



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

MAY 18, 2021

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Zoning Board of the Town of Greece scheduled for May 18, 2021 was held electronically via Facebook Live instead of a public meeting open for the public to attend in person. Members of the public were able to view the Board meeting by logging onto Facebook and viewing the live feed under "Town of Greece"

https://www.facebook.com/Town-of-Greece-Planning-and-Economic-Development-112829703867340/?modal=admin_todo_tour

Minutes of the Board Meeting will be transcribed and posted on the town's website as always.

While the public was not be able to attend the meeting in person, written comments were accepted in lieu of oral presentation of comments. As such, written comments were to be submitted to Zoning Board Secretary, Maryjo Santoli via email at msantoli@greecenyc.gov prior to 5:00 PM, May 28, 2021.

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

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

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

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

Old Business

1. Applicant: Brian P. Romeo
Location: 151 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (10.0 feet x 14.0 feet; 140.0 square feet shed) to be located in a front yard, where accessory structures, including sheds are permitted in rear yards only. Section 211-11 E(3)

On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of June 1, 2021.

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

**Motion Carried
Application Continued Until
Meeting of June 1, 2021**

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

2. Applicant: Kelly L. White
Location: 656 Denise Road
Mon. Co. Tax No.: 060.07-8-22
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 feet high closed construction fence, approximately 110.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-50 L

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 656 Denise 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	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 Kelly White, 656 Denise Road, the applicant appeared remotely along with Jason Siminelli, via zoom, before the board of Zoning Appeals on May 4, 2021, requesting an area variance for a proposed 6.0 feet high closed construction fence, approximately 110.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. Ms. Kelly White has resided at 656 Denise Road since April of 2019. The applicant mentioned that the reason for the 6 ft. fence

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

is to help contain their two German Shepard dogs, provide safety and privacy for their family, since it is a corner lot, and to eliminate neighborhood trash that tends to collect along their current chain link fence. While 6 feet high, closed construction fences are not permitted in front yard, this board encourages any new application for such fences to be 15 ft. from the right-of-way. Because of the narrow width of the rear yard the applicant has offered and agreed to place the fence at 10 ft. from the inside edge or west side of the sidewalk. Their neighbor already has installed a 6 ft. closed construction wood fence along the side, which will compliment and connect to the proposed fencing. The applicant agreed to remove all current chain link fencing and shrubs and she spoke to her neighbors and all agreed with 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 that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA regulations, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That all necessary Town permits be obtained.
2. And the approval is for the life of the fence.
3. That the fence is located 10 feet from the west side of the existing sidewalk.

So moved

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	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

3. Applicant: Jonas Lelis
Location: 143 Torrey Pines Drive
Mon. Co. Tax No.: 045.03-3-31
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (approximately 289.0 square feet open-pavilion), to have a (south) side setback of 5.2 feet instead of the 9.2 feet minimum required. Section 211-11 E(1), 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 143 Torrey Pines Drive, as outlined above; and

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

1. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (2), (11), (13), (16) & (17).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Town Board relative to the Proposal.

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

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

Motion Carried

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

WHEREAS, with regard to the application of Jonas Lelis, 143 Torrey Pines Drive, in an R1-E (Single-Family Residential) district, Mr. Lelis appeared remotely by a zoom meeting before the board of Zoning Appeals requesting an area variance for a proposed accessory structure (approximately 289.0 square feet open-pavilion), to have a (south) side setback of 5.2 feet instead of the 9.2 feet minimum required.

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

WHEREAS, the findings of fact are as follows. The applicant, Mr. Jonas Lelis, attended the meeting of April 20, 2021 via zoom. This parcel is located at 143 Torrey Pines Drive. Mr. Lelis provided the board with plans to personally construct a poolside pavilion in his backyard. This is to be used for leisure and to provide shade when enjoying the outdoors. The placement of the pavilion is heavily restricted by the layout and space available in the yard. As such, the pavilion is placed in a slight angle to the lot line, which is contributing to the setback issue. Mr. Lelis described the construction as his own design using pressure treated wood, it is not from a prefabricated kit. He plans to enclose the south wall only, which faces an arborvitae hedgerow belonging to the neighbor. The presence of this wall will not cause any hardship in maintaining the property outside of the pavilion. Mr. Lelis states that he will not install any utilities in the structure. Other than the setback, all other measurements are within code. Due to the proximity to the pool and given that this is a roof structure, Mr. Lelis agreed to sign a Hold Harmless agreement with the Town. After speaking with his neighbors, Mr. Lelis reports that they are agreeable to the project.

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

1. The applicant obtains all required Town permits.
2. That the approval is for the life of the pavilion.
3. That the applicant signs a Hold Harmless agreement with the Town.

So moved

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

4. Applicant: William L. Drake, III
Location: 470 Ridgemont Drive
Mon. Co. Tax No.: 073.19-1-18
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (8.0 feet x 12.0 feet; 96 square feet shed), resulting in a total gross floor area of 1096.0 square feet in all accessory structures, where 1000.0 square feet is the maximum gross floor area permitted for lots 16,000 square feet to one acre in area. Section 211-11 E(1), Table I

Ms. Nigro 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 470 Ridgemont 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	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of William Drake, III, 470 Ridgemont Drive, in an R1-E (Single-Family Residential) district, William and Elise Drake appeared virtually, via Zoom, before the board on May 4, 2021 requesting an area variance for a proposed accessory structure (8.0 feet x 12.0 feet; 96 square feet shed), resulting in a total gross floor area of 1096.0 square feet in all accessory structures, where 1000.0 square feet is the maximum gross floor area permitted for lots 16,000 square feet to one acre in area.

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

WHEREAS, the findings of fact are as follows. The applicant, Mr. Drake, states that he has lived at the residence for 3 ½ years. This parcel is 140 ft. X 200 ft. deep. He is requesting the shed for additional storage of lawn furniture, miscellaneous tools, mower and snow blower. He states that he did take into consideration other options for storage. Despite the approved addition 1 ½ years ago of a garage, he uses it primarily to store two classic cars. The original garage is used in the winter to store his wife's car, therefore he is seeking this variance. The shed will be premade of wood and purchased and installed by Lowe's. He will paint it to match the home. He states that there will be no gas, water or electric. Mr. Drake did speak to one neighbor and they did not have an objection and no additional comments were received.

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

1. That the applicant will obtain all necessary permits.
2. The approval is for the life of the shed.

So moved

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	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

5. Applicant: Mia C. Polanco
Location: 11 Pinebriar Drive (aka 100 Glenbriar Drive)
Mon. Co. Tax No.: 046.18-7-19
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 feet high closed construction fence, approximately 150.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-50 L

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 11 Pinebriar Drive (aka 100 Glenbriar 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. Hartwig and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Mia C. Polanco, 11 Pinebriar Drive (aka 100 Glenbriar Drive), the applicant along with Alberto Perez appeared remotely, via zoom, before the board of Zoning Appeals on May 4, 2021, requesting an area variance for a proposed 6.0 feet high closed construction fence, approximately 150.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

WHEREAS, the findings of fact are as follows. Ms. Mia Polanco has resided at 11 Pinebriar Drive (aka 100 Glenbriar Drive) since February 2020. The applicant, whose home is located on the corner of Pinebriar Drive and Glenbriar Drive, mentioned that the reason for the 6 ft. high, closed construction fence is to help contain their two dogs, to provide safety and privacy for their 8 year old child and security for the family after the above-ground pool gets installed. While 6 feet high, closed construction fences are not permitted in front yards. this board strives for any new fencing to be at least 15 ft. from the right-of-way. After some concerns voiced by the applicant due to tree roots and other constraints in the yard for fence placement, the applicant has agreed to locate the fence 11 ft. from the inside or the west side of the sidewalk. The type of fencing proposed is white vinyl, closed construction, identical to his neighbor in the back. The applicant agreed to remove all hedges before installing the proposed fencing and neighbors are not opposed with the proposed fencing installment. The applicant has offered to sign a Hold Harmless agreement with 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 regulations, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That all Town permits be obtained.
2. And the approval is for the life of the fence.
3. That the applicant has offered and will execute a Hold Harmless agreement with the Town for the fencing.

So moved

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

6. Applicant: Kevin M. Vacca
Location: 2572 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-37
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure (20.0 feet x 25.0 feet; 500 square feet detached garage), resulting in a total gross floor area of 940.0 square feet in all accessory structures, where 800.0 square feet is the maximum gross floor area permitted for lots up to 16,000 square feet in area. Section 211-11 E(1), Table I
b) An area variance for a proposed accessory structure (20.0 feet x 25.0 feet; 500 square feet detached garage), to have a rear setback of 8.9 feet, instead of the 30.0 feet minimum required. Section 211-11E(1), Table I
c) An area variance for a proposed accessory structure (20.0 feet x 25.0 feet; 500 square feet detached garage), resulting in a total gross floor area of 940.0 square feet in all accessory structures, exceeding the principal structure square footage of 816.0 square feet and where the total gross floor area for all accessory structures on a premises shall not exceed the total area of the principal structure. Section 211-11 D(2), Table I

On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of June 1, 2021.

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

**Motion Carried
Application Continued Until
Meeting of June 1, 2021**

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

7. Applicant: Yuliya Timoshik
Location: 144 Nantucket Road
Mon. Co. Tax No.: 074.15-13-1
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed 6.0 feet high, closed construction fence, approximately 70.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-50 L
b) An area variance for a proposed 6.0 feet high, closed construction fence to be partially located within the clear visibility portion of a lot, as established in Section 211-36, where no structure shall exceed 3.0 feet in height above the nearest street grade within the restricted area. Section 211-36 A; Section 211-36 B(1)(a)(b)&(c)

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 144 Nantucket 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	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

WHEREAS, with regard to the application of Yuliya Timoshik, 144 Nantucket Road, in an R1-E (Single-Family Residential) district, the applicant appeared virtually, requesting an area variance for a proposed 6.0 feet high, closed construction fence, approximately 70.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction and an area variance for a proposed 6.0 feet high, closed construction fence to be partially located within the clear visibility portion of a lot, as established in Section 211-36, where no structure shall exceed 3.0 feet in height above the nearest street grade within the restricted area.

WHEREAS, the findings of fact are as follows. This application is continued from May 4, 2021. Ms. Timoshik has resided in the house for approximately 6 years and she is asking that the fence be built to replace an existing chain link fence with a 6 ft. vinyl fence to match the other side of her property where a similar fence is located. The reason for the fence is due to privacy as she stated, she has lots of foot traffic in the area because she lives on a corner lot and there is a problem with some trash on the streets. The existing fence is approximately 10 ft. from the garage and the new fence will be approximately 17 ft. from the right-of-way or 8 feet from the garage. Per her testimony at the May 4, 2021 meeting and again this evening, she has agreed to withdraw variance item "b". The new construction fence will now be 8 ft. from the garage. The fence again, will be made of vinyl and Ms. Timoshik also agreed to a Hold Harmless agreement with 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 regulations, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That the applicant will apply for all necessary Town permits.
2. The applicant will sign a Hold Harmless agreement with the Town.
3. That no part of the new fences be located within the visibility triangle.

So moved

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

8. Applicant: Dylan M. Duncan
Location: 62 Laurelwood Drive
Mon. Co. Tax No.: 089.10-1-20
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 feet high closed construction fence, approximately 106.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-50 L

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

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

Motion Carried

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

WHEREAS, with regard to the application of Dylan Duncan, 62 Laurelwood Drive, in an R1-E (Single-Family Residential) district, the applicant appeared virtually, via Zoom, before the board on May 4, 2021 requesting an area variance for a proposed 6.0 feet high closed construction fence, approximately 106.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. Mr. Duncan stated that he has owned the property for approximately 4 months. As he lives on a corner lot, even though the fences'

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

placement is behind the house, it faces a street, thereby being a front yard. He has two young children. The fence is necessary for the children's safety and security. Mr. Duncan also mentioned that he is a disabled Veteran and his house has several rear points of entry. The proposed fence will then further ensure the houses security. In addition, it will also limit trash accumulating in his yard. The fence will be constructed out of wood and have a natural finish. He has spoken to his neighbors and they have no 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 regulations, requiring no further action by this Board, I move to approve this application with the following conditions:

3. That the applicant will obtain all necessary Town permits.
4. The approval is for the life of the fence.

So moved

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

9. Applicant: Chick-fil-A Inc.
Location: 2140 West Ridge Road
Mon. Co. Tax No.: 074.15-15-19.1
Zoning District: BR (Restricted Business)
Request: An area variance for a proposed 27.0 feet x 54.0 feet; 1458.0 square feet canopy, to have a front setback of 17.0 feet from the north right of way line of West Ridge Road, instead of the 30.0 feet minimum required. Section 211-17B(4)

On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to close the public hearing on this application and reserve decision until the meeting of June 1, 2021.

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

Motion Carried
Application Closed and Decision Reserved
Until the Meeting of June 1, 2021

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

New Business

No motions for the following applications: pending a 10-day comment public comment period – Comments will be received up until May 28, 2021

1. Applicant: Nicholas P. DiStasio
Location: 114 Wayne Drive
Mon. Co. Tax No.: 074.19-6-11
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing 7.0 feet high closed construction fence, of approximately 95.0 linear feet, to be located in a rear yard, where fences in a rear yard shall not exceed 6.0 feet in height, as measured from the top of said fence to the ground directly beneath. Section 211-50 C; Section 211-51

On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of June 1, 2021.

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

**Motion Carried
Application Continued Until
Meeting of June 1, 2021**

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

2. Applicant: Robert P. Lambiase
Location: 122 Wayne Drive
Mon. Co. Tax No.: 074.19-6-10
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing 7.0 feet high closed construction fence, of approximately 45.0 linear feet, to be located in a rear yard, where fences in a rear yard shall not exceed 6.0 feet in height, as measured from the top of said fence to the ground directly beneath. Section 211-50 C; Section 211-51

On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of June 1, 2021.

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

**Motion Carried
Application Continued Until
Meeting of June 1, 2021**

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

3. Applicant: James M. Cossavella
Location: 11 Hatton Place
Mon. Co. Tax No.: 058.01-3-58
Zoning District: R1-44 (Single-Family Residential)
Request: An area variance for a proposed accessory structure, (approximately 16.0 feet x 35.0 feet; 560 square feet in-ground pool), to be located a distance of 15.0 feet from the rear lot line, instead of the 20.0 feet minimum required. Section 211-11 E(1), Table I

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 1, 2021.

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

**Motion Carried
Application Continued Until
Meeting of June 1, 2021**

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

4. Applicant: Masi Enterprises Inc.
Location: 10 Canal Woods
Mon. Co. Tax No.: 088.04-6-1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed in-law apartment to have an overall square footage of 652 square feet, instead of the 600 square feet maximum permitted. Section 211-11 B(11)(b)

On a motion by Ms. Nigro and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of June 1, 2021.

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

**Motion Carried
Application Continued Until
Meeting of June 1, 2021**

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

5. Applicant: Jason E. Zwetsch
Location: 1458 Manitou Road
Mon. Co. Tax No.: 058.03-1-78.1
Zoning District: R1-44 (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure (30.0 feet x 40.0 feet; 1200.0 square feet, detached garage), resulting in a total gross floor area of 1836 square feet in all accessory structures, where 1250.0 square feet is the maximum gross floor area permitted for lots over one acre in area. Section 211-11 E(1), Table I
b) An area variance for a proposed accessory structure (30.0 feet x 40.0 feet; 1200.0 square feet, detached garage), to have an overall height of 19.0 feet, to the peak, instead of the 13.5 feet maximum permitted. Section 211-11 B(1)
c) An area variance for a proposed accessory structure (30.0 feet x 40.0 feet; 1200 square feet detached garage), resulting in a total gross floor area of 1836.0 square feet in all accessory structures and exceeding the principal structure square footage of 1180.0 square feet and where the total gross floor area for all accessory structures on a premises shall not exceed the total area of the principal structure. Section 211-11 D(2), Table I

On a motion by Mr. Jensen and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of June 1, 2021.

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

Motion Carried
Application Continued Until
Meeting of June 1, 2021

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

6. Applicant: 834-850 LPR LLC
Location: 850 Long Pond Road
Mon. Co. Tax No.: 059.01-3-56.13
Zoning District: BR (Restricted Business)
Request: An area variance for a second (south side) building mounted sign, approximately 29.2 square feet, instead of the one 49.0 square feet sign permitted. Section 211-56 B(2)(a)[1] & Section 211-56 B(2)(c)[1] Table VII

On a motion by Mr. Shea and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of June 1, 2021.

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

**Motion Carried
Application Continued Until
Meeting of June 1, 2021**

BOARD OF ZONING APPEALS MINUTES
May 18, 2021

ADJOURNMENT: 9:45 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 1, 2021

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BOARD OF ZONING APPEALS MINUTES
May 18, 2021