



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**JUNE 6, 2023**

**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

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Jon Mead, Staff Advisor to the Zoning Board

Maryjo Santoli, Planning & Zoning Board Secretary

**Absent**

Randy T. Jensen

Sharon M. Quataert

**Additions, Deletions and Continuances to the Agenda**

**Decorum Policy**

**Announcements**

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**PUBLIC HEARINGS**

**Old Business**

1. Applicant: Robert G. Mull Jr.  
Address: 375 Avery Park Lane  
Mon. Co. Tax No.: 033.04-3-79  
Zoning District: R1-E (Single Family Residential)  
Request: An area variance for a proposed addition to a principle structure (three season room, 11 feet x 14 feet; 154 square feet) to have a 21.6 foot rear setback, where a minimum setback of 37.5 feet is required. § 211-11E(1), Table I

**This application has been withdrawn by the applicant.**

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2. Applicant: Addison Precision Manufacturing  
Address: 100 Gates-Greece Townline Road  
Mon. Co. Tax No.: 089.03-5-4.4  
Zoning District: FOI (Flexible Office/Industrial)  
Request: An area variance for a proposed building expansion (52,000 square feet) to an existing building (84,000 square feet) to have a (west) side setback of 60 feet from a residential district, instead of the 100-foot minimum required. § 211-18A(6)(a)

**This application has been withdrawn by the applicant.**

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3. 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:
- a) An area variance for a proposed canopy (27.0 feet x 54.0 feet; 1458.0 square feet), to have a front setback of 17.0 feet measured from the north right of way line of West Ridge Road, instead of the 30.0 feet minimum required. § 211-17B(4); Table III
  - b) An area variance for a proposed canopy (32.0 feet x 62 feet; 1,984 square feet) to have an (east) corner setback of 16.1 feet (measured from the west right-of-way line of Ridgecrest Road), instead of the 30.0 feet minimum required. § 211-17B(4); Table III
  - c) An area variance for a drive-up service aisle (130± linear feet) to be located at a distance of 5.6-14.3 feet (measured from the north right of way line of West Ridge Road), instead of the of the 14.2 feet granted by the Board of Zoning Appeals on May 16, 2017. § 211-17B(4); Table III

**On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to close the public hearing on this application and reserve decision until the meeting of June 20, 2023.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Closed and Decision Reserved**  
**Until the Meeting of June 20, 2023**

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4. Applicant: Bell Atlantic Mobile Systems LLC d/b/a/ Verizon Wireless  
Address: 2570 Ridgeway Avenue  
Mon. Co. Tax No.: 089.14-2-2.3  
Zoning District: BR (Restricted Business)  
Request: A Special Use Permit for a proposed cellular service telecommunication facility (roof-mounted antenna) to be located on an existing building (Jose Joe's restaurant). § 211-60A

**On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to close the public hearing on this application and reserve decision until the meeting of June 20, 2023.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Closed and Decision Reserved**  
**Until the Meeting of June 20, 2023**

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**New Business**

1. Applicant: Tracy Dwyer-Baker  
Address: 251 Malden Street  
Mon. Co. Tax No.: 090.05-1-1  
Zoning District: R1-E (Single Family Residential)  
Request: An area variance for a proposed 6-foot-high fence (±55 linear feet, wood, closed construction) to be located in a front (corner) yard, instead of the 4-foot-high open construction fence permitted in a front yard. § 211-50L

**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 251 Malden Street, 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:**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Tracy Dwyer-Baker, 251 Malden Street, in an R1-E (Single-Family Residential) zoning district, Ms. Dwyer-Baker appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6-foot-high fence (±55 linear feet, wood, closed construction) to be located in a front (corner) yard, instead of the 4-foot-high open construction fence permitted in a front yard.

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WHEREAS, the findings of fact are as follows. Ms. Dwyer-Baker has lived at this address for 34 years. Corona Road, which runs along 251 Malden Street, is a dead-end street restricted by current Eastman Kodak Company property. The applicant stated that the reason for the proposed 6-foot-high fencing is to provide safety and privacy for her and her family. Retaining the current fencing is unappealing to herself and the neighbors and she will retain the tall shrubbery that exists there now. Currently, there is an above-ground pool located in her back yard. She will remove the current wire fencing before installing the proposed pressure-treated fencing. There were no negative comments from the neighbors. She did agree 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 the applicant obtain all necessary Town permits.
2. This approval is for the life of the fence.
3. Because the sidewalk is close to the proposed fencing, the applicant agreed to sign a Hold Harmless agreement with the Town in case of any type of damage accidentally caused by the Town (not for just any reason).

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Approved  
With Conditions**

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2. Applicant: Joshua Wynn  
Address: 3553 West Ridge Road  
Mon. Co. Tax No.: 073.16-1-3  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance to have farm animals (6 ducks) on a single-family residential lot of 0.329 acres where said animals are only permitted to be kept on a farm. § 211-33B, and 211-5 (definition of "Farm")

**On a motion by Mr. Wechsler and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of July 18, 2023.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Continued**  
**Until the Meeting of July 18, 2023**

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3. Applicant: Mark Gillette  
Address: 3386 Edgemere Drive  
Mon. Co. Tax No.: 026.30-4-2  
Zoning District: R1-E (Single-Family Residential)  
Request: a) A public hearing for the Board of Zoning Appeals to consider whether or not a successive application, brought forth within a one-year period, is the same or substantially the same as the application denied by the Board of Zoning Appeals on September 20, 2022. § 211-67B

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

The applicant, Mr. Mark Gillette, has been before the Zoning Board of Appeals less than a year ago. The application was denied on September 20, 2023. It was regarding the property at 3386 Edgemere Drive, with regards to erecting a gazebo on this same property where such structure is not permitted on a lot without a principal structure. Tonight, Mr. Gillette's representative, Attorney Joseph Georgie, is here with a successive application. Mr. Mark Gillette is looking to install a nonpermanent aluminum dock, (40 feet by 4 feet, with 2 hoists) on his waterfront property, where such structure is not permitted on a lot without a principal structure. The main difference from the last application is that there will be nothing on the property that will attract people to this parcel of land. Mr. Gillette plans on using this property strictly for his own personal purposes. He plans to landscape the property. He is considering putting up a fence to help restrict the area so there are no trespassers.

Through some discussion, it was decided to vote on whether or not this case was substantially different from the first case being that it is before us within one year of the original application.

**Tom Hartwig makes a motion to reopen the public hearing of Mark Gillette at 3386 Edgemere Drive based on the substantial change that there is no gazebo on the parcel.**

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Reopened**

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Applicant: Mark Gillette  
Address: 3386 Edgemere Drive  
Mon. Co. Tax No.: 026.30-4-2  
Zoning District: R1-E (Single-Family Residential)  
Request: B) An area variance for a proposed accessory structure (nonpermanent aluminum dock, 40 feet by 4 feet, with 2 hoists), where such structure is not permitted on a lot without a principal structure. §§ 211-11B and 211-5 (definition of "Structure, Accessory")

**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 3386 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Mark Gillette, 3386 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Gillette appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (nonpermanent aluminum dock, 40 feet by 4 feet, with 2 hoists), where such structure is not permitted on a lot without a principal structure.

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WHEREAS, the findings of fact are as follows. This evening, Joseph Georgie and Amy King appeared before this board on behalf of Mark Gillette for property at 3386 Edgemere Drive to reopen an application, for what they are asking for it was determined that it is substantially different so the application for a dock has been reopened. It is item (b), an area variance for a proposed accessory structure (nonpermanent aluminum dock, 40 feet by 4 feet, with 2 hoists), where such structure is not permitted on a lot without a principal structure. The substantiality of the project was reduced due to the change of plans. They will no longer be installing a gazebo on the property. Discussions with the applicants concerning the aluminum dock, it will not be stored on site, so when it is not in use it will be stored elsewhere. In order to reduce the possibility of unwarranted use on the property, the applicants have spoken about installing fencing on the property on the south side. They also have mentioned that there will be no electricity installed on the property for lights.

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 applicable governmental permits and approvals.
2. That fencing be installed on the south side of the property.
3. There will be no electricity installed on the property.
4. Applicant will make application by June 19, 2023 for the fence and we would not stop them from putting in the docks before then so they could get the benefit of the month of June as long as they maintain security.

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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4. Applicant: Bethanie VandenBosch  
Address: 294 Elmgrove Road  
Mon. Co. Tax No.: 088.02-2-21.1  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed 6-foot-high closed-construction fence (stockade wood fence; ±140 linear feet) approximately 30 linear feet of which is to be located in the front yard, instead of the 4-foot-high open-construction fence permitted in the front yard. § 211-50L  
  
b) An area variance to allow for 1,470 feet of total accessory square footage, instead of the permitted 1,250 accessory square footage on residential lots of 1 acre or more. § 211-11B; Table I

**On a motion by Mr. Wechsler and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of June 20, 2023 due to the need to readvertise an agenda item.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Continued  
Until the Meeting of June 20, 2023**

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5. Applicant: Dennis Edwards  
Address: 1857 Edgemere Drive  
Mon. Co. Tax No.: 034.08-1-82.2  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed accessory structure (shed, 12.0 feet by 16.0 feet; 192 square feet) on a lot without a principle structure, where such accessory structures are only permitted on lots with principle structures. § 211-11

**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 1857 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Dennis Edwards, 1857 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Edwards appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (shed, 12.0 feet by 16.0 feet; 192 square feet) on a lot without a principle structure, where such accessory structures are only permitted on lots with principle structures.

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WHEREAS, the findings of fact are as follows. Mr. Edwards has owned this parcel and the parcel with his residence across the street for ten years. He is seeking to build an Amish-style removable shed constructed of wood. He is going to match the house as best he can, which is all the way across the street. The height of the shed is within code. He is looking to construct this shed on his own and he does not plan on any utilities for the shed to be hooked up. The planned use of the shed is to store lawn maintenance equipment and supplies and possibly some yard furniture. He is not going to be encroaching on the wetlands line, which will be a condition. He is going to place the shed on a mound of crush and run to hopefully mitigate any concerns of flooding. Staff has reported that this is a very common request for the area and the applicant has agreed to allow us a condition to remove the shed upon any potential sale of the property.

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

1. That the applicant applies and receives all the required permits.
2. That the applicant does not encroach upon the wetlands line.
3. That if the applicant chooses to no longer reside at his property that he owns across the street, that he will remove the shed.

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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6. Applicant: Dominic Palumbo  
Address: 890 Long Pond Road  
Mon. Co. Tax No.: 059.01-6-2.1  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a portion of a proposed fence (closed-construction wooden fence, ±250 linear feet) to have a height of 6 feet in a front yard, instead of the 4-foot open-construction fence permitted in a front yard. § 211-50L  
  
b) An area variance for a portion of a proposed fence (closed-construction wooden fence, ±250 linear feet) to have a height of 10 feet, instead of the 8-foot closed-construction fence permitted. §§ 211-52A and 211-50G and L.

**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 July 18, 2023.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Continued  
Until the Meeting of July 18, 2023**

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7. Applicant: Gail Sullivan  
Address: 2836 Ridgeway Avenue  
Mon. Co. Tax No.: 088.04-2-26  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed accessory structure in a front yard (deck, 16 feet wide by 16 feet long, 256 square feet), where such accessory structures are only permitted in a rear yard. § 211-11E(3), 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 2836 Ridgeway Avenue, as outlined above; and

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

1. Upon review of the 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:**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Gail Sullivan, 2836 Ridgeway Avenue, in an R1-E (Single-Family Residential) zoning district, Ms. Sullivan and her contractor, Nick Thurley, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure in a front yard (deck, 16 feet wide by 16 feet long, 256 square feet), where such accessory structures are only permitted in a rear yard.



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WHEREAS, the findings of fact are as follows. Ms. Sullivan has resided at this property for 65 years and recently decided to remove an in poor condition three step concrete stoop that went to the door. Due to the fact that she owns the lot next door and it is a very beautiful property, she wants to enjoy it and decided to construct a 16.0 x16.0 deck. On May 4, 2023 her contractor applied for a permit and it was given, but during the installation of the deck they were notified that this variance was needed. The deck will be constructed of pressure treated lumber, along with trex bording and PVC rails. There are no plans to enclose the structure in any way. No neighbors have spoken in favor or not and she claims the neighbors can't even see the house.

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 condition the applicant adhere to all building permits and Town codes.

So moved

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Approved  
With Condition**

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**SPECIAL ZONING TOPICS**

**NEIGHBORHOOD NOTIFICATION MODIFICATION:**

**ADJOURNMENT: 8:50 P.M.**

**APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES**

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Albert F. Meilutis, Chairman

**NEXT MEETING: Tuesday, June 20, 2023**

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