



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

JULY 20, 2021

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planner

Maryjo Santoli, Planning and Zoning Secretary

Absent

Ivana Casilio, Planning Assistant

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

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Old Business:

None

New Business:

1. Applicant: Mary Ellen Guon
Location: 1042 Edgemere Drive
Mon. Co. Tax No.: 035.10-1-9
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (10.0 feet x 18.0 feet; 180.0 square feet, second story deck); to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 E (3)

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1042 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Mary Ellen Guon, 1042 Edgemere Drive, in an R1-E (Single-Family Residential) district, Ms. Guon appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed accessory structure (10.0 feet x 18.0 feet; 180.0 square feet, second story deck); to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. This parcel is located at 1042 Edgemere Drive. The house is positioned with the majority of the living space facing the waterfront, Lake Ontario, and the two car garage faces Edgemere Drive. Due to the pitch of the garage roof, the proposed sundeck is not visible from the road. As the deck is planned to occupy the same footprint of the existing home, it does not appear to be blocking any water views as well. No neighbor comments have been received regarding this application. The applicant presented evidence that no roof or enclosures are planned, and there are no utilities planned to be hooked up, specifically no hot tubs. The building materials will be composite decking and pressure treated wood and it will match the renovation work being done.

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

1. That the applicant obtains all necessary permits.
2. And that there will be no utilities, no excessive load, and no roof or closures planned for the project.

So moved

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: Cynthia Vasquez
Location: 2852 Latta Road
Mon. Co. Tax No.: 045.04-1-2
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 feet high closed construction fence, approximately 115.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-50 L

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2852 Latta 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. Hartwig and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Cynthia Vasquez, 2852 Latta Road, in an R1-E (Single-Family Residential) district, Ms. Vasquez appeared before the board of Zoning Appeals this evening requesting an area variance for a proposed 6.0 feet high closed construction fence, approximately 115.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

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WHEREAS, the findings of fact are as follows. Cynthia Vasquez stated that she has resided at this address for approximately 6 months. This property is located on the corner of Latta Road and West Bend Drive, and this intersection has a four way traffic light, which helps drivers to safely enter onto Latta Road. Currently, there is a four foot high chain link fence and the applicant mentioned that the current chain link fence will be replaced with a proposed six foot high closed construction vinyl fence. Normally, the Town and this board prefers, if at all possible, that any fencing on a corner lot be located fifteen feet from the right-of-way. According to the survey map, this proposed fence will be ten feet from the right-of-way. The applicant has agreed to the extra five feet, thus fifteen feet from the right-of-way. The applicant did talk with the neighbors and they all agreed and the applicant also agreed to sign a Hold Harmless agreement with the Town so that if there is any damage to the fence from snowplowing that the Town will not be liable.

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

1. That the applicant obtains all Town permits.
2. That the applicant signs a Hold Harmless agreement with the Town.
3. And that the applicant has agreed to move the fence five feet further into her property. As offered by the applicant and agreed to by the applicant, the fence placement shall be fifteen (15) feet from the right-of-way of West Bend Drive, and not located within the visibility triangle.

So moved

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Nickolas J. Romeo
Location: 179 Braddock Road
Mon. Co. Tax No.: 026.03-1-1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed principle dwelling addition (approximately 369 square feet), to have an (east) side setback of 3.5 feet, instead of the 6.0 feet minimum required. 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 179 Braddock 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 Ms. Andreano and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Nickolas Romeo, 179 Braddock Road, in an R1-E (Single-Family Residential) district, Mr. Romeo appeared this evening before the Board of Zoning Appeals requesting an area variance for a proposed principle dwelling addition (approximately 369 square feet), to have an (east) side setback of 3.5 feet, instead of the 6.0 feet minimum required.

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WHEREAS, the findings of fact are as follows. The applicant is in the process of a home remodeling project and is looking to add on this additional space. This will be placed and aligned with an already existing house so it will be nothing closer to the east, which already exists on that side of the residents. The applicant stated that the home will have new siding and roofing on the entire house. With the small lot sizes on Braddock Road, it is not uncommon to have a 3.5 ft. side setbacks on residents in the Braddock neighborhood.

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

So moved

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

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

Motion Carried
Application Approved
With Condition

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4. Applicant: North Greece Self Storage, LLC
Location: 400 Allied Way
Mon. Co. Tax No.: 033.03-3-2.112
Zoning District: IG (General Industrial)
Request: Proposed Buildings #17 and #19
- a) An area variance for a proposed self-service storage facility to have a (north) side setback of 64.3 feet, instead of the 100.0 feet minimum required from an adjoining residential district. Section 211-18 C(1)(f) and Section 211-18 C(4), Table IV
- b) Request for relief from the Town of Greece Sprinkler Law for a proposed accessory structure (self-storage structures) – Local Law #2 of the year 2016 – Section 115-4

On a motion by Mr. Wechsler and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of August 3, 2021.

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

**Motion Carried
Application Continued Until
Meeting of August 3, 2021**

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ADJOURNMENT: 7:24 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, August 3, 2021

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