location: 1436 West Ridge Road
Mon. Co. Tax No.: 075.17-2-31.11
Zoning District: BR (Restricted Business)
Request:
- a) An area variance for a proposed new building (fast food restaurant) to have a front setback of 39.7 feet, measured from the north right of way line of West Ridge Road, instead of the 85.0 feet minimum required. Section 211-17 B (4), Table III
 - b) An area variance for a proposed drive thru isle (approximately 100.0 lineal feet), to be located 15.3 feet from the north right-of-way line of West Ridge Road, instead of the 20.0 feet minimum required. Section 211-17 B (4), Table III
 - c) An area variance for a proposed freestanding sign (5.8 feet x 9.5 feet; 53.6 square feet); instead of the 35.0 square feet granted by the Board of Zoning Appeals on March 24, 1998. Section 211-52 B (1) (d), Table VI
 - d) An area variance for a proposed freestanding sign (5.8 feet x 9.5 feet; 53.6 square feet); to have a proposed height of 25.0 feet, instead of the 20.0 feet maximum permitted. Section 211-52 B (1) (c)
 - e) An area variance for a proposed freestanding sign (5.8 feet x 9.5 feet; 53.6 square feet); to be located a distance of 12.7 feet from the north right of way line of West Ridge Road, instead of the 15.0 feet minimum required. Section 211-52 B (1) (b) [1]
 - f) An area variance for a proposed freestanding sign (7.7 feet x 5.9 feet; 45.4 square feet menu board) to be visible from a public street and to have an overall height of 7.2 feet; where said menu board shall not be permitted to be visible from a public street and shall not exceed the 20.0 square feet maximum area permitted and shall not exceed an overall height of 6.0 feet. Section 211-52 B (1)(a)[4]
 - g) An area variance for a proposed third (north side) 41.0 square foot building-mounted sign, instead of the two (2) 83.09 square feet (south and west elevations) building mounted signs permitted by the Board of Zoning Appeals on March 24, 1998. Sec. 211-52 B (2)(c)[1], Table VII
 - h) An area variance for a proposed fourth (east side) 32.52 square foot building-mounted sign, instead of the two (2) 83.09 square feet (south and west elevations) building mounted signs permitted by the Board of Zoning Appeals on March 24, 1998. Sec. 211-52 B (2)(c)[1], Table VII

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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 1436 West Ridge 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:

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 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.

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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. Jensen 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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Hospitality Syracuse, Inc., 1436 West Ridge Road in a BR (Restricted Business) district, their representative appeared before the Board of Zoning Appeals, requesting several area variances as mentioned above.

The findings of fact are as follows: This evening Stephany Albright of APD Engineering and Architecture and Mike McCracken of Hospitality Syracuse, Inc. appeared before this board to discuss the location of a new Taco Bell restaurant to be located at the corner of West Ridge Road and Stone Road. They are requesting two variances "a" and "b",

BOARD OF ZONING APPEALS MINUTES
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once again, the new building would have a 39.7 ft. setback instead of an 85.0 ft. setback and the drive thru would have a 15.3 ft. setback instead of the 20 ft. setback. The reason why these variances are being requested is that this is due to Town direction as far as site plan is concerned. Variances "c" and "d" pertaining to a freestanding sign, both size and height, are being withdrawn by the applicant at this point in time. Variance "e", relative to the setback for the freestanding sign, they are requesting a 12.7 ft. setback from north right-of-way instead of 15.0 ft. because due to typographical situations with the land this is the best location for it. It cannot be located in other areas due to trees, berms, and dips in the property. Variance "f", for the free standing sign, the height and the size of the visibility, what they are requesting, this is in accordance with existing menu boards that have been approved with other restaurants in the area. Relative to variances "g" and "h" signs for the north side of the building and east side of the building, "g" is necessary to identify the building on the north side for traffic on Stone Road that is going in a southerly direction to Ridge Road and relative to the east side of the building, that is necessary to identify the location for traffic on Ridge Road going westbound.

As such, I approve this application with the following conditions:

1. That all necessary permits be obtained first.
2. That the applicant has withdrawn items "c" and "d".
3. That the approval of all of the variances' are contingent upon Planning Board site plan approval.
4. This approval is for the life of the signs.

Seconded by Mr. Jensen 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	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved Items a,b,e,f,g,h, With Conditions
Items c and d Withdrawn

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Modification to Neighborhood Notification:

1. Applicant: The Talmudical Institute
Location: 71 Maiden Lane (aka 588 Stone Road)
Mon. Co. Tax No.: 075.25-1-3
Zoning District: DMU (Dewey Mixed Use)
Request: a) An area variance for a proposed 6.0 feet high chain link fence (approximately 360.0 lineal feet), to be located in a front yard, (Maiden Lane), where fences in a front yard shall not exceed 3.0 feet in height and where chain link material is prohibited within the Dewey Mixed Use District. Section 211-17.1 J (5)(a) & Section 211-17.1 J (5)(b)[3]
b) An area variance for a proposed 6.0 feet high chain link fence (approximately 165.0 lineal feet), to be located in a front yard, (Stone Road), where fences in a front yard shall not exceed 3.0 feet in height and where chain link material is prohibited within the Dewey Mixed Use District. Section 211-17.1 J (5)(a) & Section 211-17.1 J (5)(b)[3]
c) An area variance for a proposed 6.0 feet high chain link fence (approximately 405.8 lineal feet), to be located in a side yard, where chain link material is prohibited in the Dewey Mixed Use District. Section 211-17.1 J (5)(a) & Section 211-17.1 J (5)(b)[3]

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. Shea and seconded by Mr. Hartwig, it was resolved to amend the Neighborhood Notification for the proposed area variances for a 6.0 ft. high chain link fence to be located in a front and side yard where chain link material is prohibited within the Dewey Mixed Use District , 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 across from the proposed site location, which would be parcels on Maiden Lane and Stone Road and also two adjacent parcels, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed area variances.

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

**Motion Carried
Request Granted**

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ADJOURNMENT: 9:15 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, June 4, 2019

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