



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 3, 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

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Bradford Shea

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

BOARD OF ZONING APPEALS MINUTES
September 3, 2019

Old 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 Ms. Nigro and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of September 17, 2019 due to fact that we need to re-advertise.

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

**Motion Carried
Application Continued Until
Meeting of September 17, 2019**

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2. 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)

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 1670 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 Ms. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Timothy Donlon, 1670 Edgemere Drive, in an R1-E (Single-Family Residential) district, Mr. Donlon appeared before the Board of Zoning Appeals, requesting 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, 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, 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 and 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.

WHEREAS, the findings of fact are as follows. The applicant, Timothy Donlon and his wife, Peg, appeared before the Board of Zoning Appeals on August the 20th requesting the aforementioned variances. The reason for this proposed accessory structure garage is to store 6 vehicles. He just recently moved into this location and they are downsizing from their current home to this home on Edgemere Drive. With this, he is going to store in his garage antique vehicles, snow blowers, riding lawn mowers, boats and the second floor will be used for storage of personal items. With the house not having any basement area, this will be used to store personal items. Once again, it will be lawn and garden, beach stuff and those items. The applicant also stated that he would be open to have random inspections, he will not run any commercial business out of this location and all that he would request would be to have electric and water. Speaking that evening were several residents: Mr. Steven Bly, who represented the resident at 1673 Edgemere Drive, directly west of this location, spoke against the project regarding the excessive size of the structure and that the excessive size of this would affect the sunlight to his residence. Two residents did speak in favor of it; Mr. John Bolton, who lives on Edgemere Drive, is in support of the project. He has lived in the area since his family has owned the parcel since 1930's. The second person who spoke in favor was Mr. Doug Dobson, he spoke in favor of the project and he has also been a long time resident in this area. The board requested the applicant to return at the next meeting of tonight, which would be the meeting of September 3rd. We asked the applicant to come back and have a floor plan of what would be stored inside this proposed two-story detached garage, along with the vehicles that would stored inside. We also asked the applicant to stake out the proposed area where this would be located for the board members to go out and look at the size of what this proposed accessory structure would look like and how it would be on the property.

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During the two week period, Mr. Donlon did stake out the area. Staff did do a few things; first of all they went out and looked at the proposed site and rendered pictures with an area of where they would request this proposed structure be located, which would be flush to the homes on the west side; staff also provided a spreadsheet of variances for accessory structures/garages, attached and detached, along Edgemere Drive.

Mr. Donlon did reappear before the board this evening and came up with several modifications to his proposal. On item "a" he lowered the size of the proposed accessory structure from 30.0 ft. x 48.0 ft. to 26.0 ft. x 30.0 ft., that would be for the first level of 780 sq. ft. and for the second floor of 350 sq. ft. for a total of 1130 sq. ft. Item "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, the applicant once again, 26.0 ft. x 30.0 ft. and he has agreed to have the height at 18.5 ft. The applicant also stated that the area variance, item "c", 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 is going to be withdrawn, with the first and second floor along with the existing garage is now 1504 ft. so "c" is not needed. The applicant is also going to withdraw item "d" for the storage of six motor vehicles. This evening the applicant also stated that the proposed attached garage will be constructed to match the neighborhood. It will be a wood frame building with vinyl siding, and it would have electric and water; there will be no sewers, no gas, no heating or duck work, there will be no toilets or sinks. Once again, the applicant did agree to random inspections. Again, several neighbors spoke in favor and against the proposal, the neighbor from 1673 Edgemere Drive spoke against the proposal while the neighbor at 1656 Edgemere Drive spoke in favor of this project. The overall area of 1504 ft. of proposed gross floor area does match other properties on Edgemere Drive that have both attached garages and detached garage on their properties. This is very similar where there is ownership on both sides of Edgemere, from lakefront and between old and new Edgemere Drive; these properties are quite common to have garages on this section across from the lakefront home. Also, the 18.5 ft. in height variance has been granted before by this board on Edgemere Drive, so 18.5 ft. isn't out of the norm for this neighborhood.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, 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. The applicant is withdrawing Item "c", which is total gross floor area and also he is also withdrawing item "d", which is the storing of no more than 4 vehicles.
3. As offered and agreed to by the applicant for random inspections by code.
4. The proposed garage will be flush with the homes on the west side to match the neighborhood.
5. That the structure is permitted electric and water only, no sewer or gas, no heating or duck work, no types of toilets or sinks.
6. There will be no commercial business run out of this garage.

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

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

Motion Carried
Application Approved
With Conditions

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New Business:

1. Applicant: Scott C. Whitney
Location: 339 Daffodil Trail
Mon. Co. Tax No.: 058.03-6-96
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 115.0 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

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 339 Daffodil Trail, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

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WHEREAS, with regard to the application of Scott Whitney, 339 Daffodil Trail, Mrs. Zina Whitney, his wife, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 115.0 lineal feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. The Whitney's have owned this home for two years. The purpose, as stated by Mrs. Whitney, is to install a vinyl white fence for privacy on what is a corner lot. The fence is going to be vinyl material, it is going to match the neighbor's fence and go right up to the neighbor's fence that is in the rear of her property. This fence is going to be across the street from the property of 291 Dove Tree Lane, Mr. John Gilbert appeared before the board this evening in support of the project, specifically mentioning that he hopes that the materials would match the other fence and that it would be vinyl and white. The applicant has agreed to sign a Hold Harmless agreement because of the proximity to the sidewalk and some other conditions that we will probably discuss will be that the materials are vinyl and white and that you get the proper permits from the Town.

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:

7. That the materials are the white vinyl materials.
8. That the applicant sign a Hold Harmless agreement.
9. That the applicant obtains the required permits from the Town of Greece.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: John DeMunck
Location: 55 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-28
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure (approximately 290.0 square feet deck), to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 E (3)
b) An area variance for a proposed accessory structure (24.0 feet diameter, above ground pool), to be located in a waterfront yard, where accessory structures, including pools, are permitted in rear yards only. Section 211-11 E (3)

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 55 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:

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

Motion Carried

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

WHEREAS, with regard to the application of John DeMunck, 55 Shoreway Drive, Mr. DeMunck appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (approximately 290.0 square feet deck), to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only and an area variance for a proposed accessory structure (24.0 feet diameter, above ground pool), to be located in a waterfront yard, where accessory structures, including pools, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. Mr. DeMunck testified that he has been at the residents for about 3 years now and is looking to add the pool and the deck. It is noted that in cases of waterfront property the backyard is considered to be the front yard even though the main entrance is located on the street side of the property and thereby would be out of character to put a pool there. Mr. DeMunck has spoken to his neighbors and in fact this evening, Mr. Jeff Green spoke in support of the project. Mr. DeMunck has also agreed to abide by all the Town pool regulations.

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 condition that the applicant abide by all Town codes including pool rules and building codes.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Jesse D. Kammer
Location: 2638 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-26
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure, (12.0 feet x 27.0 feet; 327 square feet second story deck), to have a front setback of 96.0 feet, (measured from the centerline of Edgemere Drive), instead of the 89.0 feet maximum, established by the neighborhood average and for said deck to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 D (2), Table I & Section 211-11 E (3)
b) An area variance for a proposed accessory structure, (12.0 feet x 27.0 feet; 327 square feet second story deck), to have a west side setback of .75 feet, instead of the 6.0 feet minimum required. Section 211-11 D (2)

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 2638 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Jesse Kammer, 2638 Edgemere Drive, Mr. Kammer appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure, (12.0 feet x 27.0 feet; 327 square feet second story deck), to have a front setback of 96.0 feet, (measured from the centerline of Edgemere Drive), instead of the 89.0 feet maximum, established by the neighborhood average and for said deck to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only and an area variance for a proposed accessory structure, (12.0 feet x 27.0 feet; 327 square feet second story deck), to have a west side setback of .75 feet, instead of the 6.0 feet minimum required.

WHEREAS, the findings of fact are as follows. The applicant has lived at this location for 2 years and the reason for this proposed second story deck is to enjoy the waterfront and his property. The type of deck and its materials will be of composite type of materials. The applicant did state that there will be no plans to cover the second floor deck. Part of the process or what they are looking for is some type of rain catching system, this system will take any of the rain water that falls on the second floor deck and will collect it on the first floor and will be then put through a gutter system and it will be able to let the applicant use the first floor porch area as covered to also enjoy the waterfront property. The applicant also stated that there will be no three-season rooms on it and will not be enclosed. The applicant did state that there will be low voltage lighting and it will be on his property only. The applicant also stated that to assist his neighbors with seeing the lake there will be a cable railing system on the second floor. These cable railing systems are used quite frequently on waterfront properties on Edgemere Drive. The reason for the Edgemere Drive, this decking system, is due to anything considered waterfront on the lakefront side is considered the front of the house while the Edgemere Drive side is considered the back and decks are quite common, especially in this section of the Edgemere Drive neighborhood. A neighbor, Mr. Jim Degrou, of 2644 wrote a letter to the board giving full permission regarding the proposed deck and he has spoken in favor of the project. One neighbor, Joanne Rushlow of 2634 Edgemere Drive, came to the meeting this evening and voiced opposition to this proposal due to the view, also of noise and privacy on her property. And also, the applicant has agreed to withdraw item "b", that would be for the side setback from .75 ft instead of the 6 ft. The applicant has agreed to make this proposed deck flush with his residence.

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

1. The applicant will obtain all necessary permits.
2. The applicant agrees to withdrawn item "b" regarding the side setback.
3. The applicant agrees that the first and second floors will not be enclosed. There will be no roof cover, there will be no multi-purpose rooms or three-season rooms, they will remain open.
4. The applicant will also put the proposed second-story deck flush with the house on the west side.

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5. The applicant has agreed to install a cable railing system that would meet code through the building department and that would be to help the visibility of the neighbors.

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

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

Motion Carried
Application Approved
With Conditions

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4. Applicant: Jeffrey M. Green
Location: 57 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-27
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (20.0 feet x 40.0 feet, in-ground pool), to be located in a waterfront yard, where accessory structures, including pools, are permitted in rear yards only. Section 211-11 E (3)

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 57 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:

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

Motion Carried

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

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WHEREAS, with regard to the application of Jeffrey Green, 57 Shoreway Drive, Mr. Green appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (20.0 feet x 40.0 feet, in-ground pool), to be located in a waterfront yard, where accessory structures, including pools, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. Mr. Green has stated that he has lived at the residence for 6 years and he would like to put in a pool for his and his family's enjoyment. In cases of waterfront property, the backyard of the house is considered to be the front yard of the property even though the main entrance is located on the street side, therefore the variance this evening is requested. Two neighbors have written letters in support of the project and Mr. Green is familiar with the Town's pool regulations.

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 abide by all Town building codes.
2. That he obeys the rules set up in Local Law No. 2 of 1990 Greece Swimming Pool Law.

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

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

Motion Carried
Application Approved
With Conditions

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ADJOURNMENT: 8:20 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: _____

Albert F. Meilutis, Chairman

Date: _____

NEXT MEETING: Tuesday, September 17, 2019

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