



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**AUGUST 15, 2023**

**Work Session Began: 6:30 p.m.**

**Meeting Began: 7:00 p.m.**

**Place: Community Conference Room, Greece Town Hall**

**Present:**

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Sharon M. Quataert

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Jon Mead, Staff Advisor to the Zoning Board

Maryjo Santoli, Planning & Zoning Board Secretary

**Absent**

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

**Decorum Policy**

**Announcements**

**PUBLIC HEARINGS**

**Old Business**

1. Applicant: Gregory Miller  
Address: 248 North Drive  
Mon. Co. Tax No.: 026.14-3-18  
Zoning District: R1-E (Single-Family Residential)  
Request: a. An area variance for an accessory structure (deck, wood, 13 feet by 22 feet; 286 square feet) in a side yard, where such structures are only permitted in a rear yard. § 211-11E(3)  
b. An area variance for an accessory structure (deck, wood, 13 feet by 22 feet; 286 square feet) to have a side setback of 1.2 feet, where such structures are permitted a 6-foot minimum side setback. § 211-11E(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 248 North 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. Quataert and duly put to a vote, which resulted as follows:**

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

**Motion Carried**

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

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

WHEREAS, with regard to the application of Gregory Miller, 248 North Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Miller, appeared before the Board of Zoning Appeals on July 5<sup>th</sup> and this evening , requesting an area variance for an accessory structure (deck, wood, 13 feet by 22 feet; 286 square feet) in a side yard, where such structures are only permitted in a rear yard and an area variance for an accessory structure (deck, wood, 13 feet by 22 feet; 286 square feet) to have a side setback of 1.2 feet, where such structures are permitted a 6-foot minimum side setback.

WHEREAS, the findings of fact are as follows. On July 5, 2023 Mr. Miller did appear before the Zoning Board of Appeals. He stated that he rents out his property. He has owned this property for a year and a half and rents it year round. The actual deck has already been built and the owner does not plan to cover this deck. There were several neighbors that voiced concerns both then and tonight about the potential partying that goes on outside and questions the lot line location. To the lot line location, it was requested that Mr. Miller obtain an instrument survey map, which is more accurate than a lot map. The deck is going over an existing concrete base, which is unsafe and the applicant, who is the owner of the property, is making it safe with this new deck. The new map showed that the new deck is currently 1.2 feet from the lot line and the application process was delayed to August 1<sup>st</sup> because of these changes. At tonight's meeting, after explaining the financial disadvantage of getting to 6 feet or anything less, would be a financial burden for Mr. Miller. This particular deck will have a portable grill and will not be covered. There was a letter from the neighbor who's home is closest to the deck saying that he has no concerns.

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 this 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 will obtain all Town permits.

So moved.

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

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

**Motion Carried**  
**Application Approved**  
**With Condition**

---

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

2. Applicant: Katie Adolph  
Address: 610 Edgemere Drive  
Mon. Co. Tax No.: 035.15-1-9  
Zoning District: R1-E (Single-Family Residential)  
Request:
- a. An area variance for an existing accessory structure (deck, composite, 24 feet by 25 feet; 600 square feet) have a 6-9-foot setback in a waterfront rear yard, instead of the 25-foot setback permitted. § 211-11D, Table I
  - b. An area variance for an existing 6-foot closed construction fence (white vinyl fence, ±78 linear feet) to be partially located 6-9 feet from the rear lot line, instead of the 4-foot open-construction fence permitted 20 feet or closer to a rear lot line in such waterfront rear yards. § 211-51A(4)
  - c. An area variance for an existing 6-foot closed construction fence (white vinyl fence, ±78 linear feet) to be partially located in the clear sight triangle formed by Edgemere drive and the driveway of 610 Edgemere, instead of the 3-foot, open-construction fence permitted in such clear sight triangles. § 211-36
  - d. An area variance for an existing accessory structure (shed, 7 feet by 7 feet; 49 square feet) to have a rear setback of 8 feet, instead of the 25-foot setback permitted in a rear yard of such waterfront lots. § 211-11D, Table I

**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 610 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.

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

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

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

**Motion Carried**

---

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

WHEREAS, with regard to the application of Katie Adolph, 610 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Ms. Adolph, appeared before the Board of Zoning Appeals on July 5<sup>th</sup> and also this evening, requesting several variances as mentioned above. Four area variances were being requested of which two of the four variances have now been dropped. Variance request "b" and "c" have been withdrawn.

WHEREAS, the findings of fact are as follows. The applicant originally came to the board on July 5<sup>th</sup> with the request. She explained that she had purchased the property two years prior with her sister, Traci Adolph, and they are using the property as an Airbnb. They purchased this property as is, waiving inspection, and were unaware that there was no permit for the deck and the shed. They have since built a fence and learned that this fence was encroaching on the neighbor's yard and we continued the case to August 1st and the applicant was unable to attend the meeting, the applicant returned to our meeting tonight of August 15<sup>th</sup> to complete the case. A neighbor, Jessica McKay, visited our meeting on July 5<sup>th</sup> and expressed that she had no access to servicing her air conditioning unit and was concerned about the encroachment. She provided the board with measurements to show the encroachments, was concerned about no communications with the Adolph's and that there were no changes to her request. She returned on the meeting of August 1<sup>st</sup> and she also returned to the meeting of August 15<sup>th</sup>.

It was determined that the shed is partially in the visibility triangle. Ms. Adolph has presented information that she plans to move that shed into an appropriate position so that it will not require any setback variances and it will be out of the site triangle. She has also explained that she will be completely removing the fence, which removes letter "b" and "c" from the variance application. Regarding the deck, Ms. Adolph has agreed to stake the yard, in essence, get a survey so she and her neighbor can determine if the deck is encroaching upon the neighbor's property, at which time if it is encroaching she has expressed that she will mitigate the situation by reducing the size of the deck.

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 this 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 by the agreed upon deadline of September 30<sup>th</sup>, the applicant will have removed the fence and will repair the yard as she wanted to repair and restore it to an attractive area.

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

- 2.) By October 15<sup>th</sup>, the survey and staking of the property and any deck mitigation will be done and they will remove any encroaching decking if it is shown by the staking of the property. A portion of the deck, if required, will be removed so that it is all on her land and not encroaching on the neighbor's property.
- 3.) The applicant must forward the map to the Town and let them know when it is staked so they can go out there and review it as well.

So moved.

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

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

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

---

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

3. Applicant: Joe Fink  
Address: 2720 Edgemere Drive  
Mon. Co. Tax No.: 026.15-1-12  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance to allow an accessory structure (40 feet by 24 feet; 960 square feet garage, pole-barn style construction) to have a total height of 22 feet, instead of the 15 feet permitted. § 211-11E(1), Table I

**On a motion by Mr. Jensen and seconded by Ms. Quataert, it was resolved to continue the public hearing on this application until the meeting of September 5, 2023.**

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

**Motion Carried**  
**Application Continued**  
**Until the Meeting of September 5, 2023**

---

**NEW BUSINESS**

1. Applicant: Gary Lalonde  
Address: 153 Long Pond Road  
Mon. Co. Tax No.: 034.02-1-8  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance to allow an accessory structure (in-ground pool, 16 feet by 32 feet; 512 square feet) to be located in a waterfront yard, where such structures are only permitted in a rear yard. § 211-11E(3), Table I

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

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

NOW, THEREFORE, be it

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

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

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

**Motion Carried**

---

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

WHEREAS, with regard to the application of Gary Lalonde, 153 Long Pond Road, in an R1-E (Single-Family Residential) zoning district, Mr. Lalonde, appeared before the Board of Zoning Appeals this evening, requesting an area variance to allow an accessory structure (in-



BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

ground pool, 16 feet by 32 feet; 512 square feet) to be located in a waterfront yard, where such structures are only permitted in a rear yard.

WHEREAS, the findings of fact are as follows. Mr. Lalonde has explained and as plainly seen on the survey map of the property that there is no other place on the property for this, this portion of the property is used as his rear yard and therefore the ideal location for the pool. The pool will be fenced to comply with the Pool Law and there will also be an alarm. No neighbors have spoken out against this issue for Mr. Lalonde, his neighbors are ok with the pool.

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 this 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.) The Applicant will apply for all necessary permits.
- 2.) The applicant will abide by Local Law No.2 of 1990, the Swimming Pool Law.

So moved.

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

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

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

---

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

2. Applicant: Scott Costain  
Address: 476 Manitou Beach Road  
Mon. Co. Tax No.: 017.03-2-9.3  
Zoning District: R1-E  
Request: a. An area variance for a proposed accessory structure (detached garage, 30 feet by 36 feet; 1080 square feet) to have a height of 21 feet, where such structures are permitted a maximum height of 15 feet. § 211-11E(1), Table I  
  
b. An area variance for a proposed accessory structure (detached garage, 30 feet by 36 feet; 1080 square feet) to be located in a front yard, where such structures are only permitted in side and rear yards. § 211-11E(3), Table I  
  
c. An area variance to allow for 1,752 of accessory square footage, instead of the permitted 1,250 accessory square footage on a residential lot of 3.7 acres. § 211-11B, Table I

**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 476 Manitou Beach 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:**

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

**Motion Carried**

---

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

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

WHEREAS, with regard to the application of Scott Costain, 476 Manitou Beach Road, in an R1-E (Single-Family Residential) zoning district, Mr. Costain, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (detached garage, 30 feet by 36 feet; 1080 square feet) to have a height of 21 feet, where such structures are permitted a maximum height of 15 feet, an area variance for a proposed accessory structure (detached garage, 30 feet by 36 feet; 1080 square feet) to be located in a front yard, where such structures are only permitted in side and rear yards and an area variance to allow for 1,752 of accessory square footage, instead of the permitted 1,250 accessory square footage on a residential lot of 3.7 acres.

WHEREAS, the findings of fact are as follows. The applicant, Mr. Scott Costain, has owned the property at 476 Manitou Beach Road for approximately two years. He appeared before the Board of Zoning Appeals on August 15, 2023 for his request. The home at 476 Manitou Beach Road is situated such that the waterfront portion of his large parcel, approximately 185 ft. x well over 900 linear feet borders Salmon Creek to the south and faces an open field to the north. Mr. Costain explained that he is looking to have a pole barn built by Lakeshore Metal. They would source, build and install the pole barn on his property. He was originally looking to match the house pitch and that was part of what was driving the height of this request. He has agreed that going to a 412 pitch would reduce his minimum height need to 17 feet, that would allow him to have the height of 10 feet for the doors that he needs to store his boat and truck. He has also stated that he plans to only have electric installed as a utility and he is looking for one exterior hose bib. The neighbors have not provided any comments in support or against the application. Mr. Costain has agreed to random Town inspections, to not use the property for any commercial use. He has agreed to not have a solid second story, he will only have open rafters in the interior. He has also agreed to only having electric and one hose bib and to get Town permits that are 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 this 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 roof will be constructed of 412 pitch with a maximum height of 17 feet.
- 2.) The utilities are restricted to electric only with an exterior hose bib.
- 3.) The applicant obtains all required Town permits.
- 4.) The applicant is subject to random inspections by the Town of Greece.
- 5.) The applicant will not use the pole barn for any commercial use.
- 6.) The applicant will remain open rafters in the construction in the roof area.

So moved.

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

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

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

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

---

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

3. Applicant: Ryan Pyles  
Address: 31 Shoreway Drive  
Mon. Co. Tax No.: 026.03-2-35  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for an accessory structure (shed, 10 feet by 16 feet; 160 square feet) to be located in a waterfront yard, where such structures are permitted only in rear yards on interior lots less than 18,000 square feet. § 211-11E(2)(a)

**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 31 Shoreway 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. Andreano and duly put to a vote, which resulted as follows:**

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

**Motion Carried**

---

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

WHEREAS, with regard to the application of Ryan Pyles, 31 Shoreway Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Pyles, appeared before the Board of Zoning Appeals this evening, requesting an area variance for an accessory structure (shed, 10 feet by 16 feet; 160 square feet) to be located in a waterfront yard, where such structures are permitted only in rear yards on interior lots less than 18,000 square feet.

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

WHEREAS, the findings of fact are as follows. Mr. Pyles has mentioned that he has owned the property for about two years, but previously it was owned by his mother and before that, his grandfather. His father purchased a shed back in October of 2021, but has passed away and since then Mr. Pyles has lost track of the shed and did not realize where it was until there was an attempted delivery this July. The shed would be used to store a dock that is currently on his property, in the off season. It would also be used for lawn toys, bounce houses and such, also patio furniture. The space where it would be located would not cause any obstructions of water views and is basically not visible. It is a 10 ft. x 16 ft. prefabricated shed and that the color ultimately will match the color of the house. He has no plans to run any utilities to the shed. Letters were read concerning this situation from Mike and Cathy Infantino, from 383 Lowden Point Road and Roberta Farrell and Edward Pappa from 29 Shoreway Drive expressing their approval. There was also a letter from Christian Jensen of 33 Shoreway Drive mentioning objections to the way that the shed could be delivered, however the method of delivery is non-jurisdictional to this board.

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 this 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.) The Applicant will obtain all necessary permits.
- 2.) There will be no utilities run to the shed.
- 3.) This approval is for the life of the shed.

So moved.

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

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

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

---

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

4. Applicant: Susan D. Wilson  
Address: 158 Peck Road  
Mon. Co. Tax No.: 058.01-1-31  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for an addition to a principal structure principal structure (garage addition) to have a front setback of 78.5 feet, instead of the permitted (neighborhood average) front setback of 86 feet. § 211-11D(2), 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 158 Peck 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:**

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

**Motion Carried**

---

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

WHEREAS, with regard to the application of Susan Wilson, 158 Peck Road, in an R1-E (Single-Family Residential) zoning district, Mr. Scott Wilson, representing his mother, Susan Wilson, appeared before the Board of Zoning Appeals this evening, requesting an area variance for an addition to a principal structure principal structure (garage addition) to have a front setback of 78.5 feet, instead of the permitted (neighborhood average) front setback of 86 feet.

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

WHEREAS, the findings of fact are as follows. Scott and his mother, Susan Wilson have lived at this address approximately three years. The purpose of the addition is to accommodate a medical condition of both personnel, so it makes daily life more bearable. Everything will be on the first floor, rather than going down to the basement to accommodate washing and drying and things like that. This will be a single-story structure and will have electricity, utilities, a door to the garage, garage entrances from both sides of this addition, a walk-in and there will be a normal garage door on the front. They could not put this in the back obviously because it would be impractical for them to maneuver and obtain what they want to obtain for safety reasons and comfort reasons, to reduce the size would not be practical either. That will not be any commercial work done in either of these spaces. The neighbors have not commented negatively on this situation.

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 this 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 Applicant will obtain all Town permits.

So moved.

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

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

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

---



BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

5. Applicant: Blaine Root  
Address: 3103 Edgemere Drive  
Mon. Co. Tax No.: 026.39-4-30  
Zoning District: R1-E (Single-Family Residential)  
Request: a. An area variance for an accessory structure (hot tub, 7.6 feet by 7.6 feet, 56 square feet) to be located in a front yard, where such structures are only permitted in rear yards. § 211-11E(3)  
  
b. An area variance for an accessory structure (hot tub, 7.6 feet by 7.6 feet, 56 square feet) to have a side setback of 2 feet, instead of the 6-foot minimum setback permitted. § 211-11E(1), Table I

**Ms. Quataert 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 3103 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

**Motion Carried**

---

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

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

WHEREAS, with regard to the application of Blaine Root, 3103 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Root, appeared before the Board of Zoning Appeals this evening, requesting an area variance for an accessory structure (hot tub, 7.6 feet by 7.6 feet, 56 square feet) to be located in a front yard, where such structures are only permitted in rear yards and an area variance for an accessory structure (hot tub, 7.6 feet by 7.6 feet, 56 square feet) to have a side setback of 2 feet, instead of the 6-foot minimum setback permitted.

WHEREAS, the findings of fact are as follows. Mr. Root explained to us that he has lived at Edgemere Drive for eleven years and he bought the hot tub and it was delivered unexpectedly on June 9<sup>th</sup> and he was also having the electric inspected at that same time and was confused about the permit process. So, he immediately made application for the permit after the delivery and also thoroughly discussed the placement of this hot tub with his neighbor, who was in agreement of where it is in proximity to her yard. It is an ideal spot for the hot tub, which is why he chose where it is for safety reasons and the area is structurally better to hold it and to not obstruct the views.

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 this 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 complete the permit process.

So moved.

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

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

**Motion Carried**  
**Application Approved**  
**With Condition**

---

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

6. Applicant: Bruce Darling  
Address: 267 Lake Shore Drive  
Mon. Co. Tax No.: 017.06-2-21  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance to allow for an accessory structure (garage, 8.5 feet by 24.5 feet; 208 square feet), where such structures are not permitted on a lot without a principal structure. §§ 211-11B and 211-5 (definition of "Structure, Accessory")

**On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of September 5, 2023 in order to readvertise.**

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

**Motion Carried**  
**Application Continued**  
**Until the Meeting of September 5, 2023**

---

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

7. Applicant: Indus QSR III, Inc.  
Address: 3821 West Ridge Road  
Mon. Co. Tax No.: 073.04-2-3.1  
Zoning District: BR (Restricted Business)  
Request: a. An area variance for a second building-mounted sign (north side, "DUNKIN'", 2 feet by 11.2 feet; 22.3 square feet), instead of the one 25.5 square foot sign permitted. § 211-56B(2)  
b. An area variance for a third building-mounted sign (north side, "DRIVE THRU" 1 foot by 8.2 feet, 8.2 square feet), instead of the one 25.5 square foot sign permitted. § 211-56B(2)  
c. An area variance for a fourth building mounted sign (east side, graphic of a car, arrows, and coffee cup, 16.8 feet by 3 feet, 50.3 square feet), instead of the one 25.5 square foot sign permitted. § 211-56B(2)

**On a motion by Mr. Wechsler and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of September 5, 2023 in order to readvertise.**

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

**Motion Carried  
Application Continued  
Until the Meeting of September 5, 2023**

---

BOARD OF ZONING APPEALS MINUTES  
August 15, 2023

**NEIGHBORHOOD NOTIFICATION MODIFICATION: None**

**ADJOURNMENT: 9:22 P.M.**

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

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

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

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

Albert F. Meilutis, Chairman

**NEXT MEETING: Tuesday, September 5, 2023**