



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

OCTOBER 1, 2019

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Linda Andreano

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

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Old Business:

1. Applicant: Michael Vargas
Location: 321 Manitou Beach Road
Mon. Co. Tax No.: 017.04-2-6
Zoning District: R1-E (Single-Family Residential)
Request: a) Request of relief from testimony pertaining to an area variance granted by the Board of Zoning Appeals on June 20, 2017 to allow a second story (attached garage), heat and water.

b) An area variance for an existing accessory structure, (two-story attached garage addition), totaling approximately 1276.2 square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots more than 16,000 square feet to one acre in area. Section 211-11 E (1), Table I

On a motion by Ms. Nigro and seconded by Mr. Shea, it was resolved to close the public hearing and reserve decision on this application until the meeting of October 15, 2019.

VOTE:	Ms. Andreano	Absent	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 15, 2019**

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2. Applicant: Nancy S. Ferrari
Location: 482 Mill Road
Mon. Co. Tax No.: 058.03-1-50
Zoning District: R1-44 (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure (approximately 35.0 feet x 56.0 feet; 1950.0 square feet, one-story detached garage), resulting in a total gross floor area of 3146.0 square feet in all accessory structures, where 1250 square feet is the maximum gross floor area permitted for lots over one acre. Section 211-11 E (1), Table I
b) An area variance for a proposed accessory structure, (approximately 35.0 feet x 56.0 feet; 1950.0 square feet, one-story detached garage), to be located in a front yard, where accessory structures, including detached garages, are permitted in rear yards only. Section 211-11 E (3)
c) An area variance for a proposed accessory structure (approximately 35.0 feet x 56.0 feet; 1950.0 square feet, one-story detached garage), to have an overall height of 24.0 feet, instead of the 17.0 feet maximum permitted. Section 211-11 E (1), Table 1
d) An area variance for the storage of a total of ten motor vehicles, where not more than four motor vehicles are permitted to be stored in all garages on the premises. Section 211-11 B(2)

On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of October 15, 2019 in order to give the applicant time to gather more information that the Board requested.

VOTE:	Ms. Andreano	Absent	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 15, 2019**

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3. Applicant: Bridget Generich & Daniel Lang
Location: 262 South Drive
Mon. Co. Tax No.: 026.18-4-37.1
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for a proposed 8.0 feet high, closed-construction fence, approximately 25.0 lineal feet on the east side and 14.0 lineal feet on the west side, to be located in a waterfront yard, where fences in a waterfront yard shall not exceed 4.0 ft. in height and shall be of open construction. Section 211-46 L
 - b) An area variance for a proposed 8.0 feet high, closed-construction fence, approximately 55.0 lineal feet to be located in a (east) side yard, where fences in a side yard shall not exceed 6.0 feet in height. Section 211-47
 - c) An area variance for a proposed 8.0 feet high, closed-construction fence, approximately 56.0 lineal feet to be located in a (west) side yard, where fences in a side yard shall not exceed 6.0 feet in height. Section 211-47

The Applicant has withdrawn this application

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New Business:

1. Applicant: Daniel M. Figliole
Location: 198 Desmond Road
Mon. Co. Tax No.: 060.55-3-26
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow four (4) dogs, where no more than three (3) dogs shall be permitted per dwelling unit. Section 211-30 A

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 198 Desmond 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	Absent	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:

WHEREAS, with regard to the application of Daniel Figliole, 198 Desmond Road, Mr. Figliole appeared before the Board of Zoning Appeals, requesting an area variance to allow four (4) dogs, where no more than three (3) dogs shall be permitted per dwelling unit.

WHEREAS, the findings of fact are as follows. This parcel is located at 198 Desmond Road and is located in an R1-E (Single-Family Residential) neighborhood. The lot is approximately 44 ft. X 118 ft. in size. The applicant, Mr. Figliole, states that he has lived at this residence for approximately 4 years. Mr. Figliole has come before the board this evening on his own accord for this variance for four (4), the fourth being a rescue named "Luna". He has testified that he is a certified dog trainer in Monroe County. He states that the yard does have a 4 ft. chain link fence and he did testify that Luna

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did escape from the fence at one point by squeezing through an area that was not noticed to be secured, but has been since secured and has not created a problem. He states that Luna is also chained when she is outside. The dogs are supervised when they are outside, they are not left alone. The waste is picked up every three days and stored properly as to not offend with odor. The dogs are kept in crates in the home when he leaves the home and the dogs are alone. The dogs are listed as follows: Penny is a Lab mix, she is 7.5 years old. Records show that she is spayed and has had her rabies vaccine and she is licensed. Mr. Figliole states that the life expectancy for Penny is approximately 12 years old. We have Roscoe, who is a pug mix, he is 9.5 years old. Roscoe is neutered and has his rabies vaccine, is licensed and his life expectancy is approximately 16 years. We have Sasha, who is an American Staffordshire terrier; she is approximately 5 years old. She is spayed, has her rabies vaccine, is licensed and her life expectancy is approximately 12 years. Sasha has been through 3 bouts of cancer and seems to be doing well today. We have Luna, who is a terrier mix, and according to records, the license shows that she was born in 2019, but in fact she is 5 years old. She is spayed, has her rabies vaccine, is licensed and her life expectancy for that breed and size is about 12 years old.

There have been no issues with animal control. He has no complaints from neighbors, in fact a phone call from the neighbor at #197 has no objection; in fact states that one wouldn't even know that he has a dog. His friend, Daniel Zabec, at 222 Ern Street, spoke on his behalf; he has been to the home and has absolutely no concerns about any of the dogs. Mr. Figliole understands and agrees that should something happen to one of the four dogs, should it pass away or be rehomed for whatever reason, that dog will not be replaced. Additionally, no neighbors or anyone else at tonight's meeting has spoken regarding this application. It is also stated that the fourth dog, Luna, is a foster and it would be very difficult to rehome her for many different reasons. He has worked with her extensively for 16 months regarding her behavior; she has very expensive medications that would make it difficult to rehome. He has two applicants who backed out at the last minute due to various reasons. I feel, based on his testimony that she has thrived in his home and it is very suitable for her and I feel that it is the best placement for her.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application with the condition that this application is for the life of any one of the four dogs, so if one is re-homed or passes it will not be replaced.

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

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

Motion Carried
Application Approved
With Condition

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2. Applicant: John C. Piedmont
Location: 173 Salmon Creek Drive
Mon. Co. Tax No.: 017.04-3-23
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (12.0 feet x 14.0 feet; 168.0 square feet deck), following demolition of an existing deck, to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 E (3).

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 173 Salmon Creek 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. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of John C. Piedmont, 173 Salmon Creek Drive, Mr. Piedmont and his wife Nicki appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (12.0 feet x 14.0 feet; 168.0 square feet deck), following demolition of an existing deck, to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. As we know, property on the water, aesthetically, the front is actually the back and the back is the front on waterfront homes. The parcel is located at 173 Salmon Creek Drive and is an R1-E (Single-Family Residential) neighborhood. The

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reason for the proposed deck is simply replace the existing deck, which is deteriorating and is not safe to use. The deck will have new railings and steps will be included, but there will not be any additional lighting, no roofing will be installed or no plans for grilling equipment or hot tubs. Since the applicant is simply replacing an existing structure no neighbors have made any comments, pro or con.

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

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

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

**Motion Carried
Application Approved
With Condition**

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3. Applicant: Christopher Hargreaves
Location: 62 Larkwood Drive
Mon. Co. Tax No.: 088.02-2-39
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 95.0 lineal feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec 211-46L

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 62 Larkwood 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	Absent	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	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 Christopher Hargreaves, 62 Larkwood Drive, Mr. Hargreaves appeared before the Board of Zoning Appeals, requesting an area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 95.0 lineal feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. Mr. Hargreaves has been in the property for a little over a year and he would like to construct this fence. The reason for the fence and the variance is because he is on a corner lot and his side yard is considered front yard by code. He would like to put this fence 15 ft. off the side of the road, which would be plenty of room away from the road where a Hold Harmless would not be considered. He is asking for this fence because he has a 5 year old daughter and is expecting another child and would like that for privacy and safety for the children and well as for his dogs to be able to roam in the yard, again for more privacy. He also testified that he has recently removed some trees and the fence would again help with privacy in the absence of those

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trees. Mr. Hargreaves has said that he has spoken to two neighbors, one behind and one alongside and both have no issues with the fence.

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 applies for all necessary building permits.
2. And that the applicant adheres to Town codes.

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

VOTE:	Ms. Andreano	Absent	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: Mario & Michelle LaRiccia
Location: 1929 Latta Road/401 Picturesque Drive
Mon. Co. Tax No.: 046.17-1-9
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure, (10.0 feet x 12.0 feet; 120.0 square feet; shed), to be located a distance of 6.0 feet from an above ground pool, instead of the 10.0 feet minimum required. Section 114.12.1 B (2)

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 1929 Latta Road/401 Picturesque, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

VOTE:	Ms. Andreano	Absent	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	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 Mario & Michelle LaRiccia, 1929 Latta Road/401 Picturesque Drive, in an R1-E (Single-Family Residential) district, Mr. and Mrs. LaRiccia appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure, (10.0 feet x 12.0 feet; 120.0 square feet; shed), to be located a distance of 6.0 feet from an above ground pool, instead of the 10.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This evening Michelle LaRiccia mentioned that they have owned the property for 30 years and what is causing the need for the storage shed at this time is that there are plans for her mother to move into the house and utilize the existing garage for her car. As such, the items that are in the garage need to be stored, mainly pool equipment, lawn equipment, bicycles and they would be located in this shed. The location where she has picked out

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really cannot be changed due to elevations in the land, easements and no matter where the placement of the shed may be there would be a variance required. It will be constructed from the Amish Outlet, it is a prefabricated type shed. The sheds exterior will color match the existing primary structure on the property. There will be no utilities run to the shed and the applicant has agreed to sign a Hold Harmless agreement with the Town of Greece. She has spoken to her neighbors about the project and has received no negative feedback, just positive and there were no neighbors at the meeting tonight that spoke for or against 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 all necessary Town permits be obtained.
2. And that the applicant signs a Hold Harmless agreement with the Town of Greece.

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

VOTE:	Ms. Andreano	Absent	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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5. Applicant: William M. Barnes, Jr.
Location: 43 Boyd Drive
Mon. Co. Tax No.: 075.06-12-21
Zoning District: R1-8 (Single-Family Residential)
Request: An area variance for a proposed covered porch (8.0 feet x 16.0 feet; 128.0 square feet) to have a front setback of 28.0 feet, measured from the west right of way line of Boyd Drive, instead of the 35.8 minimum required as established by the neighborhood average. Section 211-11 D (1)(b) & Section 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 43 Boyd 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. Shea and duly put to a vote, which resulted as follows:

VOTE:	Ms. Andreano	Absent	Mr. Hartwig	Yes
	Mr. Jensen	Abstain	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:

WHEREAS, with regard to the application of William M. Barnes, Jr., 43 Boyd Drive, Mr. Bill Evans from Marshall Exteriors and the applicant, Mr. William Barnes, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed covered porch (8.0 feet x 16.0 feet; 128.0 square feet) to have a front setback of 28.0 feet, measured from the west right of way line of Boyd Drive, instead of the 35.8 minimum required as established by the neighborhood average.

WHEREAS, the findings of fact are as follows. This parcel is located at 43 Boyd Drive and is located in an R1-8 (Single-Family Residential) neighborhood. The lot is approximately 66 ft. X 119 ft. in size. Mr. Evans from Marshall Exterior will be doing the construction. The applicant, Mr. Barnes, states that he has lived at this address for about 10 years. The porch will be constructed of pressure treated lumber with composite decking. The roof will be constructed of asphalt shingles and there will

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be a vinyl ceiling. There will be aluminum railings surrounding the deck; there will be two can lights and a ceiling fan. It will complement the house, the existing structure. Mr. Marshall will be doing the construction. There will be three steps from the driveway going up to the deck. It will be covered, but not enclosed and there will be no hot tub or permanent grill. Mr. Barnes did speak to neighbors who had no objections and no one at tonight's meeting spoke regarding this 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 condition that the applicant must obtain all necessary Town building permits.

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

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

Motion Carried
Application Approved
With Condition

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6. Applicant: 155 Bellwood Drive, LLC
Location: 155 Bellwood Drive
Mon. Co. Tax No.: 089.04-1-7
Zoning District: BG (General Business)
Request: a) An area variance for a proposed second (south side) building-mounted sign (4.0 feet x 9.8 feet) totaling 39.3 square feet, instead of the one 210.1 square foot sign permitted. Section 211-52 B (2)(a)[1].
b) An area variance for a proposed third (east side) building-mounted sign (4.0 feet x 9.8 feet) totaling 39.3 square feet, instead of the one 210.1 square foot sign permitted. Section 211-52 B (2)(a)[1].

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 155 Bellwood 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 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.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of 155 Bellwood Drive, LLC, 155 Bellwood Drive, Mr. Nate Rozzi, representing U of R and 155 Bellwood Drive, LLC along with Rob Rosin from Pierrepont Visual Graphics appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second (south side) building-mounted sign (4.0 feet x 9.8 feet) totaling 39.3 square feet, instead of the one 210.1 square foot sign permitted and an area variance for a proposed third (east side) building-mounted sign (4.0 feet x 9.8 feet) totaling 39.3 square feet, instead of the one 210.1 square foot sign permitted.

The findings of fact are as follows. Once again, this evening Mr. Nate Rozzi appeared before this board on behalf of 155 Bellwood Drive, LLC and the U of R and also Rob Rosin of Pierrepont Visual Graphics appeared. They are proposing area variances for two additional signs in addition to the one sign, the second sign would be on the south and the third sign on the east side of the building. The building is going to house two medical and oncology facilities for the U of R and the reason for these

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signs is to help the patients and those coming into those facilities locate them. They are located on a secondary road and the building sits a distance back from the highway. The signs will be constructed of aluminum channel with acrylic facing and they will be internally lit. They will be turned on overnight by a photo cell and that will make the signs visible for over a 24 hour period. The signs are needed because each side will have an individual view from those coming from that particular direction, we are talking from the south and from the north. The building is located over 400 ft. from the highway so I have been informed that signs of this size and nature would not be out of the ordinary for this particular situation. Based upon these facts I move to approve these variances with the condition that the applicant applies for all necessary permits.

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

VOTE:	Ms. Andreano	Absent	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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7. Applicant: Carubba Collision Corp (dba Gerber Collision and Glass)
Location: 1690 Manitou Road
Mon. Co. Tax No.: 073.01-1-30.1
Zoning District: BG (General Business)
Request: A Special Use Permit to operate a motor vehicle service station (body shop) and for the outdoor storage of disabled, unlicensed or dismantled vehicles. Section 211-17 C (3)(b)[2] & Section 211-17 C (3)(b)[4].

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 1690 Manitou 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 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.

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

VOTE:	Ms. Andreano	Absent	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 Carubba Collision Corp (dba Gerber Collision and Glass), 1690 Manitou Road, their representative, Kirstin Tiffany, appeared before the Board of Zoning Appeals this evening, requesting a Special Use Permit to operate a motor vehicle service station (body shop) and for the outdoor storage of disabled, unlicensed or dismantled vehicles.

WHEREAS, the findings of fact are as follows. Once again, Kirstin Tiffany representing Carubba Collision Corp (dba Gerber Collision and Glass), requesting a Special Use Permit to operate a motor vehicle service station. For the past 25 years various owners have operated a collision shop, Nu-look was the previous occupant and has now gone into a deal with the applicant. This, the new lease, was signed in July of 2019. Once again, this location has been used as a collision shop for the past 25 years and the applicant stated that there is going to be no difference, doing business as Gerber Collision and Glass intends to operate as an automotive body shop in the manner and with the same functions as the automotive body shops that have existed for the past 25 years. The hours of operation will remain the same: Monday, Wednesdays and Fridays will be 8:00 AM to 5:00 PM, Tuesdays and Thursdays will be 8:00 AM to 5:30 PM and Saturday from 8:30 AM to noon, with no Sunday hours. There will be approximately 15 employees.

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No special use permit shall be granted by the Board of Zoning Appeals unless and until the applicant has demonstrated to the satisfaction of the Board that:

- Access to the site and the size of the site are adequate for the proposed use. This access to and the size of the site are adequate for the proposed use as this use will not be different from the use of this building for the last several years.
- The proposed use will not adversely affect the orderly pattern of development in the area. The pattern of development in this area will not be a change from the proposed use because the building and area will continue to operate in the same manner as did the previous tenants and will not defer in function.
- The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood, nor be detrimental to the residents thereof. The essential character will not be affected. The hours of operation are limited to what was stated in the findings of facts.
- The proposed use will not create a hazard to health, safety or the general welfare. The company will ensure that its employees are performing the necessary measures in accordance with the requirements of New York State to prevent health and safety hazards to the community.
- The proposed use will not be detrimental to the flow of traffic in the vicinity. The proposed use will not defer from the prior use and therefore not alter the flow or be detrimental to the existing flow of traffic.
- The proposed use will not place an excessive burden on public improvements, facilities, services or utilities. The proposed use will not differ from its prior use and therefore will not place any excessive burdens on the public improvements, facilities, services and utilities.

Also stated, the applicant said that all work will be done inside the building and all employee parking along with overflow parking will be in the screened area so no visibility will be seen from the roadway. There will be no new construction and they will continue to use it similar to as it is being used today. One individual spoke, Mr. Craig Bryce, who owns the property north of the application, has no problem with this use since it has been a collision shop for 25 years. His concern was trees on the property line, which has cause damage to some vehicles on the property line. He was advised to contact the property owner to make some type of an arrangement.

Therefore, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Section 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), I move to approve this special use permit request submitted by Carubba Collision Corp (dba Gerber Collision and Glass) for a Special Use Permit to operate a motor vehicle service station (body shop) and for the outdoor storage of disabled, unlicensed or dismantled vehicles subject to the following conditions:

The Applicant shall operate this collision and glass shop in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.

- The maximum occupancies in this collision and glass repair shop shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
- The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code. Failure to comply with such requirements may be grounds for revocation of this special use permit.

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- Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
- Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
- Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
- Upon the sale or other transfer of controlling interest in this collision and glass repair to any persons or entity other than Carubba Collision Corp (dba Gerber Collision and Glass), its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
- Also, I move to approve this application with the following conditions:
 - That the applicant obtain all necessary permits.
 - And the applicant will follow the special use permit set forth.

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

VOTE:	Ms. Andreano	Absent	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: 8:56 PM

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____

Date: _____

Albert F. Meilutis, Chairman

NEXT MEETING: Tuesday, October 15, 2019

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