



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

JULY 9, 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

Cathleen A. Nigro

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Linda Andreano

Bradford Shea

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

Old Business:

None

New Business:

1. Applicant: Paul McGowan
Location: 152 Snowy Owl Ridge
Mon. Co. Tax No.: 044.04-8-23
Zoning District: R1-E (Single-Family Residential)
Request: Request for relief from testimony pertaining to an area variance granted by the Board of Zoning Appeals on March 5, 2019 allowing an entry (overhead) door from the back or west side.

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 6, 2019 in order to give the applicant time to review his options.

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

**Motion Carried
Application Continued Until
Meeting of August 6, 2019**

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

2. Applicant: Christopher Frankenberger
Location: 12 Marlbank Drive (aka 66 Wye Bridge Drive)
Mon. Co. Tax No.: 045.15-1-25
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 105.0 lineal 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 211-46L

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 12 Marlbank Drive (aka 66 Wye Bridge 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. Jensen and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Christopher Frankenberger, 12 Marlbank Drive (66 Wye Bridge Drive), Mr. Frankenberger appeared before the Board of Zoning Appeals, requesting an area variance for a proposed 6.0 ft. high, closed-construction fence

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

(approximately 105.0 lineal 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. Frankenberger stated that he has lived at the property for approximately 20 years. He is going to be replacing an existing wood picket fence with an improved vinyl white fence that will be 6 ft. in height. It will be going around the side and rear of the property and also alongside of arborvitaes that are already there. However, Mr. Frankenberger stated that the fence being closed construction would also help with privacy and the fact that he has a pool back there and the fact that his front yard technically goes into the side and rear warrants him having the fence. There have been no neighbors speaking for or against this and he has agreed to apply for all permits needed.

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 the building permits necessary.
2. And abide by all building codes.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

3. Applicant: Jagdish Mishra
Location: 17 Tawney Pointe (Private)
Mon. Co. Tax No.: 058.04-11-5
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 8.0 ft. high, closed-construction fence (approximately 159.0 lineal feet) to be located in a rear yard, where fences in a rear yard shall not exceed 6.0 feet in height. Section 211-47

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 17 Tawney Pointe, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Jagdish Mishra, 17 Tawney Pointe, Mr. Mishra appeared before the Board of Zoning Appeals, requesting an area variance for a proposed 8.0 ft. high, closed-construction fence (approximately 159.0 lineal feet) to be located in a rear yard, where fences in a rear yard shall not exceed 6.0 feet in height.

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

WHEREAS, the findings of fact are as follows. Mr. Mishra has lived at this residence for 20 years and is requesting a vinyl fence. The circumstances behind the request is because Mr. Mishra's yard backs up to a neighbor's house located at 168 Mill Road where there is quite a bit of construction, wood splitting, 8 ft. wood piles and just a lot of, as was stated, "junk and debris at that property". The 8 ft. fence would provide better screening than a 6 ft. fence and the fence will be a white vinyl, which will match the fence that is along the side yard, although that is 6 ft. high in nature. Mr. Mishra testified that he has tried to grow arborvitaes there in the past. I have been to the property and have seen that there are a few, but definitely do not do the trick. He stated that he has had issues with growing them.

There were two neighbors here tonight, a Don Furey who resides at 18 Place One Drive, he spoke in favor of the fence and Arthur Daughton, whose son resides at 170 Mill Road, also behind the property has no issues with the 8 ft. fence. Although it is rear to approve an 8 ft. fence by this board, there are extenuating circumstances, which provide this.

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 abide by all building codes.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

4. Applicant: Rickie L. & Christine E. Hetzel
Location: 80 West Meadows Drive
Mon. Co. Tax No.: 060.13-6-9
Zoning District: R1-E (Single-Family Residential)
Request: A Special Use Permit for an in-law apartment. Section 211-11 C (2)(e)

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 80 West Meadows 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 an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

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

Motion Carried

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

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

Mr. Chairman, regarding the application of Rickie & Christine Hetzel, 80 West Meadows Drive, Rickie Hetzel appeared before the Board of Zoning Appeals this evening, requesting a Special Use Permit for an in-law apartment.

The findings of fact are as follows. This parcel is located at 80 West Meadows Drive, and is located in an R1-E (Single-Family Residential) District. The lot size is approximately 179 feet x 70 feet. The applicant, Rickie Hetzel along with his architect, Art Renauto, who resides at 230 Killarney Drive, appeared before the Board this evening and Mr. Hetzel has stated that he has lived at this residence for the past 13 years. The request for in-law apartment is for Mrs. Hetzel's mother, who will be relocating from out of town, moving to Rochester to reside with them in this in-law apartment. They are looking to renovate a portion of the interior home and demolish it and then reconstruct the existing storage enclosure. They will be keeping the existing concrete slab foundation and build over it for the in-law living space. There will be a new elevated wood deck. It will have standard lighting and electric, it will not be covered, and there will be no hot tub or permanent grill. The size of the apartment request was initially 375 sq. ft., however with further discussion, due to its being offset from the garage, the owner and architect decided it would be best to gain some square footage, make it even with the garage, so this request for square footage is now no greater than 425 sq. ft. It will be built over the existing concrete slab with a wood frame floor with insulation. It will contain a kitchen, a sitting area, one bedroom, one bathroom, and a linen closet. There will be a common area between the in-law apartment and the principle residence through a shared hallway and there is a separate entry on the north side of the in-law kitchen and that will go out into an existing sidewalk. Construction will be done by James Albright and is scheduled to take place or begin by the end of August. The construction will be made to blend in with the existing house and not appear as a two-family home. There will be no separation of utilities. The proposed in-law will not create any traffic problems within the neighborhood, nor will parking be an issue. The existing driveway is wide enough for an additional car to be parked side-by-side and at least two deep. Mr. Hetzel did speak to neighbors and they have no concerns and additionally, no one spoke to opposing this request.

In going through the in-law apartment requirements for a special use permit:

The in-law apartment may be occupied only by members of the family unit occupying the main part of the dwelling or by in-laws of the member of the family unit. As stated previously, the in-law apartment will be inhabited by Christine Hetzel's mother, Susan Brassett, who will be relocating to Rochester to live with her family.

The floor area of the in-law apartment shall not exceed 30% of the gross floor area, exclusive of attached garage, of the one-family dwelling in which such apartment is located or 600 square feet, whichever is less. The proposed in-law apartment is now requested to be no greater than 425 square feet in area, which does not exceed the gross floor area.

Occupancy of the apartment shall be non-transferrable to subsequent owners. A new owner of the premises shall have to apply to the Board of Zoning Appeals for a special use permit to continue the in-law apartment use. The approval of this application will be conditioned that this special use permit is not transferable to subsequent owners and the applicant is aware of this.

In-law apartment use shall be able to have a separate means of ingress and egress, which it does, but must also have an internal access point connecting the two. In this case the in-law apartment has ingress and egress to the exterior located at the north side of the in-law off the kitchen area as well as an internal access point through a shared hallway.

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

If an in-law apartment becomes vacant, the family occupying the main part of the dwelling shall have full use and occupancy of the in-law apartment as if it were an integral part of the dwelling without further permitting of the Town. The applicant understands that, should the in-law no longer be used by an in-law, it shall be used as a portion of the principal dwelling and not be a rental property.

Regarding exterior appearance, if an in-law apartment is located in or attached to the principal dwelling, the design of the unit and its entry shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residence. The plans that were submitted show that the layout of the house was designed such that the presence of an in-law apartment would not be recognizable from the exterior.

Any residence containing an in-law apartment shall be considered a single-family residence.

The in-law apartment shall meet the standards of Title 19NYCRR, the building code of New York State, for habitable space. The construction of the in-law apartment would require a permit from the building department and would be required to comply with the New York State building codes.

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. The applicant shall sign a notarized affidavit prior to the issuance of the permit.
2. That the applicant shall obtain all necessary building permits and Town approvals.
3. The proposed in-law apartment will be no greater than 425 square feet in size.
4. The special use permit for the in-law apartment is non-transferable to subsequent owners of the property.
5. If the in-law apartment were to become vacant, it would be treated as an integral part of the rest of the single-family home and shall not be rented.
6. The applicant shall submit documentation to the Town annually, which verifies that Ms. Brassett will reside in the in-law apartment.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

5. Applicant: Michael DiStefano II
Location: 292 Melwood Drive
Mon. Co. Tax No.: 088.02-3-26
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed in-ground pool (16.0 feet x 32.0 feet); to have a south side setback of 6.0 feet, instead of the 8.0 feet minimum required. Section 211-11 E(1), Table I
b) An area variance for a proposed in-ground pool (16.0 feet x 32.0 feet); to have a east side setback of 6.0 feet, instead of the 8.0 feet minimum required. Section 211-11 E(1), Table I
c) An area variance for a proposed in-ground pool (16.0 feet x 32.0 feet); to be located a distance of 8.0 ft. from the water's edge to a (principle) structure, instead of the 10.0 feet minimum required. Section 114-12.1 (B)(2)
d) An area variance for lot coverage of 31.5% instead of the 25% permitted. Section 211-11 D(2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 292 Melwood 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	Absent	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Michael DiStefano II, 292 Melwood Drive, Mr. DiStefano appeared before the Board of Zoning Appeals, requesting an area variance for a proposed in-ground pool (16.0 feet x 32.0 feet); to have a south side setback of 6.0 feet, instead of the 8.0 feet minimum required, an area variance for a proposed in-ground pool (16.0 feet x 32.0 feet); to have an east side setback of 6.0 feet, instead of the 8.0 feet minimum required, an area variance for a proposed in-ground pool (16.0 feet x 32.0 feet); to be located a distance of 8.0 ft. from the water's edge to a (principle) structure, instead of the 10.0 feet minimum required, and an area variance for lot coverage of 31.5% instead of the 25% permitted.

WHEREAS, the findings of fact are as follows. The applicant has lived at this address for 3 years. The reason for these three variances, "a", "b" and "c" is because of the placement of the house and also this is a smaller lot size than other lots on Melwood Drive, which causes a lot coverage situation from being 25% permitted to 31.5% that he is requesting. This lot coverage is not a detriment to this neighborhood and it should not cause any problems. Due to the placement of this house, and there is no other place to put this pool in the back yard of being on a slope, which could affect the placement of this in-ground pool, this is the only place the applicant could place this pool. The applicant has removed the fence for the construction of the pool and will put the fence back around the pool to secure it. The applicant also stated that he is familiar with the Greece Swimming Pool Law, Local Law No. 2 of 1990 and that he will also sign a Hold Harmless with the Town, not holding the Town responsible for any actions or damages caused by this variance.

Once again, the reasons for the setback on both the east and south side is due to the size of the lot and there is no other place that the applicant could place this in-ground pool. We did have correspondence from Paul Mouso, the Director of Technical Services, pertaining to the variance for the 8 ft. distance from the dwelling; of which they are hoping to make 10 ft., however due to the fact of the slope of the parcel and the property, it may be anywhere between 10 ft. to 8 ft. from the principle structure.

There has been no negative comments received this evening from any neighbors.

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

1. That the applicant obtain all necessary permits.
2. That the applicant sign a Hold Harmless with the Town of Greece.
3. That the in-ground pool be no closer than 8 ft. to the principle structure.
4. That the applicant will work with the Town staff regarding the final placement of the pool in regards to the pitch of the property, making sure it is no closer than 8 ft. to the principle structure.

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

6. Applicant: Howard Hanna, Inc.
Location: 2833 West Ridge Road
Mon. Co. Tax No.: 074.13-3-41.1
Zoning District: BG (General Business)
Request: An area variance for a proposed second (north side) building-mounted sign, with a sign area of 35.8 square feet, instead of the one 156.2 square foot sign permitted. Section 211-52 B (2)(a)[1] & Section 211-52 B (2)(c)[1], Table VII

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 2833 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:

17. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
18. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
19. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
20. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
21. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
22. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
23. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

24. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
25. The Environmental Analysis examined the relevant issues associated with the Proposal.
26. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
27. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
28. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
29. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
30. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
31. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
32. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

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

Motion Carried

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

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

WHEREAS, with regard to the application of Howard Hanna, Inc., 2833 West Ridge Road, their representative, Karen Leonardi and Michael Bonanno from Skylight Signs appeared before the Board of Zoning Appeals, requesting an area variance for a proposed second (north side) building-mounted sign, with a sign area of 35.8 square feet, instead of the one 156.2 square foot sign permitted.

The findings of fact are as follows: The need for this second sign, as mentioned by Ms. Leonardi and Michael Bonanno, is that the primary sign that is constructed out of channel letters on a raceway is required by the property owner, the second sign that is being requested is the brand or the corporate identification of the Howard Hanna Organization. This sign is noted on all of their 270 some odd offices throughout the country. Now with the two signs we have a total of approximately 103 sq. ft. as opposed to what is allowed by code of 156.2 ft., which leaves them approximately 59 ft. below code. The distance from Ridge Road is approximately 500 ft. so the size of the signs being requested is necessary in order to be visible from that distance. The sign that is being requested will be a cabinet sign and it will be internally illuminated by LED lighting. The applicant has mentioned that they will voluntarily relinquish the variance if they ever leave the premises. They also mentioned that they will be pursuing a letter submitted by the landlord stating that the primary sign, the channel letters, are required for their occupancy in that property.

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

1. That the applicant obtain all necessary permits pertaining to the sign.
2. That the applicant will voluntarily relinquish this variance upon leaving the premises, if they ever leave.
3. That the applicant will obtain a letter from the landlord stating that the primary sign of channel letters is required for the property.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

SPECIAL ZONING TOPIC:

Applicant: The Talmudical Institute
Location: 71 Maiden Lane (aka 588 Stone Road)
Mon. Co. Tax No.: 075.25-1-3
Zoning District: DMU (Dewey Mixed Use)
Request: Relief of condition pertaining to an area variance granted by the Board of Zoning Appeals on June 4, 2019 that the new section of chain link fence along Maiden Lane be of a coated black vinyl material.

Mr. Meilutis 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 71 Maiden Lane (aka 588 Stone 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	Absent	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

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

WHEREAS, Mr. Chairman, regarding the application of The Talmudical Institute, 71 Maiden Lane (aka 588 Stone Road), their applicant, Mr. Ross Kosow, appeared before the Board of Zoning Appeals this evening, requesting relief of condition pertaining to an area Variance granted by the Board of Zoning Appeals on June 4, 2019 that the new section of chain link fence along Maiden Lane be of a coated black vinyl material.

The findings of fact are as follows. The applicant's representative, Mr. Ross Kosow, appeared before the board this evening explaining that he was granted a variance on June 4, 2019 by this board for some fencing and one of the conditions of the fencing was that it be a vinyl clad material, which specifically on the motion from June 4th is item #3 of the minutes that were approved. Mr. Kosow also indicated to the board that upon further investigation they found that the cost of the extra vinyl on the fence, on a traditional fence, would cost approximately \$3,000.00 and that although they had some money in the budget, it would still put them \$2000.00 over the budget. Further, he indicated that he had some discussion with the Town about the willingness to work with the Town on a minor improvement plan to put some landscaping around the Maiden Lane side 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 that we grant relief from the condition #3 from the June 4, 2019 meeting that requires vinyl fencing:

1. And that the fencing that is now permitted along Maiden Lane will be that of galvanized chain link fence and once the fence is erected the applicant will have it painted a black color to kind of blend in with the environment.
2. That the applicant has agreed to during the course of the life of the fence the applicant agrees to maintain the fence into good condition of black color so if paint chips, the applicant will make sure that it is properly maintained.
3. As offered by the applicant, he will enter into a minor improvement plan with the Town for some landscaping along the Maiden Lane side.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
July 9, 2019

ADJOURNMENT: 9:00 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 23, 2019

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