



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

OCTOBER 17, 2023

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Jon Mead, Staff Advisor to the Zoning Board

Maryjo Santoli, Planning & Zoning Board Secretary

Absent

Sharon M. Quataert

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

OFFICE OF PLANNING & ZONING

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Old Business

1. 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 Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of November 8, 2023.

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

**Motion Carried
Application Continued Until
The meeting of November 8, 2023**

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2. Applicant: Jennifer McHush
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 Mr. Hartwig and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of November 8, 2023.

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

**Motion Carried
Application Continued Until
The meeting of November 8, 2023**

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3. Applicant: Joe Ferrari
Address: 482 Mill Road
Mon. Co. Tax No.: 058.03-1-50
Zoning District: R1-44 (Single-Family Residential)
Request: Area variance for an existing fence of varying height, 6-foot open-construction (metal ornamental panels), 4-foot closed-construction (masonry/stone), and 8.25 foot closed-construction (masonry/stone columns) and for two gates, both open-construction, both 8.5 feet in height (metal ornamental) for a total of ±231 linear feet to be located in a front yard, instead of the 4-foot maximum open-construction fence permitted. § 211-50L

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 482 Mill 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:

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

Motion Carried

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

WHEREAS, with regard to the application of Joe Ferrari, 482 Mill Road, in an R1-44 (Single-Family Residential) zoning district, Mr. Ferrari, appeared before the Board of Zoning

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Appeals this evening, requesting an area variance for an existing fence of varying height, 6-foot open-construction (metal ornamental panels), 4-foot closed-construction (masonry/stone), and 8.25 foot closed-construction (masonry/stone columns) and for two gates, both open-construction, both 8.5 feet in height (metal ornamental) for a total of ±231 linear feet to be located in a front yard, instead of the 4-foot maximum open-construction fence permitted.

WHEREAS, the findings of fact are as follows. The property in question is located in an R1-44 (Single-Family Residential Zoning District). The recently constructed house on this long rectangular lot is almost 6,000 square feet and sits over 500 feet from the front lot line. While there are a few other very large houses in this residential area, most properties consist of houses in the 1,500-2,000 square foot range. Though the masonry portion of the fence was constructed several years ago, a fence permit was not applied for by the applicant or his contractors prior to construction of the fence. The fence was constructed with craftsmanship with high-quality materials and is an enhancement to the property.

Mr. Ferrari's representative, Al Braccuto, appeared before the board at the meeting of July 18. At that meeting, while discussing the specifics of the fence, it became obvious that the application would have to be re-advertised to account for the specific heights and materials of the fence. Several other logistical issues were raised, including emergency access, snow clearing, and screening and lighting. The hearing was continued to the meeting of August 1 in order to be re-advertised and for the applicant to collect information for the Board.

On August 1, Mr. Braccuto reappeared before this Board. He reported that the pavers in front and behind the gate are heated, which would eliminate problems with snow blocking the swinging gate. To the Board's concerns with emergency access to the property, he explained that he is working with the Fire Marshal's office to get a Knox-Box added to the gate. At the July 18 meeting, the Board questioned the applicant about the cost of bringing the fence into compliance with the Zoning Law. Mr. Braccuto gave several cost estimates for the various components of the fence. The Board then reiterated that it was primarily the cost of making the fence code-compliant that it was interested in, not the total cost of the fence. For this reason, the application was continued to the BZA meeting of September 5 in order to give the applicant the opportunity to determine this cost. The Board also asked about the space between the end of the fence and the beginning of the tree line on the east side of the lot, as the gap there would seem to be at cross-purposes to the privacy and security that the applicant maintains is his primary goal with the fence.

On September 5, Mr. Ferrari himself appeared before the board and attested that the cost of altering the panels would be in the \$100,000 dollar range. He also agreed to plant blue spruce trees in that area to fill in the gap between the edge of the fence on the east side and the tree line. At all of the meetings, no neighbors commented on this application, either in favor or against the granting of the proposed variances.

In making its determination, the Board of Zoning Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. In making such determination the Board shall also consider the following:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of

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the area variance. The most notable change to the neighborhood was the above-mentioned construction of a 6,000 square foot house in an otherwise normal suburban residential area. The granting of a variance for a fence that is proportional to the rest of the property it sits on does not change the neighborhood further.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance. While the goal of privacy and an amenity that enhances the aesthetic of the lot may have been feasible with plantings or trees alone, a fence is a conventional solution that additionally provides security to the property. A four-foot fence, which would comply with code, would not provide the security or privacy the applicant seeks.
3. Whether the variance is substantial. The variances needed are not consistently substantial. Some parts of the fence require more of a variance than others. The tallest portions of the fence are the gates, and the variance for those sections is substantial. The metal picket section of the fence is arguably less than substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. No environmental or physical impacts are anticipated in the granting of these variances. There are no anticipated drainage issues with the fence design, and it is set back far enough to not cause stacking of visitor or service vehicles in the right-of-way.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance. The difficulty was self-created. The case for a proportionally larger fence is dependent on a large residential development, and such a large house is not, strictly speaking, necessary. Even so, the fence is proportional to the house that has been built.

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

1. The applicant obtains all necessary governmental permits.
2. The approval is for the life of the fence.
3. Fire and EMS access is granted through an approved "Knox-Box" device with installation approved by the Town Fire Marshal.

So moved.

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

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

Motion Carried
Application Approved
With Conditions

NEW BUSINESS

1. Applicant: Trish and James Kendrick
Address: 224 Mt. Ridge Circle
Mon. Co. Tax No.: 075.14-3-2
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (deck, wood, 8 feet by 10 feet; 80 square feet) to be located in a front yard, where such structures are only permitted in rear yards. § 211-11E(3)

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 224 Mt. Ridge Circle, 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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Trish and James Kendrick, 224 Mt. Ridge Circle, in an R1-E (Single-Family Residential) zoning district, Mr. and Mrs. Kendrick, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed

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accessory structure (deck, wood, 8 feet by 10 feet; 80 square feet) to be located in a front yard, where such structures are only permitted in rear yards.

WHEREAS, the findings of fact are as follows. The applicant, Trish and James Kendrick, attended the hearing of October 17, 2023. They have owned the parcel at 224 Mt. Ridge Circle for 29 years. 224 Mt. Ridge Circle is the second parcel from the southeast corner of Cole Drive. The Kendricks explained to the board that they would like to rebuild this unsafe and rotted out front porch of 29 years of age. This is to improve the safe access to their home. They will be constructing this deck with pressure treated wood. They are aware of the code requirements for the stair height and for any railings that might be needed. They are obtaining the appropriate permits. No utilities are planned for this construction project. They have not received any criticism or comments from any neighbors.

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 obtains required permits.
2. That this approval is for the life of the deck.

So moved.

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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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2. Applicant: Donald Naulin
Address: 570 Long Pond Road
Mon. Co. Tax No.: 045.01-5-32
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (garage, 24 feet by 32 feet; 768 square feet), to have a maximum height of 19 feet, instead of the 15-foot maximum height permitted. § 211-11E(1), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 570 Long Pond Road, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Donald Naulin, 570 Long Pond Road, in an R1-E (Single-Family Residential) zoning district, Mr. Naulin and Ann Granger appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (garage, 24 feet by 32 feet; 768 square feet), to have a maximum height of 19 feet, instead of the 15-foot maximum height permitted.

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WHEREAS, the findings of fact are as follows. During their testimony, Mr. Naulin and Ann Granger testified that the reason for the garage is #1, to store their vehicles because there is no garage on the property, but #2, they need appropriate storage. They do not have an attic in the current house structure and the basement is not designed appropriately for storage. During their testimony, they have agreed to compromise and reduce the height from 19 feet to 18 feet, which will be accommodated by pre-cut trusses for the storage and still accommodate the 6-foot ceiling. They have also stated that they will have a driveway attached. The driveway will not require a curb cut as it will be going onto their regular driveway. The garage will be constructed from white vinyl to match the exterior of the house. They will store two cars and all other storage will be gained through access of a pull top stairway to enter the upper portion of the garage. For utilities, there was testimony that there would be electric only and the applicants have agreed to random inspections by the Town to make sure there is no business running out 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 this section. AND having found that there is no significant detriment to the health, safety and welfare of the neighborhood or community, and that the benefit to the applicant is substantial. AND having found that this is a Type II action under SEQRA regulations, requiring no further action by this board. I move to approve this application with the following conditions:

1. The applicants have agreed to reduce the height of the garage from 19 feet to 18 feet.
2. That all permits and zoning codes will be adhered to.
3. As agreed to by the applicant, the property will also be subject to random inspections by the Town.

So moved.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Ralph Brown
Address: 914 Janes Road
Mon. Co. Tax No.: 034.04-1-19.11
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (lean-to, 10 feet by 24 feet; 240 square feet) to have a side setback of 2.8 feet, instead of the 10-foot side setback permitted. § 211-1E(1), Table I

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 914 Janes 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 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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Ralph Brown, 914 Janes Road, in an R1-E (Single-Family Residential) zoning district, Mr. Brown, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (lean-to, 10 feet by 24 feet; 240 square feet) to have a side setback of 2.8 feet, instead of the 10-foot side setback permitted.

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WHEREAS, the findings of fact are as follows. Mr. Brown mentioned that he has owned this property for approximately 25 years. The need for the lean-to is for storage purposes, whether it be for a tractor, children's toys and refuse containers to be stored there. The lean-to, the roof, would be to protect these items from the elements. The proposed location is the only location that can currently work for him, being next to the garage. He has no plans to enclose this lean-to in the future. There will be no utilities run to it and he has spoken to his neighbors and they have given their approval for the project.

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 all applicable governmental permits be obtained.

So moved.

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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Condition

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4. Applicant: Chris Insalaco
Address: 465 Janes Road
Mon. Co. Tax No.: 045.02-1-8.3
Zoning District: R1-E
Request: An area variance for an existing 6-foot high fence (white, vinyl, ±32 linear feet) to be located in a portion of a rear yard of a corner lot that adjoins the front yard of the adjacent lot, instead of the 4-foot high open-construction fence permitted in such areas. § 211-51A(1)

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 465 Janes Road, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Chris Insalaco, 465 Janes Road, on the corner of Kirk Road, in an R1-E (Single-Family Residential) zoning district, Mr. Insalaco, appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing 6-foot high fence (white, vinyl, ±32 linear feet) to be located in a portion of a rear

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yard of a corner lot that adjoins the front yard of the adjacent lot, instead of the 4-foot high open-construction fence permitted in such areas.

WHEREAS, the findings of fact are as follows. Mr. Insalaco has owned his home for five years. The applicant stated that the reason for the 32 linear feet, 6-foot high closed construction vinyl fence is to provide privacy from the public when using his hot tub, which is located just outside of the backyard door on the concrete pad. The current wood structure around the pad that has removable curtains will remain. Because the vinyl fence is in the backyard adjoining his neighbor's front yard at 670 Kirk Road, it can't be a 6-foot-high fence without a variance. There were no negative comments from the neighbors on the proposed variance.

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 Town permits be obtained.
2. That this approval is for the life of the fence.

So moved.

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

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

Motion Carried
Application Approved
With Conditions

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5. Applicant: Mark Bell
Address: 550 Raspberry Patch Drive
Mon. Co. Tax No.: 044.04-10-26
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing accessory structure (garage/storage shed, 12 feet by 24 feet; 288 square feet) resulting in a total combined accessory square footage of 1065 feet, instead of the 1000 total accessory square feet permitted on lots greater than 16,000 square feet but less than 1 acre. § 211-11E(1)

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 550 Raspberry Patch 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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Mark Bell, 550 Raspberry Patch Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Mark Bell, appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing accessory structure (garage/storage shed, 12 feet by 24 feet; 288 square feet) resulting in a total

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combined accessory square footage of 1065 feet, instead of the 1000 total accessory square feet permitted on lots greater than 16,000 square feet but less than 1 acre.

WHEREAS, the findings of fact are as follows. The applicant, Mark Bell, attended the hearing of October 17, 2023. He has owned the parcel at 550 Raspberry Patch Drive for 33 years. 550 Raspberry Patch Drive is the fifth parcel from the southeast corner of North Greece Road. Mr. Bell explained to the board that he needs the storage space. He plans to store grandchildren's toys, his own equipment that includes log splitter and a tractor and he needs to protect and store these items that are currently stored under tarps from the good weather and then having to relocate them elsewhere for the winter weather. He will be able to keep these on his property undercover, which he and he hopes his neighbors will all appreciate. He purchased and is having built a pre-fabricated Amish built shed with a metal roof. He plans to stain the wood exterior. He is aware of and is keeping within the height limits per code. He plans no utilities for the construction. His neighbors that he has spoken with are all in favor of the project.

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 obtains the required permits.
2. That this approval is for the life of the shed.

So moved.

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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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October 17, 2023

6. Applicant: Melissa Collins
Address: 389 Mosley Road
Mon. Co. Tax No.: 060.46-4-3
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (deck, wood, 15 feet by 8 feet; 120 square feet) to be located in a front yard, where such structures may only be located in rear yards. § 211-11E(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 389 Mosley 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:

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

Motion Carried

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

WHEREAS, with regard to the application of Melissa Collins, 389 Mosley Road, in an R1-E (Single-Family Residential) zoning district, Ms. Collins, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (deck, wood, 15 feet by 8 feet; 120 square feet) to be located in a front yard, where such structures may only be located in rear yards.

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WHEREAS, the findings of fact are as follows. The applicant stated that she has resided at this location for ten to eleven years and the reason for the deck is to replace some of the deteriorating concrete steps and front walkway to the house and to provide a much better area for sitting in front of the house and improvements on the property. According to the applicant, the neighbors are ok with this, the ones she has talked to. They are planning on using either pressure treated wood or synthetic. It will not be covered. There will be no additional electric added and no grill or hot tub to be put on the deck.

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

1. That the Applicant apply for all permits.
2. That the applicant will adhere to all building codes.

So moved.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
October 17, 2023

7. Applicant: Sign and Lighting Services
Address: 65 Greece Center Drive
Mon. Co. Tax No.: 045.03-4-4.11
Zoning District: BR (Restricted Business)
Request:
- a) An area variance for a proposed second building-mounted sign ("STARBUCKS," west side, 1.5 feet by 14.5 feet; 21.75 square feet), instead of the one 50.5 square foot sign permitted. § 211-56B(2)(a)
 - b) An area variance for a proposed third building-mounted sign ("STARBUCKS," south side, 1.5 feet by 14.5 feet; 21.75 square feet), instead of the one 50.5 square foot sign permitted. § 211-56B(2)(a)
 - c) An area variance for a proposed fourth building-mounted sign (Siren Logo, east side 5 feet by 5 feet; 25 square feet), instead of the one 50.5 square foot sign permitted. § 211-56B(2)(a)
 - d) An area variance for a proposed fifth building-mounted sign ("DRIVE THRU," east side 0.66 feet by 7.14 feet; 4.76 square feet), instead of the one 50.5 square foot sign permitted. § 211-56B(2)(a)
 - e) An area variance for a proposed second menu board (digital order screen, 3.29 feet by 4.14 feet; 13.62 square feet), instead of the one 20 square foot menu board permitted for restaurants with a drive-up service. § 211-56B(1)(a)[4]
 - f) An area variance for a proposed third menu board (main menu board, 7.875 feet by 3.56 feet; 28.03 square feet), instead of the one 20 square foot menu board permitted for restaurants with a drive-up service. § 211-56B(1)(a)[4]

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 65 Greece Center Drive, for a special use permit, 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

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(6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.

2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.

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- 14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
- 15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
- 16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, regarding the application of Sign and Lighting Services and DVL Entities located at 65 Greece Center Drive, zoning district is BR (Restricted Business), their representatives Jerry Goldman and John August appearing in person and Joe Nolasco, from the sign company appearing through audio zoom, appeared before the board of Zoning Appeals requesting several area variances as mentioned above.

WHEREAS: The findings of fact are as follows. Continuing the information on these variances, the request is for several variances, I will take them one at a time.

Item "a" is an area variance for a proposed second building-mounted sign ("STARBUCKS," west side, 1.5 feet by 14.5 feet; 21.75 square feet), instead of the one 50.5 square foot sign permitted.

Item "b", is an area variance for a proposed third building-mounted sign ("STARBUCKS," south side, 1.5 feet by 14.5 feet; 21.75 square feet), instead of the one 50.5 square foot sign permitted.

Item "c", is an area variance for a proposed fourth building-mounted sign (Siren Logo, east side 5 feet by 5 feet; 25 square feet), instead of the one 50.5 square foot sign permitted.

Item "d", is an area variance for a proposed fifth building-mounted sign ("DRIVE THRU," east side 0.66 feet by 7.14 feet; 4.76 square feet), instead of the one 50.5 square foot sign permitted.

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Item "e", is an area variance for a proposed second menu board (digital order screen, 3.29 feet by 4.14 feet; 13.62 square feet), instead of the one 20 square foot menu board permitted for restaurants with a drive-up service.

And item "f", is an area variance for a proposed third menu board (main menu board, 7.875 feet by 3.56 feet; 28.03 square feet), instead of the one 20 square foot menu board permitted for restaurants with a drive-up service.

This evening, testimony was given regarding the reason for all these signs. This is a very unique location, as it is located inside a business park area and the building can be seen by all four sides. In order to deal with the flow of traffic in the area, including a carwash in the area and some office buildings, as well as a heavy traffic Latta Road area, all these signs are necessary in order to direct the flow of traffic to the building and to expediate the flow of traffic as well as through many boards, which will make for more efficient customer service and also increase the speed of the flow of traffic. The applicant has also stated that these sign lights will have hours of illumination that are the same as the business hours of the building. They will also provide the customer with the speedy delivery of the product. Based upon this, I move that we approve all of these variances based on the conditions just mentioned.

So moved.

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

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

Motion Carried
Application Approved
With Conditions

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October 17, 2023

8. Applicant: Gary Lalonde
Address: 153 Long Pond Road
Mon. Co. Tax No.: 034.02-1-8
Zoning District: R1-E Single-Family Residential
Request: An area variance for a proposed accessory structure (fence, 140 linear feet) a 65 linear foot portion of which shall be 5-foot-high closed-construction white vinyl, a 10 linear foot portion of which shall be 6-foot-high open construction black aluminum, a 65 linear foot portion of which shall be 4.5-foot-high open construction black aluminum, and a 25 linear foot portion of which shall be 4-foot-high open construction black aluminum (located on the existing deck), instead of the 4-foot-high open-construction fence permitted in a front yard. § 211-50L

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 153 Long Pond Road, as outlined above; and

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

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

NOW, THEREFORE, be it

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

Seconded by Mr. 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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

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WHEREAS, with regard to the application of Gary Lalonde, 153 Long Pond Road, in an R1-E (Single-Family Residential) zoning district, Mr. Lalonde, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (fence, 140 linear feet) a 65 linear foot portion of which shall be 5-foot-high closed-construction white vinyl, a 10 linear foot portion of which shall be 6-foot-high open construction black aluminum, a 65 linear foot portion of which shall be 4.5-foot-high open construction black aluminum, and a 25 linear foot portion of which shall be 4-foot-high open construction black aluminum (located on the existing deck), instead of the 4-foot-high open-construction fence permitted in a front yard.

WHEREAS, the findings of fact are as follows. The applicant appeared before this board earlier this year to get a permit for an inground pool. He was permitted to have a 4-foot fence around it and due to his concerns with privacy, security and safety he is requesting for four different types of sizes of fencing with two different styles. This will be an inground pool. The reason for this variance is because the front yard is considered waterfront and he is on Long Pond. The applicant has not had any comments either for or against this from any of the neighbors. The applicant, through staff, was able to provide this board with a colored diagram of which each of the fences would be and the location of it. For one of sections, the 4-foot open construction, the aluminum, this will be right off the deck. This will provide security and safety for any of the guests or occupants of the property owner. Next is a green section that was provided, this is a 6-foot open construction black aluminum, the reason for the 6-foot is due to the stairs that go down to the deck down to the pool level. The applicant wanted to make sure that no one could jump over a 4-foot open construction fence and jump over and get access into the pool area, that will also have a gate. Then there was yellow, which was provided by staff, which is a 5-foot white vinyl closed construction fence, this is definitely for privacy to the neighbors on the north side and on the back side of the pool is a 4.5-foot open construction black aluminum and this is for safety and security to enclose the entire inground pool.

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

1. That the Applicant will obtain all necessary permits.
2. This approval is for the life of all the fences.

So moved.

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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

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October 17, 2023

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
October 17, 2023

9. Applicant: Jeffry Izzo
Address: 2353 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-72
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an accessory structure (shed, 16 feet by 8 feet; 128 square feet) to have a side setback of 2.5 feet, instead of the 5-foot side setback permitted for such structures. § 211-11E(1), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2353 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Jeffry Izzo, 2353 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Izzo, appeared before the Board of Zoning Appeals this evening, requesting an area variance for an accessory structure (shed, 16 feet by 8 feet; 128 square feet) to have a side setback of 2.5 feet, instead of the 5-foot side setback permitted for such structures.

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WHEREAS, the findings of fact are as follows. Mr. Jeffry Izzo has owned this property for about seven years. The applicant stated that the primary reason for this shed is to store various lawn equipment, pool equipment and toys for the children. Town staff did mention that additional storage request like this is very common in this Edgemere Drive area. The proposed shed will be constructed of similar material as the siding of the house. It will have a concrete slab. The entrance to the shed is from the south side and there were no neighbor comments, in fact Mr. John Carr approved the variance.

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

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

Motion Carried
Application Approved
With Condition

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October 17, 2023

10. Applicant: Kristy Waterman
Address: 62 Webber Drive
Mon. Co. Tax No.: 089.10-4-34
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed addition to a principal structure (one-story master suite, 20 feet by 20 feet; 400 square feet) to have a 33-foot rear setback, instead of the 36-foot rear setback permitted. § 211-11D(2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 62 Webber Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

Seconded by 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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Kristy Waterman, 62 Webber Drive, in an R1-E (Single-Family Residential) zoning district, Ms. Waterman, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed addition to a principal structure (one-story master suite, 20 feet by 20 feet; 400 square feet) to have a 33-foot rear setback, instead of the 36-foot rear setback permitted.

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WHEREAS, the findings of fact are as follows. The applicant, Kristy Waterman, attended the hearing of October 17, 2023, she has owned the parcel at 62 Webber Drive for approximately five years. 62 Webber Drive is the fifth parcel on the east side of Webber Drive, is the fifth parcel south of Weiland Road and north of Olde Erie Trail. Ms. Waterman explained to the board that because she is blending families and they will now have four children residing in the home, they need the extra space that is going to be provided by this addition. They plan to have a professional construct the addition, the roof and siding will match the house. They do plan to install the typical duck work; however they will be supplying their HVAC through a Mitsubishi wall unit. They have spoken to the neighbors, and all seem to be in favor of the project.

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 the required permits.

So moved.

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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

**Motion Carried
Application Approved
With Condition**

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11. Applicant: Andrew Walter
Address: 81 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-20
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an addition to a principal structure (sun room, 18 feet by 24 feet; 432 square feet) to have a front setback of 91.2 feet, instead of the 84.9 foot maximum front setback (neighborhood average) permitted. § 211-11D(1) and (2), Table I

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 81 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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Andrew Walter, 81 Shoreway Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Walter, along with Kip Finley, appeared before the Board of Zoning Appeals this evening, requesting an area variance for an addition to a principal structure (sun room, 18 feet by 24 feet; 432 square feet) to have a front setback

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of 91.2 feet, instead of the 84.9 foot maximum front setback (neighborhood average) permitted.

WHEREAS, the findings of fact are as follows. Mr. Walter has mentioned that he has owned this property for about ten years and the need for the sunroom, at this time, is he needs some additional living space. It is also going to enhance his lifestyle because then he can enjoy the outdoors for three seasons out of the year, in addition that room will protect him and his family from the elements and also from bugs and insects. He did mention that the room can be reduced in size and that the length of the room can be reduced from 18 feet to 16 feet, which would result in the total square footage of 368 sq. ft. as opposed to the original 432 sq. ft. All finishes will match that of the house, meaning the siding, the roof shingles, windows, things along that line. The only utility that will be run to the room will be electricity. He has spoken to his neighbor's and they are all in agreement.

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 governmental permits be obtained and building codes satisfied.
2. The size of the requested sunroom will be reduced to 16 ft. X 24 ft., resulting in total square footage of 368 sq. ft.
3. By reducing the footprint of the sunroom, the setback gets reduced to 89.2 feet.

So moved.

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. Quataert	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
October 17, 2023

SPECIAL ZONING TOPICS

ADJOURNMENT: 8:45 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: _____

NEIGHBORHOOD NOTIFICATION MODIFICATION:

NEXT MEETING: **Wednesday, November 8, 2023**

BOARD OF ZONING APPEALS MINUTES
October 17, 2023