



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**JUNE 19, 2018**

**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

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

### **Absent**

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

### **Announcements**

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**Old Business:**

1. Applicant: 4320 West Ridge, LLC  
Location: 4232-4350 West Ridge Road  
Mon. Co. Tax No.: 073.01-1-3, 073.01-1-4, 073.01-1-5, 073.01-1-6, 073.01-1-7,  
073.01-1-21, 073.01-2-63, 073.01-2-64.111, 073.01-2-64.12,  
073.01-2-68.1 (part)  
Zoning District: BG (General Business)  
Request: a) A special use permit to operate a motor vehicle service  
station. Sec. 211-17 C (3) (b) [2], Sec. 211-35  
b) A special use permit to operate a gasoline dispensing station.  
Sec. 211-17 C (3) (b) [1], Sec. 211-34  
c) An area variance for a proposed gasoline dispensing canopy  
to have an area of 5640 square feet, instead of the 1500 square  
maximum permitted. Sec. 211-34 C

**On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of December 11, 2018, per the request of the applicant.**

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>	<b>Mr. Wechsler</b>	<b>Yes</b>

**Motion Carried  
Application Continued Until  
Meeting of December 11, 2018**

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**New Business:**

1. Applicant: Timothy Brado  
Location: 607 Sharon Drive  
Mon. Co. Tax No.: 074.06-2-18  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed shed (10.0 feet x 14.0 feet; 140.0 square feet) to be located in a (east) side yard, where accessory structures, such as sheds, are permitted only in rear yards. Sec. 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 607 Sharon 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 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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:**

Mr. Chairman, regarding the application of Timothy Brado, at 607 Sharon Drive, Mr. Brado appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed shed (10.0 feet x 14.0 feet; 140.0 square feet) to be located in a (east) side yard, where accessory structures, such as sheds, are permitted only in rear yards.

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WHEREAS, the findings of fact are as follows. This parcel is located at 607 Sharon Drive and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Mr. Brado, appeared before the Board this evening and stated that he has lived there since October of 2017. The reason for the 10 x 14 shed is to store additional yard equipment, snow blowers and all other ancillary equipment. The one-story shed will be pre-fab and constructed of wood, on a block base , and will not have any electricity. The reason to be located in the side yard is because there really is no space in the back yard for such a structure. No one at tonight's meeting spoke 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 Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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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2. Applicant: Augustin Ayan  
Location: 2220 Latta Road  
Mon. Co. Tax No.: 045.16-4-27.211  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance to allow eight (8) dogs to be kept at a dwelling unit, instead of the maximum three (3) dogs permitted per dwelling unit. Sec. 211-30 A

**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 August 21, 2018, in order to give the applicant time to review his options.**

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>	<b>Mr. Wechsler</b>	<b>Yes</b>

**Motion Carried  
Application Continued Until  
Meeting of August 21, 2018**

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3. Applicant: Gary LaLonde  
Location: 153 Long Pond Road  
Mon. Co. Tax No.: 034.02-1-8  
Zoning District: R1-44 (Single-Family Residential)  
Request: a) An area variance for a proposed deck (425± square feet) located in the waterfront yard of a waterfront lot, where accessory structures, such as decks, are permitted only in rear yards, and for said deck to have a front setback of 725± feet (measured from the north right-of-way line of Long Pond Road), instead of the 428± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I  
b) An area variance for a proposed deck to have a (west) side setback of 13.9 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I

**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 153 Long Pond 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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:**

Mr. Chairman, regarding the application of Gary Lalonde, 153 Long Pond Road, Mr. Lalonde appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (425± square feet) located in the waterfront yard of a waterfront lot, where accessory structures, such as decks, are permitted only in rear yards, and for said deck to have a front setback of 725± feet (measured from the north right-of-way line of Long Pond Road), instead of the 428± feet maximum established by the neighborhood average; and an area variance for a proposed deck to have a (west) side setback of 13.9 feet, instead of the 20.0 feet minimum required.

WHEREAS, the findings of fact are as follows. The parcel is located at 153 Long Pond Road and is located in an R1-44 (Single-Family Residential) neighborhood. The applicant, Mr. Gary LaLonde, appeared before the Board this evening and stated that he has lived at this residence for about four years. He also stated that he would like to add this 425 square feet to the existing enclosed porch for the purpose of extending the outdoor enjoyment of his home. There is no other location, practical location, for this deck. The deck will be constructed of pressure-treated lumber and will be about 20 to 22 inches off the ground level. There will be no electrical outlets, no hot tubs and no built-in grills. No one at tonight's meeting spoke in favor or opposed 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:**

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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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4. Applicant: Gary Heerkens  
Location: 15 Ruddy Duck Lane (Pvt.)  
Mon. Co. Tax No.: 088.04-2-91  
Zoning District: R1-18 (Single-Family Residential)  
Request: An area variance for a proposed one-story principal building (single-family dwelling), to have a (west) front setback of 52.3 feet (measured from the centerline of Ruddy Duck Lane), instead of the 60.0 feet minimum required. Sec. 211-11 D (1) (a), Table I

**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 15 Ruddy Duck Lane, 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (12) & (13).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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:**

Mr. Chairman, regarding the application of Gary Heerkens, 15 Ruddy Duck Lane, in an R1-18 (Single-Family Residential) district, Mr. Heerkens appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed one-story principal building (single-family dwelling), to have a (west) front setback of 52.3 feet (measured from the centerline of Ruddy Duck Lane), instead of the 60.0 feet minimum required.



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WHEREAS, the findings of fact are as follows. This evening, both Mr. Gary Heerkens and Mr. Larry Heininger of Marques & Associates appeared before this Board to present this application. The reason for this change in the front setback situation is because there are five Norwegian spruce that are mature and the property owner would like to save them. They provide a canopy for the rear property and due to the size of the house being placed on this lot and the desire to save the previously stated trees, the setback then is being requested to be the 52.3 feet. However, in further discussions, the property owner has agreed to alter the request from 52.3 feet to 54.3 feet, once again to give the situation where those trees can still be saved in the back. A Mr. James Clark at 19 Ruddy Duck Lane spoke on the property and he is not opposed to this situation. In addition, Mr. Heerkens mentioned that the situation would be about a \$3000.00 expense to redo the plans, which could be a financial hardship to him.

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 requested west front setback will now be 54.3 feet.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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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5. Applicant: Zlatan Nadarevic  
Location: 39 Rumson Road  
Mon. Co. Tax No.: 046.20-7-1  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed deck (L-shaped; 510± square feet) to be located in the front yard of a corner lot, where accessory structures, such as decks, are permitted only in rear yards. Sec. 211-11 E (3)  
b) An area variance for a proposed deck to have a (west) front setback of 21.0 feet (measured from the east right-of-way line of Biscayne Drive), instead of the 39.9 feet minimum as established by the neighborhood average. Sec. 211-11 E (1), Table I  
c) An area variance for a proposed deck to have a (north) front setback of 30.8 feet (measured from the south right-of-way line of Rumson Road), instead of the 40.1 feet minimum as established by the neighborhood average. Sec. 211-11 E (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 39 Rumson 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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:**

Mr. Chairman, regarding the application of Zlatan Nadarevic, 39 Rumson Road, Mr. Nadarevic appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (L-shaped; 510± square feet) to be located in the front yard of a corner lot, where accessory structures, such as decks, are permitted only in rear yards; an area variance for a proposed deck to have a (west) front setback of 21.0 feet (measured from the east right-of-way line of Biscayne Drive), instead of the 39.9 feet minimum as established by the neighborhood average; and an area variance for a proposed deck to have a (north) front setback of 30.8 feet (measured from the south right-of-way line of Rumson Road), instead of the 40.1 feet minimum as established by the neighborhood average.

WHEREAS, the findings of fact are as follows. He has lived in the house for approximately 12 years. It is a corner lot located on the corner of Rumson Road and Biscayne Road. Due to the structure being on a corner lot, he has virtually no back yard. It is very tight and would be difficult to put a deck in that area, so he is proposing to put the deck in the side yard. It will be an L-shaped deck and it will be an improvement to the property. The deck will be approximately two feet high, constructed of wood; it will not be enclosed. He will not install any hot tubs or gas fireplaces, and it will have a safety railing around it.

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 apply for all necessary permits.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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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6. Applicant: Raul Pagan  
Location: 498 Elmgrove Road  
Mon. Co. Tax No.: 088.04-4-12  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed detached garage (22.0 feet x 30.0 feet; 660.0 square feet) to have a (south) side setback of 2.2 feet, instead of the 6.0 feet minimum required. Sec. 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 498 Elmgrove Road, as outlined above; and

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

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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>	<b>Mr. Wechsler</b>	<b>Yes</b>

**Motion Carried**

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

Mr. Chairman, regarding the application of Raul Pagan, 498 Elmgrove Road, Mr. Pagan appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed detached garage (22.0 feet x 30.0 feet; 660.0 square feet) to have a (south) side setback of 2.2 feet, instead of the 6.0 feet minimum required.

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WHEREAS, the findings of fact are as follows. This parcel is located at 498 Elmgrove Road and is approximately 60 feet wide x 200 feet deep and lies within an R1-E (Single-Family Residential) district; it is a corner lot. Mr. Pagan states that he has lived at the property since October of 1992. He is requesting this garage for vehicle storage—one truck and one car. He does currently have a shed, but may keep a snowblower in it as well. He does plan on tearing down the existing garage and replacing it on the same footprint. There is an existing driveway that will meet up to the proposed garage. The garage will not be used for commercial purposes and there will be no utilities to the garage, other than electric. The applicant has considered scaling back the structure, but the garage is size-appropriate for the two vehicles that he currently owns. The driveway is made of asphalt, and he states that the finishes of the garage will match the existing home. The tree line will remain as well, and no neighbors spoke in opposition.

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 apply for all necessary permits.
2. That the applicant will meet necessary building codes.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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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7. Applicant: Matthew Garcia  
Location: 49 Kentucky Crossing  
Mon. Co. Tax No.: 045.03-2-44  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (107± linear feet) to be located in the (west) front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L  
b) An area variance for a proposed aboveground pool (30-foot-diameter; round) to be located in the (west) front yard of a corner lot, where accessory structures, such as pools, are permitted only in rear yards. Sec. 211-11 E (3)  
c) An area variance for a proposed pool deck (12.0 feet x 16.0 feet; 192.0 square feet) to be located in the (west) front yard of a corner lot, where accessory structures, such as decks, are permitted only in rear yards. Sec. 211-11 E (3)  
d) An area variance for an existing 6.0-foot-high, closed-construction fence (120± linear feet) located in the (west) front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

**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 49 Kentucky Crossing, 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>	<b>Mr. Wechsler</b>	<b>Yes</b>

**Motion Carried**

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

Mr. Chairman, regarding the application of Matthew Garcia, 49 Kentucky Crossing, Mr. Garcia appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (107± linear feet) to be located in the (west) front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction; an area variance for a proposed aboveground pool (30-foot-diameter; round) to be located in the (west) front yard of a corner lot, where accessory structures, such as pools, are permitted only in rear yards; an area variance for a proposed pool deck (12.0 feet x 16.0 feet; 192.0 square feet) to be located in the (west) front yard of a corner lot, where accessory structures, such as decks, are permitted only in rear yards; and an area variance for an existing 6.0-foot-high, closed-construction fence (120± linear feet) located in the (west) front yard of a corner lot, 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. This parcel is located at 49 Kentucky Crossing; it is a corner lot located on the corner of Kentucky Crossing and Long Pond Road. It is an odd shaped lot and it is much larger than wider and lies within an R1-E (Single-Family Residential) district. Mr. Garcia states that he has lived at this address since approximately July of 2016. He would like to construct the six-foot fencing on the west front yard of a corner lot. The fence in question will be towards the front of the house, which, even though is on a corner lot, is technically, or appears to be, his side and rear yard. The reason for the fence is to secure the proposed pool and to maintain privacy, security, and the general welfare of his family, young daughter, and two dogs. It will be constructed of wood and will match the existing fence. Mr. Garcia states that the proposed deck is requested for ease of access onto the proposed pool. It will be made of pressure-treated wood; it will have a gate that will lock to provide security and unnecessary access into the pool. The reason for the pool is for recreation, and its placement is to be closer to the home and a bit farther away from the trees, which he does not plan on removing. Mr. Garcia states the reason for the 30-foot aboveground round pool is for recreation purposes. He has no intention of installing the pool yet and he has stated that he is not aware of the local pool regulations, but will become aware prior to the placement of the pool. Mr. Garcia also stated that he is willing to sign a Hold Harmless agreement with the Town in case the pool collapses, causing water damage, etc. Eventually Mr. Garcia will remove a portion of the existing chain-link fence, and has plans to eventually replace the entire chain-link fence with the matching six-foot-high, closed-construction fence. A letter was submitted from Vid & Jasmine Chand at 38 Kentucky Crossing, and they have no objections to this request. No neighbors spoke in opposition 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

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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 obtain all necessary permits. There will be permits for the fence and also permits when you decide to do the pool, which will be at a later date.
2. That the applicant will comply with all Town codes.
3. The applicant will enter into a Hold Harmless agreement with the Town.
4. And the applicant will become aware of the local pool regulations.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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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8. Applicant: Daryl Wolf  
Location: 2310 Edgemere Drive  
Mon. Co. Tax No.: 026.20-1-6  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed expansion of an existing deck, resulting in a total area of 760± square feet, instead of the 525± square feet previously approved by the Board of Zoning Appeals on August 13, 1996, and for said deck to have a front setback of 176± feet (measured from the north right-of-way line of Old Edgemere Drive), instead of the 159.6± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I  
b) An area variance for a proposed expansion of an existing deck to have a (east) side setback of 0.0 feet, instead of the 3.0 feet previously approved by the by the Board of Zoning Appeals on August 13, 1996. Sec. 211-11 E (1), Table I

**On a motion by Mr. Jensen and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of July 10, 2018, in order to give Monroe County time to respond with any comments.**

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>	<b>Mr. Wechsler</b>	<b>Yes</b>

**Motion Carried  
Application Continued Until  
Meeting of July 10, 2018**

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9. Applicant: Danielle Palmgreen  
Location: 155 Somerworth Drive  
Mon. Co. Tax No.: 074.19-3-2  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed detached garage (12.0 feet x 20.0 feet; 240.0 square feet) to be located in the front yard of a corner lot, where garages, are permitted only in side and rear yards. Sec. 211-11 E (3)

**The applicant has withdrawn this application**

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10. Applicant: Presidential Estates Apartment, LLC  
Location: 41 Whitehouse Drive  
Mon. Co. Tax No.: 075.65-1-1  
Zoning District: RMH (Multiple-Family Residential)  
Request: a) An area variance for a proposed accessory structure (16.0 feet x 20.0 feet; 320.0 square feet) to have a (west) setback of 35.5 feet from other zoning districts, instead of the 50.0 feet minimum required. Sec. 211-13 D, Table II  
b) An area variance for a proposed accessory structure (16.0 feet x 20.0 feet; 320.0 square feet) to have a (south) setback of 20.0 feet from other zoning districts, instead of the 50.0 feet minimum required. Sec. 211-13 D, Table II

**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 41 Whitehouse 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 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>No</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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:**

Mr. Chairman, regarding the application of Presidential Estates Apartment, LLC, 41 Whitehouse Drive, Mr. Battista and Mr. Joel Chiarenza, representing the applicant, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (16.0 feet x 20.0 feet; 320.0 square feet) to have a (west) setback of 35.5 feet from other zoning districts, instead of the 50.0 feet minimum required; and an area variance for a proposed accessory structure (16.0 feet x 20.0 feet; 320.0 square feet) to have a (south) setback of 20.0 feet from other zoning districts, instead of the 50.0 feet minimum required.

WHEREAS, the findings of fact are as follows. The parcel is located at 41 Whitehouse Drive and is located in an RMH (Multiple-Family Residential) neighborhood. The applicant, Mr. Battista and Mr. Chiarenza, appeared before the Board this evening and stated that Presidential has owned the property for about 14 years. They stated that they want to install a 16 x 20, wood construction, one-story storage to be used for a variety of equipment used in the apartments and a workshop. As far as utilities, there will be electrical in the proposed shed. This evening two neighbors appeared, Kathy Webber and Jan Blanchard, commenting more on the cosmetic appearance of the neighbor around him, not necessarily pertaining to the shed itself. There will only be electrical utilities inside the shed itself.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>No</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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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11. Applicant: Deere Creek, LP (d.b.a. James Mitsubishi)  
Location: 3800 West Ridge Road  
Mon. Co. Tax No.: 073.02-1-43  
Zoning District: BG (General Business)  
Request: A waiver of the requirements for a new special use permit to operate a business for the sale, lease or rental of new and used cars and trucks, including related repair or service facilities; and for outdoor storage or display of motor vehicles, which formerly was Doan Buick GMC, previously approved by the Board of Zoning Appeals on July 10, 2012. Sec. 211-17 C (3) (b) [3] & Sec. 211-17 C (3) (b) [4]

**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 3800 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(26).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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:**

Mr. Chairman, regarding the application of Deere Creek, LP (d.b.a. James Mitsubishi), 3800 West Ridge Road, in a BG (General Business) district, Mr. Scott DiGiacomo and Tom Fromberger appeared before the Board of Zoning Appeals this evening, requesting a waiver of the requirements for a new special use permit to operate a business for the sale, lease or

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rental of new and used cars and trucks, including related repair or service facilities; and for outdoor storage or display of motor vehicles, which formerly was Doan Buick GMC, previously approved by the Board of Zoning Appeals on July 10, 2012.

WHEREAS, the findings of fact are as follows. This evening, Tom Fromberger and Scott DiGiacomo both appeared before the Board on behalf of Deere Creek, LP. They are requesting the waiver of a special use permit because this property was previously utilized by Doan Buick GMC and a special use permit for Doan Buick GMC was approved by this Board on July 10, 2012. They will be maintaining the sale of new and used cars, with a full service related work to be done also; there will be no collision or painting work on site. The business hours of operation will be 7:30 a.m. to 9:00 p.m. Mondays through Fridays, and 8:00 a.m. to 5:00 p.m. on Saturdays. There may also be additional Sundays that operations will occur during the course of the year. There will be at most 24 individuals per shift for this operation. Cars will be offloaded on-site on the property; they will not be offloaded on North Greece Road or West Ridge Road. Mr. Helfrich did give authorization to both Tom Fromberger and Scott DiGiacomo to speak on behalf 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, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That there will be no offloading of vehicles on North Greece Road or West Ridge Road, and that vehicles will be offloaded during business hours, which would be 8:00 a.m. to 4:00 p.m. Mondays through Fridays or 8:00 a.m. to 5:00 p.m. on Saturdays. Offloading is prohibited on West Ridge Road and North Greece Road.
2. The applicant has agreed to abide by all terms and conditions of that special use permit previously approved on July 10, 2012 for Doan Buick GMC.

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

<b>VOTE:</b>	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</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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BOARD OF ZONING APPEALS MINUTES  
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**ADJOURNMENT:** 10:00 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:** July 10, 2018