



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

JUNE 18, 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
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

Linda Andreano
Cathleen A. Nigro

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

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Old Business:

NONE

New Business:

1. Applicant: James Russo
Location: 700 Edgemere Drive
Mon. Co. Tax No.: 035.14-1-27
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), following demolition of an existing structure, to have an east side setback of 1.3 feet, instead of the 6.0 feet minimum required. Section 211-11 E (1), Table 1
 - b) An area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), following demolition of an existing structure, to have a west side setback of 3.7 feet, instead of the 6.0 feet minimum required. Section 211-11 E (1), Table 1
 - c) An area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), to have an overall height of 24.0 feet, instead of the 17.0 feet maximum permitted. Section 211-11 E (1), Table 1
 - d) An area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), resulting in a total gross floor area of 1150.0 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots less than 16,000 square feet in area. Sec. 211-11 E (1), Table I
 - e) An area variance for a proposed 15.0 feet long residential driveway, measured from the south right of way of Edgemere Drive, exclusive of the apron, instead of the 22.0 feet minimum required. Section 211-41 G

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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 July 23, 2019 in order to give the applicant time to review her options.

VOTE:	Ms. Andreano	Absent	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 July 23, 2019

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2. Applicant: Kathryn Cerivini
Location: 564 Manitou Road
Mon. Co. Tax No.: 025.03-3-11
Zoning District: R1-44 (Single-Family Residential)
Request: A Special Use Permit for sales of farm and garden-related goods, materials or merchandise that is not produced on the premises. Section 211-11 C (2)(d)

On a motion by Mr. Hartwig and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of July 23, 2019 in order to give the applicant time to review her options.

VOTE:	Ms. Andreano	Absent	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 July 23, 2019**

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3. Applicant: Eden Court Capital, LLC
Location: 2443 West Ridge Road
Mon. Co. Tax No.: 074.14-4-16
Zoning District: BR (Restricted Business)
Request: a) An area variance for a portion of a proposed parking area along the northern side of the parcel (approximately 75.0 lineal feet), to be located a distance varying from 12.5 feet to 18.0 feet, from the right of way of West Ridge Road, instead of the 20 feet minimum required. Section 211-17 B (4), Table III
b) An area variance for lot coverage of 15.7% instead of the 15% maximum permitted. Section 211-17 B (4), Table III

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 2443 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	Absent	Mr. Hartwig	Abstain
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Eden Court Capital, LLC, 2443 West Ridge Road, Mr. Matt Tomlinson from Marathon Engineering and Mr. Matt Worthley, a representative from Eden Court Capital, LLC appeared before the Board of Zoning Appeals,

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requesting an area variance for a portion of a proposed parking area along the northern side of the parcel (approximately 75.0 lineal feet), to be located a distance varying from 12.5 feet to 18.0 feet, from the right of way of West Ridge Road, instead of the 20 feet minimum required and an area variance for lot coverage of 15.7% instead of the 15% maximum permitted.

WHEREAS, the findings of fact are as follows. At this point the reason for these variances, they will be removing an existing building and constructing a 4000 sq. ft. building there. Making this building any smaller, according to the applicant, would be a hardship for the type of business that is going to be operated and at this point the parking lot will have approximately 22 parking spaces, which will be adequate for the building and will not require any additional variances. If the parking area was made smaller there may have been another variance that would have been required for that, based upon the number of vehicles. The other reason that was stated is that 13 ft. was removed from the State Department of Transportation during the widening of West Ridge Road, if that had not been removed the 12.5 ft. plus that 13 ft. would have been more than the 20 ft. minimum required.

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

1. That the applicant apply for all necessary permits.
2. And this is subject to Planning Board approval.

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

VOTE:	Ms. Andreano	Absent	Mr. Hartwig	Abstain
	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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ADJOURNMENT: 8:55 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, July 9, 2019

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