



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**AUGUST 20, 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

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

**Absent**

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

**Decorum Policy**

**Announcements**

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

**Old 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.

**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 152 Snowy Owl Ridge, 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>No</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

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

Regarding the application of Paul McGowan, residing at 152 Snowy Owl Ridge for request of relief from testimony pertaining to an area variance granted by the Board of Zoning Appeals on March 5, 2019 allowing an entry or overhead door from the back or west side.

The findings of fact are as follows:

I would like to begin by stating that I re-listened to the testimony provided at the March 5<sup>th</sup> hearing and walked the site. I believe most of the other board members made recent site visits as well.

This application first came before this Board on March 5, 2019 for request of an area variance for a proposed attached garage addition, of which required relief from the amount of accessory square footage permitted – being 41 square feet over. Mr. McGowan could not personally make the hearing due to a prior commitment. The original date for the hearing was set for February 19, but due to an error with the posting of the legal notice, this application was pushed into the first meeting of March. Mr. McGowan authorized Mr. Darryl Grills, his neighbor to the immediate west, to represent him at the March 5<sup>th</sup> hearing.

Mr. Grills testified that the Mr. McGowan has lived at this residence for approximately 26 years. There is an existing 22x23 attached garage on the parcel, along with an 11x12 shed that was located directly behind the existing garage. The reason for the addition was for the storage of an additional car and to replace the storage space that would be lost with the elimination of the existing shed. The existing garage was large enough for parking only 2 vehicles inside and the homeowner wanted to be able to store an additional vehicle within.

The garage addition was proposed at being approximately 28.0 feet in length and 11.7 feet in width, staying flush on the west side of the existing residence. This addition size was specked to be built at a minimum size to allow only for the parking of a particular vehicle and for storage space lost by removal of the shed - and nothing more. The vehicle to be parked in the addition is a sports car that is approximately 14.7 feet long and 6.2 feet wide. The parking of the vehicle was to encompass the center area of the garage addition, with storage area to the rear or the north end of the addition. There is no working on vehicles or commercial use of the existing or proposed garage. Having visited the site and viewing the garage, I saw no evidence that there was ever any type of commercial use or motor vehicle repairs going on in the original garage. As to the expansion or addition that was built, there is very limited space within this area – just enough width to pull a small vehicle forward, park it and allow for limited walking space on one side – and enough space left to the very north side for storage of items that were in the former shed.

The former shed that stood behind the original garage was again approximately 11x12 in size. It had an overhead door on it that faced the north, allowing for easy access of items stored within – (i.e. lawn mower, weed eater, snow blower, typical yard and garage items). The addition, as now built, has the exact same look as when the shed was there, but just pushed out further by approximately 18 feet. There is again, an overhead door on the north side that provides for the same access, as it was with the shed. There is also a man-door on the east side.

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

At the same hearing in March, an adjoining neighbor to the north, Katherine Honsinger, who resides at 356 Harbor Trail, approached the board with some questions/concerns she had about the project. These concerns pertained to:

- Drainage and the proposed gutter system;
- Access - if cars would be sitting in the backyard;
- The amount of space the addition would have protruding further in the back yard; and kids playing baseball in Mr. McGowan's back yard - as with the garage being built further out, this would move the children closer to her property line while playing ball.

Mr. Grills stated that the rear yards of this area are always wet, as there is a drainage swale that runs the length of these backyards. Regarding access, he stated that there would be a man-door and that the homeowner would not be driving vehicles into the backyard.

Ms. Honsinger spoke for a second time, this time with concern on the placement of a man-door. A long discussion about the placement of a man-door followed. Mr. Grills further went on to state that he did not believe that any doors, including an overhead door, would be on the west side - maybe windows. The hearing was closed and a motion made that included in the findings that "there will be an exit door to the east side of the additional garage and no entry from the back or the west side..." and "as offered by the applicant's representative, there is no overhead garage door on any side of the existing structure and the man door will be on the east side of the addition near the deck; there will be no other entrance to the addition other than through that." Although noted in the findings, the placement of any type of garage doors or placement thereof was not made a part of the conditions of the approval.

Later in March, Mr. McGowan applied for his permits and provided stamped building drawings. When applying for a variance, building drawings are not required as a part of the application process. Generally, only an instrument survey of the parcel is needed. Stamped building drawings are only required when applying for a building permit - if the fair market value of construction is over \$20,000. The drawings presented as a part of the building permit application, showed an overhead door, but no man door.

In mid-June, a complaint was received by the town about an overhead door being installed in a garage addition at 152 Snowy Owl Ridge. A field inspection was made by staff members and after consulting with the Deputy Town Attorney, the homeowner was advised to apply for relief from the Board of Zoning Appeals with regard to the overhead door.

Mr. McGowan came before the board pertaining to the relief issue on July 9, 2019. During the course of testimony, Mr. McGowan explained that it was his intention from the beginning to install an overhead door for storage access at the rear of the garage, just as it had been when the shed was in place. He also stated that when he applied for his permit that he inquired about the minutes as written - that they noted the overhead door in the findings. The building department inspector, not seeing the installation of an overhead door as a part of the conditions, issued a permit for construction.

Mr. McGowan also stated that he described the project as best as he could to Mr. Grills, who represented him at the initial meeting in March, and being overly nervous that evening, Mr. Grills miscommunicated the full intent of Mr. McGowan's project.

Two neighbors spoke against the granting of relief for this overhead door at the same July hearing. Mr. Tom Schmidt who resides at 364 Old Harbor Trail and again, Kathryn

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

Honsinger, who resides at 356 Old Harbor Trail and her boyfriend, John Bonnani who resides in East Bloomfield.

Mr. Schmidt was concerned about the next owner of the property and vehicles being parked in the back yard and stated he would rather see a barn style shed door. Ms. Honsinger presented the board with written comments and photos she had taken, dated July 8, 2019, which have been made a part of the official record and file. In Ms. Honsingers letter, she stated that one of three alternatives be met for remediation of her issues:

- That the door be taken out and the north face be walled in with no windows; or
- That the overhead door be moved to the west side; or
- That the overhead door remain and a full length privacy fence be installed at Mr. McGowans expense.

The board asked Mr. McGowan to provide costs for taking out the door and installing a solid wall and mentioned the idea about a fence. Since that meeting, the board has been provided estimates, via email by staff and is a part of the file.

The costs associated with the removal of the overhead door and installing concrete block and finish work is estimated to cost over \$6,100, which is above and beyond the applicant's initial budget costs. Moving the door to the west side would just be aesthetically unpleasing, out of character with the neighborhood and directly impact the neighbor to the west on a whole other level. The homes here are side by side and much closer together, maybe 20 feet apart with no screening.

The back of Mr. McGowans addition is approximately 58 feet from the rear property line of Ms. Honsinger's. The view from Mr. McGowans garage to Ms. Honsingers yard is shielded by an existing shed that belongs to Ms. Honsinger, which is also located at the rear property line. There is an abundance of mature trees and landscaping providing additional screening between both parcels. The Snowy Owl Ridge dwellings are also higher in elevation than the Old Harbor side by at least three to five feet. When standing at the north side of the garage addition, due to the difference in elevations, along with the mature trees and landscaping and the existing shed - it is difficult, if not impossible, to see the entire back side of Ms. Honsinger's home, deck and/or pool. It is only when you are close to or at the rear property line that you can get a better view of the Honsinger rear yard. There appears to be a deck attached to the pool and possibly extending to the home; however there is quite a bit of screening (in the form of high, overgrown shrubs) blocking any visibility of this decking area. This is also evident in the "additional photos of view from yard and house", as submitted by Ms. Honsinger and dated July 8, 2019. These photos show views from her side of the property, which appear to have been taken during different seasons. In most of the photos, the shed, mature trees and landscaping shield most of the McGowan residence. Some of the photos appear to have been taken in past winter months with no leaves on the trees. Even then, there is no "clear visibility" of the McGowen residence.

Mr. McGowan also provided quotes for the planting of 25 arborvitae and installing a fence along the rear property line. Two quotes for landscaping were provided: one from Green Acres and one from Van Putte totaling approximately \$2,429 and \$4,228 respectively. The cost of 79 In. ft. of vinyl fencing was quoted at \$3,300 by New York State Fence. Along the rear property lines of this subdivision is a drainage swale that provides for stormwater drainage in both the east and west directions. There are rear catch basins located within this swale; one to the east and one to the west of where the McGowan and Honsinger rear yards meet. The installation of solid fencing and/or landscaping would only further impede any drainage issues in this area.

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

This rear overhead garage door is not the first of its kind in this neighborhood. Mr. McGowan has provided photos of other residences on his street with the same type of rear overhead door. At the time of my site visit, #135 and #183 Snowy Owl Ridge had their front garage doors open and I was able to see a rear overhead door located at both these residences. Staff also has photos of these as a part of the file.

The applicant also stated that he was not fully aware of the mistake of the garage door testimony, since he previously had an overhead garage door on the shed. The neighbor who represented Mr. McGowan at the original meeting, Mr. Grills, was nervous and had very few details when he spoke on behalf of Mr. McGowan about the original variance for the project. Again speaking tonight was Kathryn Honsinger, once again she spoke against the variance regarding relief and the view of the garage door from her residence. Also, Mr. Tom Schmidt from 364 Olde Harbour Trail spoke tonight and his concern was the storing of vehicles in the rear yard in the future. Other neighbors speaking tonight were Christopher Andrews; he provided a letter to the board. Mr. Andrews resides at 168 Snowy Owl Ridge and he provided a letter of support along with speaking to the board in favor of the project. Also, sending a letter in favor of the project and speaking of relief of the variance of the garage door was Steve and Michele Meisenzahl, also a neighbor of Mr. McGowan.

In making its determination for relief of condition, I'm going to touch on the area variance criteria that the zoning board of appeals uses in determining the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood or community.

1) An undesirable change will not be produced in the character of the neighborhood nor a detriment to nearby properties should this relief be granted;

It has been stated that Mr. McGowan has resided here for 26 years and the shed was placed behind the garage approximately 20 years ago. Aesthetically, nothing has changed with this site. The character is still the same. The removal of the shed that was directly behind the attached garage, a shed with an overhead door on its north side - has been changed to only reflect one complete attached garage with an overhead door on the north side. Although slightly deeper, the homeowner was able to match the siding, roofing and colors to blend with the original home. This is a very nice, well-established neighborhood with so many homes having elaborate landscaping and this home is no exception. There are also two other residences, in close proximity to the applicant with rear garage overhead doors.

2) The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue, other than relief by this board, as truly, the applicant is requesting relief from the mistaken testimony given at the original hearing by his representative.

3) The requested area variance is not substantial in the context of this application.

The applicant is just 41 square feet over the permitted accessory square footage. Had it not been for the request of a variance for this, no board approval would have been required for installation of the addition or any type of doors or their location for the project.

4) The proposed granting of relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

There will be no burden on utilities, water or sewer with the project as it currently exists.

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

5) The alleged difficulty may have been self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of relief.

It is evident that the applicant's representative was unprepared at the initial meeting. It can be somewhat intimidating to stand before this board and clearly explain and/or justify a case, let alone a neighbors. However, I do not believe the representative or the homeowner were negligent or trying to intentionally mislead this board or even the building department when the permit was applied for. As such, I see nothing wrong with the applicant's request.

Therefore I move to approve this application as requested.

**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>No</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**

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BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

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

**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 700 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

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of James Russo, 700 Edgemere Drive, Mr. Russo appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), following demolition of an existing structure, to have an east side setback of 1.3 feet, instead of the 6.0 feet minimum required, an area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), following demolition of an existing structure, to have a west side setback of 3.7 feet, instead of the 6.0 feet minimum required, an area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), to have an overall height of 24.0 feet, instead of the 17.0 feet maximum permitted, an area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), resulting in a total gross floor area of 1150.0 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots less than 16,000 square feet in area and an area variance for a proposed 15.0 feet long residential driveway, measured from the south right of way of Edgemere Drive, exclusive of the apron, instead of the 22.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This evening James Russo appeared before the board of Zoning Appeals regarding the property at 700 Edgemere Drive. Mr. Russo is a part-time resident of this property at 700 Edgemere Drive and is looking to move into this property, full-time, in 2020. Mr. Russo has owned this property since 2015 and he is asking for 5 variances. An area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), following demolition of an existing structure, to have an east side setback of 1.3 feet, instead of the 6.0 feet minimum required, an area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), following demolition of an existing structure, to have a west side setback of 3.7 feet, instead of the 6.0 feet minimum required, an area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), to have an overall height of 24.0 feet, instead of the 17.0 feet maximum permitted, an area variance for a proposed accessory structure (20.0 feet x 35.0 feet; 1150.0 square feet, two-story detached garage), resulting in a total gross floor area of 1150.0 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots less than 16,000 square feet in area and an area variance for a proposed 15.0 feet long residential driveway, measured from the south right of way of Edgemere Drive, exclusive of the apron, instead of the 22.0 feet minimum required.

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

The applicant appeared before the board on June 18<sup>th</sup>, July 23<sup>rd</sup> and August 19<sup>th</sup> and the reason for the variances is to replace an existing garage, which is in disrepair and is not a safe structure. The applicant would want to put in a new accessory garage for storage of two vehicles, jet skies, along with personal items, clothes and other personal items. The applicant is going to attempt to match this accessory structure with the house as close as possible with the siding and roofing material. On variance "a" regarding a 1.3 foot side setback, he currently has the 1.3 ft. setback and he will put the new garage on the same side setback. On variance "b", since he is making it a larger size and making it bigger, the setback will be 3.7 ft. instead of the minimum 6 ft. minimum required. These lots on the south side of Edgemere Drive from where the resident lives, between Edgemere Drive and an existing pond, he has to leave his residence and cross Edgemere Drive to get to this parcel, the 3.7 ft. will allow him to gain access into the rear of his proposed accessory structure garage. These side setbacks of both 1.3 ft. along with the 3.7 ft. are very common in the Edgemere Drive area due to the fact of the size of the lot. The applicant also requested a 24 ft. overall height of an accessory structure and the applicant came back with drawings with the north side of being 20 ft. instead of 24 ft. The concern was, by this board, of 24 ft., which was rather large for the size of the lot, the applicant came back with drawings of 20 ft., which would give the applicant an opportunity to not only store things on the first floor, but also an opportunity to store his personal items, along with clothes on the second floor. Once again, the second floor will only be used for storage of clothes and other personal items, which he has no storage capabilities in his home on the lake side.

Variance "d" regarding the 20 ft. x 35 ft., 1150 sq. ft. where only 800 sq. ft. is allowed, 1150 sq. ft. is very common, this size, on the Edgemere Drive, since the applicant has no storage in his primary residence, this additional square footage is needed for storage of vehicles since he does not have a garage on the property on Edgemere Drive, the water side, and also there is limited storage within his residence. The area variance for a proposed 15.0 feet long residential driveway, measured from the south right of way of Edgemere Drive, exclusive of the apron, instead of the 22.0 feet minimum required, once again, lot sizes are extremely small and these size driveways are quite common in this Edgemere Drive neighborhood. The applicant also agreed to random inspections and he will not run any commercial businesses out of this proposed accessory garage structure. The applicant stated that the only thing he will have is electric; there will be no furnace, there will be no water, there will be no sewers; the only thing he will have will be electric only, no other utilities. There was one neighbor who spoke against the project and that was Mr. Gifford from 2388 Edgemere Drive, who owns the property at 696 Edgemere Drive. He spoke against the project at the June 18<sup>th</sup> meeting. Once again, the applicant stated the use of this accessory garage will be for storage of vehicles, vehicles as in cars, jet skies and the second floor will only be used for storage of clothes and personal items.

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 has agreed to have random inspections by code;
2. There will be no commercial operation or commercial businesses run out of this;
3. The applicant has agreed to only have electric to this detached garage;
4. There will be no other utilities, which would include furnaces, gas, natural gas, propane gas, sewers or water;

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

5. The applicant will obtain all necessary building permits;
6. No part of this detached garage space will be converted to habitable space.

**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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

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BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

**New Business:**

1. Applicant: Larryetta Davis  
Location: 92 Elmgrove Road  
Mon. Co. Tax No.: 073.04-2-23  
Zoning District: R1-18 (Single-Family Residential)  
Request: An area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 175.0 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

**On a motion by Mr. Shea and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of September 3, 2019 in order to give the applicant time to review her options.**

<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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
Meeting of September 3, 2019**

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BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

2. Applicant: Vincent Mannillo  
Location: 29 Woodstone Lane  
Mon. Co. Tax No.: 059.19-3-55  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed accessory structure (12.0 feet x 24.0 feet; 288 square feet, detached garage) to have a north side setback of 1.0 feet instead of the 10.0 feet minimum required. Section 211.11 E (1), Table I  
b) An area variance for a proposed accessory structure (12.0 feet x 24.0 feet; 288 square feet, detached garage) to have a south side setback of 1.0 feet instead of the 10.0 feet minimum required. Section 211.11 E (1), 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 29 Woodstone Lane, as outlined above; and

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

1. Upon review of the 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:**

<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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

WHEREAS, with regard to the application of Vincent Mannillo, 29 Woodstone Lane, in an R1-E (Single-Family Residential) district, Mr. Mannillo appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (12.0 feet x 24.0 feet; 288 square feet, detached garage) to have a north side setback of 1.0 feet instead of the 10.0 feet minimum required and an area variance for a proposed accessory structure (12.0 feet x 24.0 feet; 288 square feet, detached garage) to have a south side setback of 1.0 feet instead of the 10.0 feet minimum required.

WHEREAS, the findings of fact are as follows. Mr. Vincent Mannillo appeared tonight before the board, he is the recent new owner of the property at 29 Woodstone Lane having lived there almost one year, about 11 months. Mr. Mannillo has an existing garage that he wants to bring from another property. This sounds like a very well built garage that he has purchased from the Amish out on Rt. 104 west, "Abes". This is a structure that already has and is going to maintain a porous wood floor as part of the materials. It has a metal roof and drainage from the structure was discussed and how it would be coming off this garage and how he would be able to mitigate any drainage going into the neighbor's yard. Mr. Mannillo did describe a system and that he would be willing to work with the Town's building department any provide any plans if required, and of course one of the conditions would be that he comply with all conditions that they set. Mr. Mannillo also agreed to periodic inspections by Town Personal, he has stated that he only plans to hook up electric if that is permitted, no gas and no plumbing. This is not going to be used for any commercial use, this is going to be used only for the storage of personal items, including yard equipment and yard furniture.

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 comply with all the building codes and conditions that the Town prescribes.
2. As offered and agreed to by the applicant for periodic inspections by Town personnel.
3. The approval process is subject to the review and approval of the Town Engineer with regard to the catch basin. (because he is talking about bringing electric out there/and if there are drainage issues)
4. That the structure is permitted electric only, no other utilities.

**Seconded by Mr. Jensen 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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

3. Applicant: Matthew Florak  
Location: 28 Webber Drive  
Mon. Co. Tax No.: 089.10-4-37  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed accessory structure (8.0 feet x 18.0 feet; 144.0 square feet deck), to be located in a front yard and for said deck to be accessory structures, including decks, are to be located in rear yards only and for said deck to have a front setback of 32.0 feet (measured from the east right-of-way line of Webber Drive), instead of the 40.0 feet minimum, established by the neighborhood average. Sec. 211-11 D (2), Table I; Sec. 211-11 E (1); Sec. 211-11 E (3)

**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 28 Webber 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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

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

WHEREAS, with regard to the application of Matthew Florak, 28 Webber Drive, in an R1-E (Single-Family Residential) district, Mr. Florak appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (8.0 feet x 18.0 feet; 144.0 square feet deck), to be located in a front yard and for said deck to be accessory structures, including decks, are to be located in rear yards only and for said deck to have a front setback of 32.0 feet (measured from the east right-of-way line of Webber Drive), instead of the 40.0 feet minimum, established by the neighborhood average.

WHEREAS, the findings of fact are as follows. This evening, Mr. Florak mentioned that he has lived at the property for approximately 5 to 6 years and the need for this project is that currently he has concrete steps to gain entry to his house that are deteriorating and becoming safe factor. He has 6 children and he is concerned for their wellbeing of going up and down, in and out of the house. The deck will be constructed of Trex composite material with pressure treated lumber being support posts, it will be approximately 3 ft. off the ground and he will be installing railings around the deck and the steps. There are no plans to close the deck or to place a roof over it. There will be no additional utilities run to this location, other than what already exists on the primary structure. He has no plans for grills on the deck and he has spoken to his neighbors about this project and has received no negative comments.

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 all necessary building permits and building codes be obtained and satisfied.

**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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

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BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

4. Applicant: Anselmo Barilla  
Location: 566 Lakeshore Drive  
Mon. Co. Tax No.: 017.05-1-9  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed principal structure, following demolition of the existing structure, to have a front setback of 124.0 ft., (measured from the north right-of-way line of Lakeshore Drive), instead of the 114.3 ft. maximum permitted, established by the neighborhood average. Sec. 211-11 D (2), Table I  
b) An area variance for a proposed principal structure, following demolition of the existing structure, to have a (east) side setback of 3.2 ft., instead of the 6.0 ft. minimum required. Sec. 211-11 D(2), Table I  
c) An area variance for a proposed accessory structure (22.0 feet x 26.0 feet; 572.0 square feet, detached garage), to have an overall height of 20.0 feet, instead of the 17.0 feet maximum permitted. Section 211-11 E (1), Table 1

**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 566 Lakeshore 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 20, 2019

**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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Anselmo Barilla, 566 Lakeshore Drive, in an R1-E (Single-Family Residential) district, Mr. Barilla appeared before the Board of Zoning Appeals, requesting an area variance for a proposed principal structure, following demolition of the existing structure, to have a front setback of 124.0 ft., (measured from the north right-of-way line of Lakeshore Drive), instead of the 114.3 ft. maximum permitted, established by the neighborhood average, an area variance for a proposed principal structure, following demolition of the existing structure, to have a (east) side setback of 3.2 ft., instead of the 6.0 ft. minimum required and an area variance for a proposed accessory structure (22.0 feet x 26.0 feet; 572.0 square feet, detached garage), to have an overall height of 20.0 feet, instead of the 17.0 feet maximum permitted.

WHEREAS, the findings of fact are as follows. This evening the applicant is requesting an area variance for a proposed principal structure, following demolition of the existing structure, to have a front setback of 124.0 ft., (measured from the north right-of-way line of Lakeshore Drive), instead of the 114.3 ft. maximum permitted, established by the neighborhood average. This evening the applicant has agreed to move the setback and ask for a variance of 120 ft. to comply with putting the property at the existing footprint of the previous structure. He also was asking for an area variance for a proposed principal structure, following demolition of the existing structure, to have a (east) side setback of 3.2 ft., instead of the 6.0 ft. minimum required, however we discovered that that is a secondary structure and he has agreed to the 6 ft. minimum required, therefore has withdrawn item "b". Item "c", an area variance for a proposed accessory structure (22.0 feet x 24.0 feet; 528.0 square feet, detached garage), to have an overall height of 20.0 feet, instead of the 17.0 feet maximum permitted. Mr. Barilla has owned the property for approximately a year and he is asking to build a 2300 sq. ft. house with a detached garage, replacing the existing structure that had been previously there that was approximately 1000 sq. ft. He is asking to have the garage to face the west side and due to needing necessary storage and having no basement in the house he is asking for the 20 ft. rather than the 17 ft. Again, he has agreed to withdraw item "b" so that the garage will be 6 ft. away from the lot line, which will not require a variance. He has agreed to random inspections of that property and this evening also we had two neighbors speak, a Mr. Al Townsend of 574 Lake Shore Drive who was concerned mainly about some of the water issues in the area and the fact that where the setback was proposed it was further back than where the previous house was and he suggested that the applicant move that back and the applicant has agreed to move it back 4 ft. We also has David and Paula Moore speak and they were concerned because their property is across the street and having the garage so close to the property line it would impede on their view, having the applicant move the garage over 6 ft. and withdrawing item "b" seems to satisfy that requirement.

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,

BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

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 applies for all necessary permits.
2. That the applicant follows all building codes and comply with a full engineering review.
3. The applicant has agreed to have random inspections of the property.
4. The applicant has pulled the covered porch (front setback) back 4 feet.
5. There will be no plumbing or heating in the garage, electric only.
6. The front setback will be 120 ft. rather than 124 ft.

**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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

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BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

5. Applicant: Timothy Donlon  
Location: 1670 Edgemere Drive  
Mon. Co. Tax No.: 034.08-1-32  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed accessory structure (30.0 feet x 48.0 feet; 2880.0 square feet, two-story detached garage), resulting in a total gross floor area of 3254.0 square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots more than 16,000 square feet to one acre in area. Sec. 211-11 E (1), Table I  
b) An area variance for a proposed accessory structure (30.0 feet x 48.0 feet; 2880.0 square feet, two-story detached garage), to have an overall height of 21.6 feet, instead of the 17.0 feet maximum permitted. Section 211-11 E (1), Table 1  
c) An area variance for total gross floor area of proposed accessory structures (3254 sq. ft.) exceeding the total gross floor area of the existing principal structure (1768 sq. ft.) on the premises. Sec. 211-11 E (1), Table I  
d) An area variance for the storage of a total of six motor vehicles, where not more than four motor vehicles are permitted to be stored in all garages on the premises. Section 211-11 B(2)

**On a motion by Mr. Jensen and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of September 3, 2019 in order to give the applicant time to gather more information that the board requested.**

<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. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
Meeting of September 3, 2019**

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BOARD OF ZONING APPEALS MINUTES  
August 20, 2019

**ADJOURNMENT:** 10:35 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:** \_\_\_\_\_

Albert F. Meilutis, Chairman

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

**NEXT MEETING: Tuesday, September 3, 2019**

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BOARD OF ZONING APPEALS MINUTES  
August 20, 2019