



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 18, 2018

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

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business:

1. Applicant: Bell Atlantic Mobile Systems of Allentown, Inc. (d.b.a. Verizon Wireless)
- Location: 1510 Maiden Lane
- Mon. Co. Tax No.: 059.19-3-1.1
- Zoning District: R1-18 (Single-Family Residential)
- Request: a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (119 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. Sec. 211-56 A
- b) An area variance for the use of barbed wire (188± 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 Section 211-49. Sec. 211-46 E

On a motion by Ms. Nigro and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of December 11, 2018 per the request of the applicant.

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

Motion Carried
Application Continued Until
Meeting of December 11, 2018

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2. Applicant: Augustin Ayan
Location: 2220 Latta Road
Mon. Co. Tax No.: 045.16-4-27.211
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow eight (8) dogs to be kept at a dwelling unit, instead of the maximum three (3) dogs permitted per dwelling unit. Sec. 211-30 A

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 2, 2018.

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

**Motion Carried
Application Continued Until
Meeting of October 2, 2018**

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3. Applicant: Geoffrey Simpson
Location: 2704 Ridgeway Avenue
Mon. Co. Tax No.: 089.03-1-14.1
Zoning District: R1-18 (Single-Family Residential)
Request: An area variance for a proposed principal structure (single-family dwelling) to have a front (south) setback of 43.0± feet (measured from the north right-of-way line of Ridgeway Avenue), instead of the 319.4± feet minimum established by the neighborhood average. Sec. 211-11 D (1) (b)

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 2704 Ridgeway Avenue, 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 application, the Board of Zoning Appeals determined that the application 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 application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (12) & (13).)
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 Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Geoffrey Simpson, at 2704 Ridgeway Avenue, Mr. Simpson, appeared before the Board of Zoning Appeals requesting an area variance for a proposed principal structure (single-family dwelling) to have a front (south)

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setback of 43.0± feet (measured from the north right-of-way line of Ridgeway Avenue), instead of the 319.4± feet minimum established by the neighborhood average.

WHEREAS, the findings of fact are as follows. This parcel is located at 2704 Ridgeway Avenue and is located in an R1-18 (Single-Family Residential) neighborhood. The applicant, Mr. Geoffrey Simpson, represented by Mr. John Sciarabba of Land Tech Surveying & Planning, appeared before the Board of Zoning Appeals on the August 21st meeting and stated that the applicant currently lives at 2706 Ridgeway Avenue and has lived there for about 16 years. In 2015, the entire piece of land was subdivided, thus creating 2704 Ridgeway Avenue. The intent of Mr. and Mrs. Simpson was to build a smaller home closer to Ridgeway Avenue, thus reducing the high maintenance cost of the 1000-foot-plus driveway, especially in the wintertime. Mr. Sciarabba mentioned that the 2704 land swoops down significantly in the back, and to place a proposed house further away from the road than the proposed 43 feet would require tons of additional topsoil and a retaining wall of additional cost of \$25,000 for just another 5 feet of setback. There will be a retaining wall on the east side of the proposed house. There exists now a pond with a federal wetland at the back end of this lot that is limiting and restricting the location of the new house. All factors considered, it would be impractical to have a 300-foot setback. Mr. Sciarabba also mentioned that there are a few homes to the east and west that are closer to Ridgeway Avenue than 300 feet, so the character of the neighborhood would not be disrupted. There was discussion about the slope of the driveway onto Ridgeway Avenue, and Mr. Sciarabba said the new garage surface will be between one and three feet, not to exceed three feet below Ridgeway Avenue, thus creating a slight incline exiting to the street level. At the August 21st meeting, three neighbors opposed the variance for various reasons: traffic; construction; and poor idea. The three neighbors are Mr. Borrelli at 2713 Ridgeway Avenue, Mr. Egholm at 2709 Ridgeway Avenue, and Mr. Judd at 2700 Ridgeway Avenue.

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 obtains all necessary Town building permits.
2. That the applicant obtains approval from the Monroe County Department of Transportation, since it is a county road.
3. That the engineering department of the Town of Greece approves the site plan, notably the grading and the slope of the driveway into and exiting the house. Regarding the slope and drainage and everything else that relates to the parcel, it needs to meet the approval of the engineering department of Greece and the Department of Transportation.

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

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

Motion Carried
Application Approved
With Conditions

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4. Applicant: Suzanne Blackburn
Location: 623 Raspberry Patch Drive
Mon. Co. Tax No.: 044.04-10-1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (57± linear feet) to be located in a front yard of an interior lot, where fences in the front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46L

On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to close the public hearing on this application and reserve decision until the meeting of October 2, 2018.

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

**Motion Carried
Application Closed and Decision Reserved Until
Meeting of October 2, 2018**

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New Business:

1. Applicant: Emanuel Burgio
Location: 2174 Edgemere Drive
Mon. Co. Tax No.: 026.20-1-24
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed shed (12.0 feet x 16.0 feet; 192.0 square feet) as a principal structure on a vacant lot. Sec. 211-5 (Structure, Accessory).

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 2174 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 application, the Board of Zoning Appeals determined that the application 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 application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
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 Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Emanuel Burgio Jr., of 2183 Edgemere Drive, regarding the property at 2174 Edgemere Drive, Mr. Burgio appeared before the Board of Zoning Appeals, requesting an area variance for a proposed shed (12.0 feet x 16.0 feet; 192.0 square feet) as a principal structure on a vacant lot.

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WHEREAS, the findings of fact are as follows. The applicant has owned this property for approximately between 10 and 15 years. The reason for the shed is for storage of lawnmowers, snow blowers, and lawn and garden equipment, along with other items. The applicant also owns three other parcels. The primary residence is at 2183 Edgemere Drive, a vacant lot at 2177 Edgemere Drive; 2177 is adjacent to his primary residence. This 2177 Edgemere Drive is used for family use of grandchildren, a garden and is next to his main/home parcel. The reason for not putting his shed there, like I stated, is due to the size of the lot, grandchildren playing on the lot, and also for gardening. At 2178 Edgemere Drive, which is the other parcel that he owns, it is a rental property, and the shed will be placed at 2174 Edgemere Drive. The applicant stated that this will be a tasteful barn-style shed, which will be put on a pad of concrete. The placement of the shed will be on the eastern side of the property, next to 2166 Edgemere Drive, and will be flush with the property at 2166 Edgemere Drive and will also meet the code with regarding the right-of-way on the eastern side of the property. Even though this property is a waterfront lot and it is very uncommon for having principal structures, such as sheds, on parcels, this parcel is owned by the applicant and this is where he would like to have his shed. No concerns from any of his neighbors and there was no neighbors or anyone speaking for or against this project. The applicant has agreed to sign a Hold Harmless agreement with the Town in case there is any lake level damage that is caused by the high level lake in the future. The applicant will be the only one to have access to the shed and the applicant will only be able to have electric only inside the shed and there will be no exterior lighting. The applicant also has agreed to once again, if 2174 Edgemere, where the shed will be placed, if he decides to build on that parcel with a house, he has agreed to relinquish the variance for the shed. Also, if the applicant sells 2178 Edgemere Drive, he once again agrees to relinquish the variance on the shed for 2174 Edgemere Drive. The applicant has agreed that there will not be a driveway and it will remain a grass lot.

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 building permits.
2. The approval is for the life of the shed.
3. The applicant has agreed to sign a Hold Harmless with the Town regarding any problems with the lake level and damage to the shed.
4. The applicant has agreed to have no exterior lighting; it will have electric only and the only lighting will be inside the shed for safety and security reasons.
5. The applicant has also agreed to a condition that if 2174 Edgemere Drive is to have a home built on it or a building, the applicant has agreed to relinquish the variance for the shed.
6. Also, the applicant has agreed that if he sells the parcel at 2178 Edgemere Drive, he also gives up the variance for the shed.
7. Also, the condition is that it will be no greater than flush, on the right-of-way, with the property to the east at 2166 Edgemere Drive. The setback will be even with the face of 2166 Edgemere Drive.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: Betty Dueker
Location: 89 Labrador Drive
Mon. Co. Tax No.: 059.01-7-87
Zoning District: R1-E (Single-Family Residential)
Request: a) A special use permit for a proposed in-law apartment (735± square feet). Sec. 211-11 (C) (2) (e)
b) An area variance for an proposed in-law apartment to have a total gross floor area of 735± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which such in-law apartment is located). Sec. 211-11 C (2) (e) [2]

Ms. Nigro 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 89 Labrador 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 application, the Board of Zoning Appeals determined that the application 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 application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9) & (13).)
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 Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Betty Dueker, 89 Labrador Drive, Scott Dueker appeared before the Board of Zoning Appeals this evening, requesting a special use permit for a proposed in-law apartment (735± square feet); and an area variance for a proposed in-law apartment to have a total gross floor area of 735± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which such in-law apartment is located).

The findings of fact are as follows. This parcel is located at 89 Labrador Drive, and is located in an R1-E (Single-Family Residential) District. The parcel is approximately 150 feet x 85 feet. The applicant's son and architect, Scott Dueker, appeared before the Board this evening and has stated that Ms. Dueker has lived at the residence since 2003. This proposed in-law apartment is requested for his mother and sister, Robin Dueker. The mom is requesting the proposed apartment to help care for her daughter, who has special needs, is mobility impaired, requires 24-hour care and is wheelchair bound. The size of the apartment is approximately 735 square feet; the request for the additional footage is due to being able to accommodate the wheelchair as well as the second bedroom. This is not overly obtrusive or unreasonable and staff has informed the Board that there have been past in-laws that have been granted variances for square footage being over the permitted maximum. According to plans submitted, it will contain a kitchen, living room-dining room area, two bedrooms, one bathroom, and there will be a common area between the in-law apartment and the principal residence through the laundry/entry/mud room area. There will be a separate entrance from the garage. Construction will be done by Peter Craffrey and is scheduled for March of 2019. Construction will be made to blend with the existing house and not appear as a two-family home. There will be no separation of utilities. The proposed in-law will not create any traffic problems within the neighborhood, nor will parking be an issue. The existing driveway will be wide enough for an additional car to be parked side-by-side and at least two deep. Additionally, no one spoke to oppose this request.

In going through the in-law apartment requirements for a special use permit:

1. The in-law apartment may be occupied only by members of the family unit occupying the main part of the dwelling or by in-laws of the member of the family unit. As stated previously, the in-law apartment will be inhabited by Mrs. Betty Dueker and her daughter, Robin Dueker.
2. The floor area of the in-law apartment shall not exceed 30% of the gross floor area, exclusive of attached garage, of the one-family dwelling in which such apartment is located or 600 square feet, whichever is less. The proposed in-law apartment is 735 square feet in area, and while it does exceed, they are requesting an area variance, which at this time I do not feel is excessive.
3. Occupancy of the apartment shall be non-transferrable to subsequent owners. A new owner of the premises shall have to apply to the Board of Zoning Appeals for a special use permit to continue the in-law apartment use. The approval of this application will be conditioned that this special use permit is not transferable to subsequent owners and the applicant is aware of this.
4. In-law apartment use shall be able to have a separate means of ingress and egress, which it does, but must also have an internal access point connecting the two. In this case the in-law apartment has ingress and egress to the exterior located at the garage and internal access exits from a common area located from the mud/entry/laundry room area.

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5. If an in-law apartment becomes vacant, the family occupying the main part of the dwelling shall have full use and occupancy of the in-law apartment as if it were an integral part of the dwelling without further permitting of the Town. The applicant understands that, should the in-law no longer be used by an in-law, it shall be used as a portion of the principal dwelling and not be a rental property.
6. Regarding exterior appearance, if an in-law apartment is located in or attached to the principal dwelling, the design of the unit and its entry shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residence. The plans that were submitted show that the layout of the house was designed such that the presence of an in-law apartment would not be recognizable from the exterior.
7. Any residence containing an in-law apartment shall be considered a single-family residence.
8. The in-law apartment shall meet the standards of Title 19NYCRR, the building code of New York State, for habitable space. The construction of the home and the in-law apartment and the entire house would require a permit from the building department and would be required to comply with the New York State building codes.

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 shall obtain all necessary building permits and Town approvals.
2. The proposed in-law apartment shall not exceed 735 square feet in size.
3. The special use permit for the in-law apartment is non-transferable to subsequent owners of the property.
4. If the in-law apartment were to become vacant, it would be treated as an integral part of the rest of the single-family home and shall not be rented.
5. The applicant shall submit documentation to the Town annually, which verifies that Betty and Robin Dueker reside in the in-law apartment and a signed notarized affidavit will be provided within one week.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: William Blanchard
Location: 133 Long Pond Road
Mon. Co. Tax No.: 034.02-1-12.1
Zoning District: R1-44 (Single-Family Residential)
Request: a) An area variance for a proposed deck (680± square feet) to be partially located in a waterfront yard, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a front setback of 725± feet (measured from the west right-of-way line of Long Pond Road), instead of the 419± feet maximum required as determined by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I
b) An area variance for a proposed deck (680± square feet) to be partially located in the (west) side yard, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a (west) side setback of 9.0± feet instead of the 20.0 feet minimum required. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 133 Long Pond Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application 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 application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
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 Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of William Blanchard, at 133 Long Pond Road, Mr. Blanchard's representative, Don Cuvelier, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed deck (680± square feet) to be partially located in a waterfront yard, where accessory structures, such as decks, are permitted in rear yards only, and for said deck to have a front setback of 725± feet (measured from the west right-of-way line of Long Pond Road), instead of the 419± feet maximum required as determined by the neighborhood average; and an area variance for a proposed deck (680± square feet) to be partially located in the (west) side yard, where accessory structures, such as decks, are permitted in rear yards only, and for said deck to have a (west) side setback of 9.0± feet instead of the 20.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This parcel is located at 133 Long Pond Road and is located in an R1-44 (Single-Family Residential) neighborhood. The applicant, Mr. Blanchard, represented tonight by Don Cuvelier Construction, appeared before the Board this evening and stated that the owner has resided at this home for about one year, and the reason for the proposed deck would be to expand their outdoor enjoyment, especially in the summer. It will be of wood construction with railings. The height from the ground will be no more than two feet, and they will not have any hot tub, coverings, or permanent grills, and no one at tonight's meeting spoke in favor or opposed to the application.

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 obtains all necessary Town permits.
2. And that the applicant signs a Hold Harmless agreement with the Town of Greece.

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

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

Motion Carried
Application Approved
With Conditions

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4. Applicant: Patricia Nacco
Location: 29 Lombardy Circle
Mon. Co. Tax No.: 058.02-10-18
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed in-ground pool (16.0 feet x 32.0 feet; 512.0 square feet) to be located in the (south) side yard, where accessory structures, such as pools, are permitted in rear yards only; and for said pool to have a (south) side setback of 7.0± feet (measured from the water's edge), instead of the 9.2± feet minimum required. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I
b) An area variance for an existing deck (330± square feet) located in the (south) side yard, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)

On a motion by Mr. Wechsler and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of October 2, 2018 in order to give the applicant time to review their options.

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

**Motion Carried
Application Continued Until
Meeting of October 2, 2018**

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5. Applicant: Jason Seffinga
Location: 45 Elmgrove Road
Mon. Co. Tax No.: 073.04-1-12
Zoning District: R1-18 (Single-Family Residential)
Request: a) A special use permit for a proposed in-law apartment (735± square feet). Sec. 211-11 (C) (2) (e)
b) An area variance for an proposed in-law apartment to have a total gross floor area of 735± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which such in-law apartment is located). Sec. 211-11 C (2) (e) [2]
c) An area variance for an existing principal building (single-family dwelling) to have a (east) front setback of 60.3 feet (measured from the west right-of-way line of Elmgrove Road), instead of the 170.7± feet minimum required as determined by the neighborhood average. Sec. 211-11 D (1), Sec. 211-11 D (2), Table I

Ms. Nigro 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 45 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 application, the Board of Zoning Appeals determined that the application 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 application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9) & (12).)
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 Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Jason Seffinga, 45 Elmgrove Road, Mr. Jason Seffinga appeared before the Board of Zoning Appeals this evening, requesting a special use permit for a proposed in-law apartment (735± square feet); an area variance for an proposed in-law apartment to have a total gross floor area of 735± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which such in-law apartment is located); and an area variance for an existing principal building (single-family dwelling) to have a (east) front setback of 60.3 feet (measured from the west right-of-way line of Elmgrove Road), instead of the 170.7± feet minimum required as determined by the neighborhood average.

The findings of fact are as follows. This parcel is located at 45 Elmgrove Road, and is located in an R1-18 (Single-Family Residential) District. The applicant's son-in-law, Jason Seffinga, appeared before this Board this evening and has stated that they have lived at the residence since 2001. The proposed in-law apartment is requested for his in-laws, Richard and Kathy Salamone. The size of the apartment is approximately 735 square feet; the request for the additional footage is to help with the daily care of the in-laws. The mother-in-law has multiple medical needs and the additional footage is required for future wheelchair accessibility. I feel that this is not overly obtrusive or unreasonable and staff has informed the Board that there have been past in-laws that have been granted variances for square footage being over the permitted maximum. According to plans submitted, it will contain a kitchenette, living dining area, one bedroom, and one bathroom. There will be a common area between the in-law apartment and the principal residence through a shared hallway and a separate entrance from the outside. Construction will be done by Jason Seffinga, who is a general contractor, and is scheduled as soon as permitted. Construction will be made to blend with the existing house and not appear as a two-family home. There will be no separation of utilities. The proposed in-law will not create a traffic problem within the neighborhood, nor will parking be an issue. The existing driveway will be wide enough for the additional car to be parked side by side and at least two deep. Additionally, no one spoke opposing this request.

In going through the in-law apartment requirements for a special use permit:

1. The in-law apartment may be occupied only by members of the family unit occupying the main part of the dwelling or by in-laws of the member of the family unit. As stated previously, the in-law apartment will be inhabited by Mr. Seffinga's in-laws, Richard and Kathy Salamone.
2. The floor area of the in-law apartment shall not exceed 30% of the gross floor area, exclusive of attached garage, of the one-family dwelling in which such apartment is located or 600 square feet, whichever is less. The proposed in-law apartment is 735

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square feet in area, and while it does exceed, they are requesting an area variance, which at this time I do not feel is excessive for the need.

3. Occupancy of the apartment shall be non-transferrable to subsequent owners. A new owner of the premises shall have to apply to the Board of Zoning Appeals for a special use permit to continue the in-law apartment use. The approval of this application will be conditioned that this special use permit is not transferable to subsequent owners, and the applicant is aware of this.
4. In-law apartment use shall be able to have a separate means of ingress and egress, which it does, but must also have an internal access point connecting the two. In this case the in-law apartment has ingress and egress to the exterior located at the front of the home and internal access exists from a common area as a central hallway.
5. If an in-law apartment becomes vacant, the family occupying the main part of the dwelling shall have full use and occupancy of the in-law apartment as if it were an integral part of the dwelling without further permitting of the Town. The applicant understands that, should the in-law apartment no longer be used by an in-law, it shall be used as a portion of the principal dwelling and not be a rental property.
6. Regarding exterior appearance, if an in-law apartment is located in or attached to the principal dwelling, the design of the unit and its entry shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residence. The plans that were submitted show that the layout of the house was designed such that the presence of an in-law apartment would not be recognizable from the exterior.
7. Any residence containing an in-law apartment shall be considered a single-family residence.
8. The in-law apartment shall meet the standards of Title 19NYCRR, the building code of New York State, for habitable space. The construction of the home and the in-law apartment and the entire house would require a permit from the building department and would be required to comply with the New York State building codes.

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 shall obtain all necessary building permits and Town approvals.
2. The proposed in-law apartment shall not exceed 735 square feet in size.
3. The special use permit for the in-law apartment is non-transferable to subsequent owners of the property.
4. If the in-law apartment were to become vacant, it would be treated as an integral part of the rest of the single-family home and shall not be rented.
5. The applicant shall submit documentation to the Town annually, which verifies that Richard and Kathy Salamone are residing in the in-law apartment.

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

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

Motion Carried
Application Approved
With Conditions

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6. Applicant: Lakeshore Community Church
Location: 3651 Latta Road
Mon. Co. Tax No.: 044.03-2-12.3
Zoning District: R1-44 (Single-Family Residential)
Request: a) An area variance for a proposed addition (1980± square feet) to an existing principal building to have a (west) side setback of 23.9 feet, instead of the 56.9± feet minimum required. Sec. 211-11 D (2), Table I, Sec. 211-17 B (4), Table III
b) An area variance for a proposed driveway to be located 2.0 feet from a residential district, instead of the 20.0 feet minimum required. Sec. 211-11 D (2), Table I, Sec. 211-17 B (4), Table III

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 3651 Latta Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application 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 application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(7) & (13).)
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 Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Lakeshore Community Church, at 3651 Latta Road, in an R1-44 (Single-Family Residential) district, their representative, Mr. David Cox of Passero Associates, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed addition (1980± square feet) to an existing principal building to have a (west) side setback of 23.9 feet, instead of the 56.9± feet minimum required and an area variance for a proposed driveway to be located 2.0 feet from a residential district, instead of the 20.0 feet minimum required.

WHEREAS, the findings of fact are as follows. Mr. Cox stated that the need that is causing this addition is currently the teen education process for the church is being conducted in the gymnasium, where all the classes are in the same area, which causes distraction among the classes; also, the acoustics are very difficult to deal with. So as such, this addition is being requested to create separate classrooms, which would alleviate those problems. Relative to being relocated elsewhere on the property is really not feasible. There is a possibility for relocation, but it really can't be done due to storage and garage areas being next to that area, and it would be not contiguous to the existing classrooms that are already in existence. The building cannot be made smaller; it's necessary for the classroom size and to accommodate all the classes that will be taught all at the same time. Relative to the driveway in variance "b," that is necessary to handle all types of emergency vehicles, ambulance or fire, to access that part of the building; the church is agreeable to locate "no parking" signs along that roadway. In addition, it was stated that, relative to the driveway being two feet from the residential district, it is only going to apply to the portion of the driveway that is presented on the plan; it does not run the full length of the property.

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 be obtained.
2. That this site plan that was submitted is subject to Planning Board approval and that the two feet minimum relative to the proposed driveway from a residential district pertains just to the section of the driveway that is shown on the attached plan.
3. As stated in the summary of findings of fact, the applicant will place "no parking" signs along the driveway as subject to the Fire Marshal.

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

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

Motion Carried
Application Approved
With Conditions

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ADJOURNMENT: 9:10 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: October 2, 2018