



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**SEPTEMBER 19, 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

Thomas F. Hartwig

Randy T. Jensen

Sharon M. Quataert

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

Jon Mead, Staff Advisor to the Zoning Board

Maryjo Santoli, Planning & Zoning Board Secretary

**Absent**

Linda Andreano

Anthony F. Wechsler

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

**Decorum Policy**

**Announcements**

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**Old Business**

1. Applicant: Philip DiPiazza  
Address: 69 E Manitou Road  
Mon. Co. Tax No.: 026.09-1-9  
Zoning District: R1-E (Single-Family Residential)  
Request:

An area variance to allow farm animals (10 ducks) to be kept on a residential lot of 0.436 acres, instead of the 10-acre-minimum lot required to keep farm animals. § 211-33B, § 211-33D, and § 211-5, definition of "Farm"

**This application has been withdrawn by the applicant.**

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2. Applicant: Dominic Palumbo  
Address: 890 Long Pond Road  
Mon. Co. Tax No.: 059.01-6-2.1  
Zoning District: R1-E (Single-Family Residential)  
Request:
- a) An area variance for a portion of a proposed fence (closed- construction wooden fence, ±250 linear feet) to have a height of 6 feet in a front yard, instead of the 4-foot open-construction fence permitted in a front yard. § 211-50L
  - b) An area variance for a portion of a proposed fence (closed-construction wooden fence, ±250 linear feet) to have a height of 10 feet, instead of the 8-foot closed-construction fence permitted. §§ 211-52A and 211-50G and L.

**On a motion by Mr. Hartwig and seconded by Mr. Shea, it was resolved to dismiss the petition without prejudice for refileing relative to Dominic Palumbo at 890 Long Pond Road.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Absent</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>Absent</b>		

**Motion Carried  
Application Dismissed  
Without Prejudice**

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3. Applicant: Russ Boehm  
Address: 2028 Edgemere Drive  
Mon. Co. Tax No.: 026.20-1-45  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed accessory structure (garage, two story, 24 feet by 28 feet; 1,344 square feet, 22.33 feet high) to have a rear setback of 0 feet, instead of the 25 feet minimum rear setback permitted. § 211-11E(1), Table I  
b) An area variance for said proposed accessory structure to have a maximum height of 22.3 feet, instead of the 15-foot maximum height permitted for such structures. § 211-11B(1)  
c) An area variance for a lot of 0.085 acres to have a proposed accessory structure square footage of 1,344 square feet, instead of the 800 square feet permitted on such lots. § 211-11E(1), Table I Notes  
d) An area variance for a residential driveway to have a minimum length of 0 feet excluding apron, where such driveways are permitted a minimum length of 22 feet. § 211-45F  
e) An area variance for said proposed accessory structure to have a second story, where such structures are only permitted to have one story. § 211-11E(1), Table I Notes  
f) An area variance for a proposed lot coverage of 47%±, instead of the 33% maximum permitted. § 211-11D(2), Table I notes

**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 2028 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.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Absent</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>Absent</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Russ Boehm, 2028 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Boehm, appeared before the Board of Zoning Appeals on September 5, 2023, requesting several area variances as mentioned above.

WHEREAS, the findings of fact are as follows. On September 5, 2023, Mr. Russ Boehm appeared before this Board concerning property located at 2028 Edgemere Drive to request the above-mentioned variances.

Mr. Boehm stated that he has owned this property for 10 years and that his wooden dock on the Long Pond inlet side of this property is deteriorating and no longer viable. As such, he plans to construct a new concrete dock and concrete sea wall. The foundation of the requested garage would then tie into that sea wall. The garage is needed to house 2 cars, jet skis, and a four-wheeler. Since his house has no basement for storage, concerning variance "e" he is also requesting a second story for his storage purposes, which would also protect items placed there from flooding. He is currently utilizing storage off site and wants to consolidate his property. Consequently, the second floor would be used solely for the storage of boat equipment, lawn furniture and other items and would not be used as habitable space.

Mr. Boehm went on to say that the garage would only have electric run to it, that there would be white siding installed to match that of the house, that glass doors would be installed on both the house and inlet sides of the garage and that there would be a second-story deck on the inlet side. He would also remove an existing shed as it would no longer be needed.

Discussion continued concerning the garage's height relative to variance "b" and Mr. Boehm stated he would reduce the height to 19' 6".

Due to the small parcel size to be used for this project, variances "a", "c", "d", and "f" would be necessary. In addition, as the garage's resulting location would be extremely close to Edgemere Drive, Mr. Boehm said that he would sign a hold harmless agreement with the Town of Greece.

Neighbors have submitted their approval for this project.

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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 all applicable governmental approvals and permits be obtained.
2. That the garage will not exceed 19' 6" in height.
3. Electricity will be the only utility run to the garage.
4. A hold harmless agreement with the Town of Greece must be executed.
5. The second floor is to be used for storage purposes only and will not be converted into habitable space.
6. The second-floor deck, however, cannot be used for storage purposes of any kind.
7. The existing shed must be removed from the property.

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Absent</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>Absent</b>		

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

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4. Applicant: Mark Gillette  
Address: 3386 Edgemere Drive  
Mon. Co. Tax No.: 026.30-4-2  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed accessory structure (fence with gate, 4 feet high, ±40 linear feet, open construction, white wood picket) on a lot without a principal structure, where such structures are only permitted on lots with principal structures. § 211-5 (definition of "Structure, Accessory"), § 211-11B

**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 3386 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 Ms. Quataert and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Absent</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>Absent</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Mark Gillette, 3386 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Gillette, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (fence with gate, 4 feet high, ±40 linear feet, open construction, white wood picket) on a lot

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without a principal structure, where such structures are only permitted on lots with principal structures.

WHEREAS, the findings of fact are as follows. Mr. Gillette said that the fence would match his neighbor's fence, which is wood and white in color. The reason why he is appearing in front of this board tonight is that there was a condition of a previous application, which stated that a fence must be installed, and we are just following up because a variance needs to be granted for that action.

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 necessary 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>Absent</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>Absent</b>		

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

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5. Applicant: Bell Atlantic Mobile Systems  
Address: 448 Long Pond Road  
Mon. Co. Tax No.: 034.03-4-22  
Zoning District: R1-E (Single-Family Residential)  
Request: a. A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (124 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. § 211-60A  
b. An area variance for the use of barbed wire (236± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in § 211-53. See also § 211-60C(4)(b).

**On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of October 3, 2023.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Absent</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>Absent</b>		

**Motion Carried**  
**Application Continued Until**  
**The meeting of October 3, 2023**

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**NEW BUSINESS**

1. Applicant: Mary Leong  
Address: 1430 Edgemere Drive  
Mon. Co. Tax No.: 035.09-1-15  
Zoning District: R1-E  
Request: An area variance for an accessory structure (pergola, black aluminum 9.8 feet by 9.8 feet; 96.8 square feet; 7.7 feet high) to be located in a front yard, where such structures are only permitted in a rear yard. § 211-11E(3)

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1430 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 Ms. Quataert and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Absent</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>Absent</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Mary Leong, 1430 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Ms. Leong, appeared before the Board of Zoning Appeals this evening, requesting an area variance for an accessory structure (pergola,

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black aluminum 9.8 feet by 9.8 feet; 96.8 square feet; 7.7 feet high) to be located in a front yard, where such structures are only permitted in a rear yard.

WHEREAS, the findings of fact are as follows. Ms. Leong has owned this property for about one year. The applicant stated that the primary reason for the proposed black aluminum pergola is to enhance her family's outdoor living experiences. This pergola will be a permanent structure and will have movable curtains, materials on both sides and the top to help shield the residents underneath. She did speak with her neighbors who had no negative comments. The proposed pergola will be secured on a wood deck and be located between the glass sliding doors of her home and the concrete pad leading to the waterfront. There will only be outdoor furniture stored under the pergola.

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>Absent</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>Absent</b>		

**Motion Carried  
Application Approved  
With Condition**

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2. Applicant: Gerianne Puskas  
Address: 210 Armstrong Road  
Mon. Co. Tax No.: 046.20-6-28  
Zoning District: R1-E  
Request: An area variance for a proposed deck (Trex, 415 square feet, with 4-foot railing), a portion of which (19 feet by 5 feet, 95 square feet) is to be located in a side yard, where such structures are only permitted in rear yards. § 211-11E(3)

**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 210 Armstrong 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>Absent</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>Absent</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 Gerianne Puskas, 210 Armstrong Road, in an R1-E (Single-Family Residential) zoning district, Ms. Puskas, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (trex, 415 square feet, with 4-foot railing), a portion of which (19 feet by 5 feet, 95 square feet) is to be located in a side yard, where such structures are only permitted in rear yards.

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WHEREAS, the findings of fact are as follows. The applicant has lived at this location for approximately 25 years. The applicant is going to be looking to replace a small deck/stoop that is currently in place and replace it with a Trex-type material, which is approximately five feet wide. The applicant also is going to attach it to a proposed deck that is going to be in the rear yard from the garage to the rear of the home. The applicant also has an existing chain-link fence. She is going to remove the existing chain-link fence and put in a four-foot railing. This four-foot railing will go from where the existing chain link fence is and will also have a gate. The material will be made of Trex-type material. There were no comments for or against this proposal and the applicant has agreed that there will be no multi-season or enclosure, there will be no cover and the existing awning on the side door will stay.

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 Applicant will obtain all necessary permits.
2. This approval is for the life of the deck.
3. There will be no multi-season or enclosure, and there will be no cover other than the existing awning on the side entrance of the home.

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Absent</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>Absent</b>		

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

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3. Applicant: Sara Castner  
Address: 170 Elmgrove Road  
Mon. Co. Tax No.: 073.19-3-58  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 4-foot-high fence (white vinyl picket, open-construction, ±135 linear feet) of which ±15 linear feet is located in the clear sight triangle, instead of the 3-foot-high open-construction fence permitted in the clear sight triangle. § 211-36A and B(2)

**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 170 Elmgrove Road, as outlined above; and

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

1. Upon review of the 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>Absent</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>Absent</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Sara Castner, 170 Elmgrove Road, in an R1-E (Single-Family Residential) zoning district, Ms. Castner appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed 4-foot-high fence (white vinyl picket, open-construction, ±135 linear feet) of which ±15 linear feet is located in

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the clear sight triangle, instead of the 3-foot-high open-construction fence permitted in the clear sight triangle.

WHEREAS, the findings of fact are as follows. Ms. Castner has lived on this property for one year and three months and she is requesting this fence for the safety of her dog and for a play area for future children. We discussed the sight triangle and she, at this time, prefers to not accommodate for that for reasons that it would reduce the useful area. She spoke to her neighbors, behind and across the street, and all with a favorable response. If the Town extends the sidewalk to the applicant's property line, the applicant agrees to reduce the fence to three feet within that sight triangle. And also, she agrees to have a memorandum drafted to be filed in the clerk's office stating as much.

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 Applicant sign a Hold Harmless agreement with the Town of Greece.
2. If the Town extends the sidewalk to the applicant's property line, the applicant agrees to reduce the fence height to three feet within that sight triangle.
3. The Applicant agrees to have a memorandum drafted to be filed in the County clerk's office.

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Absent</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>Absent</b>		

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

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BOARD OF ZONING APPEALS MINUTES  
September 19, 2023

4. Applicant: Jennifer McHugh  
Address: 464 South Drive  
Mon. Co. Tax No.: 026.18-4-9  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed accessory structure (in-ground swimming pool, 15 feet by 35 feet) to be located in a waterfront yard, where such accessory structures are only permitted in a rear yard. § 211-11E

**On a motion by Ms. Quataert and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of October 3, 2023.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Absent</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>Absent</b>		

**Motion Carried  
Application Continued Until  
The meeting of October 3, 2023**

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**ADJOURNMENT: 8:25 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, October 3, 2023**