



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

OCTOBER 15, 2019

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

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

Randy T. Jensen

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

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

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

Regarding the application of Mike Vargas, residing at 321 Manitou Beach Road, for application of:

- 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; and
- 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.

The findings of fact are as follows:

This parcel is located at 321 Manitou Beach Road and is approximately 100 feet wide by 274 feet deep.

It is zoned R1-E (Single-Family Residential) and is bounded by residential zoning to the east, south and west; and by Braddock's Bay State Park to the north. The lot contains a 1088 square feet, ranch-style home, with a 242 square feet attached garage – or so this board was led to believe.

On May 2, 2017, Mr. Mike Vargas personally appeared before this board. The residence, 321 Manitou Beach Road, is owned by Mr. Vargas' mother, Thedasia Colon, of which Mr. Vargas and his family reside with. However, it is unknown how many individuals are actually living within the dwelling. Mr. Vargas stated that he has lived here for around 24 years. At the May 2, 2017 meeting, Mr. Vargas was before this board requesting four variances for two additions to the principal dwelling and an additional rear yard shed.

The first addition was a proposed 15 feet wide by 52 feet deep; 780 square feet, single-story, attached garage, which was to be constructed on the west side of the existing dwelling, adjacent to an existing attached garage. The second addition was a proposed 15

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

feet wide x 52 feet deep; 780 square feet, single-story addition to be constructed on the east side of the existing dwelling, for an additional family room, master bedroom and bathroom. Lastly, a proposed 12 feet x 12 feet shed was requested to be placed in the rear of the property.

The proposed additions and shed resulted in the following request for variances:

- a) An area variance for two (2) proposed single-story additions (780.0 square feet each; 1560.0 square feet total) to have a (south) front setback of 60.4 feet (measured from the north right-of-way line of Manitou Beach Road), instead of the 67.7± feet minimum required as established by the neighborhood average. Sec. 211-11 D (2), Table I
- b) An area variance for a proposed single-story addition (15.0 feet x 52.0 feet; 780.0 square feet) to have a (east) side setback of 7.5 feet, instead of the 10.0 feet minimum required. Sec. 211-11 D (2), Table I
- c) An area variance for a proposed attached garage addition (15.0 feet x 52.0 feet; 780.0 square feet) to have a (west) side setback of 8.2 feet, instead of the 10.0 feet minimum required. Sec. 211-11 D (2), Table I
- d) An area variance for existing and proposed accessory structures which result in a total gross floor area of 1248.2± square feet, instead of the 1000 square feet maximum gross floor area permitted for accessory structures on lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), Table I

Mr. Vargas stated that he was a contractor and would be subbing the work out. He had no building drawings at the initial meeting. The board only had a marked up survey map showing the locations of the proposed additions and shed. The additions were proposed at having a concrete foundation, vinyl siding. The applicant explained that he needed additional garage area to park a truck and for storage of materials that he uses for this profession. He stated that he understood that the proposed garage addition could not be used for commercial purposes.

Two letters were received from neighbors at 319 and 325 Manitou Beach Road. The letter from 319 Manitou Beach Road stated that the neighbor had no objection to the proposed shed or the request for the front setback for the additions; however there were concerns with the variance allowing Mr. Vargas to build closer to the property line, as in this neighborhood, homes are not very close together.

The other letter came from Ms. Analise Kuss who resides at 325 Manitou Beach Road. Ms. Kuss also attended the hearing and spoke about her concerns with the variance request for the proposed attached garage addition and the side setback of only 8.2 feet. Additional concerns were with potential vehicle traffic to access the accessory structures in the rear of the property.

Testimony and ongoing discussion with the applicant resulted in a continuance to June 6, 2017 - "in order to give the applicant time to review his options" and also to provide additional information requested by the board (i.e. renderings of the proposed additions being requested).

Mr. Vargas again appeared before the board at the June 6, 2017 meeting and provided the board with architectural drawings, prepared by ALA Architects and dated June 4, 2017 and entitled "Proposed Addition for Mr. and Mrs. Vargas". I will note here that the drawings distinguish "existing" data by "thinner, lighter lines" and proposed data with "thicker, darker lines". The drawings show an existing ranch style structure, with an existing attached garage depicted with an overhead door. The drawings also show two proposed, single-story

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

additions; one on the left end of the house with a proposed 9' wide x 7' high overhead door on the front; the other addition to the right end of the house shows windows fronting the house. Each is labeled as "Proposed Addition". The drawings further show one continuous roof line from the existing roof to each of the additions, further reinforcing that each end cap addition were proposed at being single-story in nature.

The application was closed and decision reserved until the June 20th meeting, of which Mr. Vargas was present for the reading of. The motion was extremely clear regarding what was being allowed and/or denied for the granting of each of the variance requests. As per the official meeting minutes from June 20th....they state:

"Mr. Vargas stated that the proposed garage is to provide storage for an automobile, and such items such as scaffolds, ladders, saws and tools. The garage length was requested to accommodate a workshop. Mr. Vargas testified that he is a contractor and stores material and work equipment in his garage. He was informed and understands that storage of commercial items is not allowed.

The garage width was requested in order to accommodate the size of his truck, in order for him to fully enter and exit the vehicle. It will not have a second story. There will be basic electricity; no heat or water. There will be a small garage door to provide outside access, as well as windows to provide aesthetic appeal.

The minutes further state:

"Upon further discussion, Mr. Vargas decided to continue this case to the June 6 meeting, which allowed him to review his options. At that time, further discussion took place to weigh his options in order to lessen the variances, which included scaling back items "a", "b" and "c", and withdrawing item "d". In order to clarify the storage of work items, discussion continued, which led to repeated testimony by Mr. Vargas that there are work items and materials stored in his garage. This led to the decision to close the hearing and reserve until tonight's meeting".

A modification to the size of the proposed attached garage was agreed to by the applicant and to scale it down from 15.0 feet wide to 13.8 feet in width; with no changes to the length of 52.0 feet. The applicant also agreed to withdraw the proposed 12 ft. by 12 ft. shed in the rear.

The applicant was granted his request for Item "a"- being a front setback of 60.4 feet for the two (2) single-story additions and was also granted the variance request for Item "b" - for a proposed single-story addition to have an east side setback of 7.5 feet. This would be for the additional living space of a family room, master bedroom and bathroom as proposed. Items "c" and "d" were denied. This would require the applicant to scale back the size of the proposed attached one-story garage to meet the required setback, as well as meeting the maximum accessory square footage permitted by code.

Sometime during the early spring of 2019, Mr. Vargas made application for the construction of the approved garage addition. New stamped architectural drawings, prepared by Clint Battista, AIA, and dated May 7, 2018 were provided for obtaining a building permit. Elevations show an existing attached garage, again denoted with an overhead door and the proposed one-story attached garage. There is a continuous roof line from the existing home to the proposed addition; however the addition now appears to have a slightly "taller" and steeper pitched roof (no overall height or roof pitch was noted on the original 2017 drawings). There is a proposed 9' wide x 9' high overhead door, being two feet taller than

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

the previously proposed overhead door submitted in the original drawings and approved by the zoning board. The floor plan shows the proposed addition at being 13'8" wide by 57'2" long. The original data presented and approved by the zoning board was for both additions, the garage and living space sides, to be no longer than 52.0 feet. The floor plan also shows the proposed garage widening in the rear to 20'8" instead of a continuous 13'8" width throughout the overall length or approximately 784 square feet.

At the 2017 meetings and through data submitted by the applicant to staff, it appeared that there was an existing attached garage, being approximately 10 feet in width and 24.2 feet in depth or 242 square feet. There was also an existing shed, being 7.9 feet by 10.4 feet or approximately 80 square feet. The applicant, at this point in 2019 when trying to obtain a building permit, on paper, is already over the permitted 1000 square feet allowed by zoning codes for all accessory structures; now being at 1106 square feet. Keep in mind, a variance request for additional accessory square footage was denied by the board in June of 2017.

During the first framing inspection performed by a building department inspector, it was discovered that the applicant did not build the garage addition according to the plans submitted. A stairwell was added, leading to a second floor. Plumbing was installed to provide for a bathroom, which would then entail heat to prevent the water lines from freezing. No second floor, stairs or bathroom were on the submitted drawings for a permit. The framing of the addition failed the inspection due to the framing spans along the second floor not meeting NYS Building Codes. I do know that when this board member made a site visit and walked along the second floor, it was "trampoline like" in nature. There were also issues with electrical wiring just hanging from the exposed rafters and an issue with a gas line.

The zoning board discussed these items – water, heat, a second floor - at length - with the applicant during the course of the meetings in 2017 and it was stated then by the applicant's testimony that there would be no second floor, no heat and no water; just an addition for additional garage space and a workshop/storage area.

After the failure of the framing inspection, the zoning department was notified of the second floor and Mr. Vargas was encouraged to make application for relief of conditions. Mr. Vargas made application for relief on August 7, 2019. A site inspection was made the following week, on August 19, 2019, by zoning staff and one of the building inspectors and as such, the applicant was again encouraged to stop work until the zoning board hearing of September 17, 2019. Zoning staff took pictures of the work performed on the addition and they were provided as a part of the overall zoning relief application. Staff explained that a "Stop Work Order" was not administered, as the Building Inspector wanted the electric and gas items to be worked on by the applicant, as they were considered "life safety" in nature.

During the course of the framing inspection and again during the site inspection, it was noticed that the original existing garage had been converted to heated living space. The overhead door had been replaced with a full view (glass) door and two full view (glass) windows on either side of the center door. The flooring was ceramic tile. There were even some appliances within. No building permits were found on file for the conversion. Once again, keep in mind that two sets of architectural renderings, from two different architects had been previously submitted; one set for the zoning board application in 2017 and a second set to the town to pull a permit in 2019; both showing this area as still being a garage and even depicted with an overhead door on the front of the home.

Due to the failure of the framing inspection and the alteration in construction from the drawings submitted for the permit application, the building department requested an

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

updated set of stamped drawings showing how the second floor framing would be corrected and how the actual construction was going to be completed.

A third set of drawings were submitted to the town on August 19, 2019. These drawings have a revision date of August 8, 2019 and are again stamped and prepared by Clint Battista, AIA. This set of drawings show a first floor plan and a second floor "loft plan". The addition itself is 13.8 feet wide in the front; has a depth of 57.2 feet and then opens up in the rear to a width of 20.8 feet. The actual "garage use" dimensions are 13.8 feet wide by 35.0 feet deep or 476.0 square feet. There is also a proposed sink location - for water - shown in the garage on the rear wall. The back portion of the addition is proposed at being accessed either through a door in the new garage addition or through a new door opening from the converted garage area or through another addition (being a three season/hot tub area) that was built in the last year or so. This same back room area contains a stairwell leading to the second floor area over the garage. There is also a rough framed bathroom with the underground plumbing installed, to accommodate a proposed sink, toilet and shower area. The second floor or "loft plan" has an area that is "open to below" - which is the rear portion of new garage. The drawings also show a "covered outdoor patio", which would be accessed through a set of doors fronting the residence on the second floor, above the new attached garage. The converted garage space is now labeled as "existing house".

At the September 17, 2019, Board of Zoning Appeals meeting, Mr. Vargas appeared for the following items, again pertaining to the residence at 312 Manitou Beach Road:

- 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 1.

Mr. Vargas was asked about how this came about. How was it that a two-story garage was constructed when the variance granted and meeting minutes from 2017 were specific that there was to be no second floor - not only did the applicant testify that there would be no second floor, but he presented architectural drawings for a single-story garage addition. Mr. Vargas stated that he only had limited garage space and he made the garage big enough to now store two cars and wants to put an exercise room in the back. He was asked if he was aware of the conditions of the original approval; no water, no heat no second story. Mr. Vargas stated that he just assumed he could build the second floor; that there was no water upstairs and no heat venting there yet. However, his plan is for a boiler heating system - utilizing baseboard heat. Mr. Vargas was asked about the cost to make this addition a single-story - to bring it into compliance with what the board approved in 2017. He did not know. He stated that he is a commercial contractor and did about 80% of the work himself and again stated that he wanted additional storage space or perhaps use the second floor as a "bonus room" for living space.

Staff explained that per past practices and per past Town Assessor interpretations, a "bonus room" is a heated space area or second floor over a garage that is accessed from the second floor of a dwelling.

The existing home is a ranch with no second floor to directly access the area over the garage addition, except for a stairwell within the garage itself. Based on the layout of this

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

area – with the conversion of the original garage, this entire area, once heated, has the potential to be a completely separate and distinct living quarter from the main home – thereby not permitted in the R1-E single-family zoning district in which it lies.

As previously mentioned, the board was provided with photos that staff took during the August 2019 site visit. The board again asked Mr. Vargas what it would cost him to tear out the plumbing, the stairs and the second floor area of the addition –and turned into the version of what was presented and approved by the board in 2017. He again stated he did not know.

So, at this point and to clarify for the record – there were now three sets of architectural plans submitted to the town by Mr. Vargas. They were:

Set 1) The original plans submitted to the Board of Zoning Appeals in June of 2017 (dated June 4, 2017, prepared by ALA Architects) and as previously described earlier in the findings – showing only a single story, attached garage addition and also showing the original garage area;

Set 2) A second set of plans submitted for obtaining a building permit (dated May 7, 2018, prepared by Clint Battista, AIA); and as previously described earlier in the findings; also showing only a single-story, attached garage addition, only slightly higher and with a steeper roof pitch, and also showing the original garage area; and

Set 3) A third set of modified plans – reflecting the addition as it was being built (dated May 7, 2018; revised August 12, 2019, prepared by Clint Battista, AIA), showing the second floor, a stairwell to the second floor, bath area, and now the previous original garage area labeled “existing house”.

Mr. Vargas was asked to describe in a little more detail what his intent was for the space above the garage. He stated that the main house only has two bedrooms and a single bath. The other addition will not be built for years down the road. He would like to be able to “just sit up there and look at the water out the window”. He added that he wanted to turn the front of the second floor (over the new garage) into a covered porch, accessed by a door; (However, please note that the plans submitted show a window). He said he normally sits within the ground floor garage and watches the water, but the arborvitaes he planted over 10 years ago now block his view.

It was decided that each board member should try to visit the site and see the construction first hand and to provide time for Mr. Vargas to obtain costs of construction for bringing the addition into compliance with what was presented to the board from the original approval of 2017 – thus being a single-story attached garage addition. The meeting was continued to October 1, 2019.

At the October 1, 2019 meeting, it was noted that during the interim of meetings, various board members did visit the site, including this member. Each time a member visited the site, they were accompanied by a building inspector and a member of zoning staff.

Mr. Vargas, in his opening statement of this evening, began by saying that when he built the second floor, he considered it storage. He said that he never read the meeting minutes that were given to him in 2017 and he thought the original approval was just for setbacks and not for the size of the addition.

Mr. Vargas was asked if he had anything to present to the board in terms of any written quotes on bringing the garage addition back to the original approval condition. He did not. He went on to say he was going to have the architect provide another set of plans to show

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

his intended upgrades with energy codes and such, which would be used by the building department so he could continue moving forward with his project. This would be yet another set of drawings submitted by the applicant or possibly Set #4. This was not what the board had asked for at its previous meeting.

Again, the board asked about costs to bring the addition into compliance with what was originally approved in 2017 – being a single-story garage. Mr. Vargas stated that in his estimation, as he is a commercial contractor, that the cost would be approximately \$4,000 to \$5,000. The board also asked Mr. Vargas what it would cost him to continue the work to bring it up to his own specifications and into living space. Mr. Vargas stated the cost would be around \$15,000.

Staff was asked how many sets of plans were submitted to the town. Once again staff reminded the board of the three sets of plans already submitted and the differences within and confirmed that the original plans to the Zoning Board showed only a single-story attached garage. No heat. No water. No storage above or stairwell leading to a second floor.

Again Mr. Vargas was asked, why the change from a single-story garage and storage space to change now for living space? He stated this time that from the drawings submitted by the architect, he didn't realize the height of the space over the garage area would allow for some much additional space.

Please note – the additional space Mr. Vargas speaks of, over the garage, was shown in "Set 2" of architectural drawings. It is not shown in "Set 1", as provided to the zoning board in 2017.

Mr. Vargas was also asked, for the record, if he was present for the meetings and the reading of the motion in 2017 where the zoning board told him there was to be no heat, no water and no second floor. He stated yes.

It should be clear that although no cross section drawings were provided at the June 2017 meeting, a front elevation was. There was no height noted for the roof, but the rendering clearly shows the roof line of both proposed additions - on either end of the dwelling - being at the exact same height of the existing ranch home.

Mr. Vargas was asked if he knew how to read architectural plans. He stated that he could, but just assumed he could change the size. He stated that he thought he was just coming in for setbacks and not the size of the structure or how big he could make it.

When asked about how much he currently has invested in the project, he began by stating that he put in a new ceiling, tile flooring and new doors in the converted garage and it's being used as a "vestibule" and has been since the conversion about ten or fifteen years ago. He stated that it was too small to be used as a garage, being only ten feet wide, and in thirty years, he never parked a car in there. It was asked then by staff as to why this area was being depicted as a garage on both "Set 1" and "Set 2" of the architectural drawings submitted, from two different architects, when clearly it was not. He stated that he still considers this area a garage.

The meeting was closed and decision was reserved to tonight's meeting of October 15th.

New York State Town Law, Section 267-b, requires the zoning board to consider the benefit to the applicant, weighed against the detriment to the health, safety, and welfare of the

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

neighborhood or community. In making this determination on an area variance, the zoning board also must consider five criteria. These criteria, as they apply to this case, are discussed as follows:

An undesirable change will be produced in the character of the neighborhood or be a detriment to nearby properties by granting these area variances.

I do believe a change will be produced in the character of the neighborhood and be a detriment to nearby properties by allowing this addition to continue and granting relief. The applicant is "piece-mealing" together the work as he progresses and not following any specific plans. The applicant states that he is a commercial contractor by profession and allegedly knows how to read residential architectural drawings; but essentially, he just believes he can build whatever he wishes - without or regard of State Building Codes, Town Law, and/or especially, for consideration of the neighbors who originally expressed concerns of these additions when he first proposed them in 2017.

Additionally, given the past actions of this applicant, this project has the potential for further growth beyond what is being put down on paper - this would apply to the addition here and the one on the opposite side of the home, which is planned for future build. There is no way of knowing or monitoring exactly how much work is actually taking place after the fact, should this applicant be permitted to continue.

The benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than with an area variance.

During the course of the original meetings, the applicant expressed and made a case for his request of a single-story, attached garage addition; for additional garage space, storage space and an area for a workshop. It is believed that at such a time, this board did in fact grant this applicant what was deemed then as "minimum relief". It is now believed, by this board member that the dynamics of this case as it stands today, fails; that the applicant has failed to justify or to make any case for "minimum relief".

Ultimately, it is the end goal of the applicant, through his own testimony, to have a place where he can "sit and look at the water", due to planted arborvitae blocking his view from the ground where he currently sits. The applicant can cut back or cut down the arborvitae - in place of the request for relief. In terms of costs, the applicant has testified that it would be more cost effective to bring the structure into compliance with what was originally approved by the board in 2017 versus continuing with his new plan.

The requested variance is substantial in the context of this application.

The original single-story garage would have provided for approximately 700 square feet, more or less, of new garage space for the applicant, in addition to the existing 242 square feet it was thought that he already had, keeping him under the permitted accessory square footage of 1000 square feet. As presented now, should the applicant use the second story for storage - he would gain approximately 1272 square feet - which does not include the "original garage" square footage. It's not just the fact that this is over the allowed permitted square footage - it's all NEW construction and not what was presented to this board in 2017 during the original request for minimum relief. Further, should the applicant keep moving forward and utilize the rear of the addition and the second floor as living space - the actual overall garage space is now less than 500 square feet. This now contradicts what the applicant applied for in the first place when he made a case for minimum relief in 2017.

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

The proposed variance will not have an adverse effect or impact on the physical and environmental conditions in the neighborhood or district.

Although there would be no physical or environmental detrimental effects to the area; no detriments to traffic or utilities; it is not enough to justify the means by which this application has come about.

The alleged difficulty was self-created. This consideration is relevant to the decision of the board of appeals, but does not necessarily preclude the granting of this variance.

It is up to property owners to exercise due diligence, research properties and understand what uses are permitted in the various zoning districts. Mr. Vargas disregarded what was granted to him at the original zoning meetings based on his own testimony and documents submitted, and built whatever he felt he could get away with. He probably never expected that the town would ever find out. Clearly, this was a self-created condition, as Mr. Vargas went ahead at his own risk and built a two-story garage, added plumbing and the potential for heat. In essence, he has created his own hardship

In my opinion, this addition as it currently exists, is extensive and excessive. It was not what this board was presented with for construction when it granted minimum relief to the applicant in 2017. The applicant clearly has no regard for the conditions imposed on him and now is stating that he didn't know, didn't read, just assumed, and so on. Are we to believe the ignorance on the part of the applicant and justify his actions with relief? If this board were to even consider approving this application, with or without conditions, how do we ensure that the applicant will adhere to any conditions this board was to impose now, as he has already gone ahead and proceeded with constructing a structure that he knew full well, was not permitted? He is a commercial contractor. He knows how to read architectural drawings. The moment he presented this board with the original architectural drawings in 2017 and another set to obtain a building permit in 2019, with both sets showing the existing garage as still being a garage – and never stating to this board or town staff that it was already converted to living space – he was fraudulent in his application to this board. He purposely misled this board for his own gain.

It is not up to this board to determine how this applicant can bring this property into compliance with what was originally approved in 2017. He has again, in essence created his own hardship. It is up to this board to understand the zoning ordinance and what the potential is for the code and how we can regulate it if and when minimum relief is to be granted.

The applicant offered no documentation or compelling reason based on a hardship that this addition, as built, is needed, other than stating that it was his desire to have a place to sit and look at the water. It also appears that although the applicant had full knowledge that there was zoning board conditions attached to the original approval in June of 2017, it has not been shown that any substantive effort went into any due diligence in seeking out what alternatives were available to him, prior to engaging in construction of the addition. He just did as he pleased and never thought about the consequences thereafter. Therefore, any economic hardship incurred by the applicant at this point, was self-created in nature. It should also be noted that the minutes of the June 20, 2017 Board of Zoning Appeals meeting hold precedence over any permit that was issued after the fact.

It is in this board members opinion that the testimony of the applicant lacks a "substantial basis" for any sort of further relief by this board. The applicant has failed to make a case

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

for this board to provide additional relief of any kind, for what is deemed by this board member as "intentional acts".

Therefore, I move to deny this application.

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

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

Motion Carried
Application Denied

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

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 Ms. Andreano and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of November 6, 2019 in order to give the applicant time to review their project and look to decrease the overall square footage of the proposed garage.

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

**Motion Carried
Application Continued Until
Meeting of November 6, 2019**

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

New Business:

1. Applicant: Joseph A. Pelliccia
Location: 341 Willowood Drive
Mon. Co. Tax No.: 043.03-4-89
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing (eastern side) closed-construction fence, varying in height from 6.1 feet to 6.6 feet (approximately 65.0 lineal feet of vinyl and 105 lineal feet of wood) to be located in a side and rear yard, where fences in a side and rear yard shall not exceed 6.0 feet in height. Section 211-47
b) An area variance for an existing (western side) closed-construction fence, varying in height from 6.1 feet to 6.6 feet (approximately 56.0 lineal feet of vinyl and 115 lineal feet of wood) to be located in a side and rear yard, where fences in a side and rear yard shall not exceed 6.0 feet in height. Section 211-47

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 341 Willowood 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	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Absent	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

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

WHEREAS, with regard to the application of Joseph Pelliccia, 341 Willowood Drive, Mrs. Janet Pelliccia appeared before the Board of Zoning Appeals, requesting an area variance for an existing (eastern side) closed-construction fence, varying in height from 6.1 feet to 6.6 feet (approximately 65.0 lineal feet of vinyl and 105 lineal feet of wood) to be located in a side and rear yard, where fences in a side and rear yard shall not exceed 6.0 feet in height and an area variance for an existing (western side) closed-construction fence, varying in height from 6.1 feet to 6.6 feet (approximately 56.0 lineal feet of vinyl and 115 lineal feet of wood) to be located in a side and rear yard, where fences in a side and rear yard shall not exceed 6.0 feet in height.

WHEREAS, the findings of fact are as follows. This parcel is located at 341 Willowood Drive and is located in an R1-E (Single-Family Residential) neighborhood. The applicant appeared before the board tonight and stated that she and her husband have lived there for about 8 ½ years. Although the fence does not totally comply with the Town of Greece, the current fencing has been in place since 2018. To tear down and replace the fencing would be very costly and thus a financial burden to the owners all for the sake of .6 ft. over the height. Town staff did go out and inspected the property and did some random measurements. The height difference is due to the topography of the land and the homeowner keeping the top of the fence "level". Tonight, two neighbors appeared, Jennifer Doran at 331 Willowood Drive and Todd Benz at 347 Willowood Drive commenting that they hoped that we would not approve 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 obtain all necessary Town permits.

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

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

**Motion Carried
Application Approved
With Condition**

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

2. Applicant: Teri A. Cashion
Location: 200 Sacket's Landing
Mon. Co. Tax No.: 033.04-4-13
Zoning District: R1-E (Single-Family Residential)
Request: Request of relief from a condition of approval pertaining to an area variance for the placement of a 6.0 feet high, closed-construction fence, granted by the Board of Zoning Appeals on October 16, 2018, and that such condition stated that said (proposed) fence being installed is placed in the same location as the (existing) fence that is coming down.

On a motion by Mr. Shea and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of November 6, 2019 due to the fact that the applicant did not appear at the meeting.

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

**Motion Carried
Application Continued Until
Meeting of November 6, 2019**

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

3. Applicant: Richard A. Furnal Revocable Trust
Location: 15 Bayview Drive
Mon. Co. Tax No.: 017.04-2-60
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for the relocation of an existing detached accessory structure (14.3 feet x 28.3 feet; 404.7 square feet cabana/boat house), to be a distance of 1.0 feet from the (west) side setback instead of the 7.5 feet minimum required. Section 211-11 E (1), Table 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 15 Bayview 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	Absent	Mr. Meilutis	Yes
	Ms. Nigro	Yes	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 Richard A. Furnal Revocable Trust, 15 Bayview Drive, Mr. Furnal, the representative for the Revocable Trust of the property at 15 Bayview Drive, Hilton, New York 14468, appeared before the Board of Zoning Appeals, requesting an area variance for the relocation of an existing detached accessory structure (14.3 feet x 28.3 feet; 404.7 square feet cabana/boat house), to be a distance of 1.0 feet from the (west) side setback instead of the 7.5 feet minimum required.

WHEREAS, the findings of fact are as follows. The board asked Mr. Furnal about the alternatives and what he might do to rectify the situation. Mr. Furnal reports that the existing structure has been consistently flooded, which is also shown in the photos presented to the board. He

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

explained that he is researching alternatives of how to get the boathouse more onto his property and also to possibly raise it, but the more he moves it the more exponentially expensive it becomes. Also, various alternatives are also quite a hardship because they present an extreme expense to the situation. Mr. Furnal has spoken with the neighbors and there are no problems or opposition reported to the board. Mr. Furnal also is aware of the requirements of obtaining a DEC permit. He has applied for such permit and he understands that any of the board's findings would be pending results of that process.

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 DEC permit application is approved.
2. And that the applicant obtain all required necessary Town building permits.

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

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

**Motion Carried
Application Approved
With Conditions**

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

4. Applicant: Sara DeGroot
Location: 2644 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-25
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed principal structure (one-story) addition, to have an (east) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Section 211-11 D (2), Table I
b) An area variance for lot coverage of 36.2%, instead of the 25% maximum permitted. Section 211-11 D (2), Table I
c) An area variance for lot coverage of 36.2%, instead of the 25% maximum permitted Section 211- 41 G

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 2644 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Absent	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 Sara DeGroot, 2644 Edgemere Drive, in an R1-E (Single-Family Residential) district, Jim and Sara DeGroot appeared before the Board of Zoning Appeals, requesting an area variance for a proposed principal structure (one-story) addition, to have an (east) side setback of 0.0 feet, instead of the 6.0 feet minimum required, an area variance for lot coverage of 36.2%, instead of the 25% maximum permitted and an

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

area variance for a proposed driveway to have a length of 13.6 ft., instead of the 22.0 ft. minimum required (exclusive of its apron). Section 211-41 G

WHEREAS, the findings of fact are as follows. This evening they testified that what they would like to do is build an attached garage next to or adjacent to the front of the property going into the property and also a 10 ft. X 10 ft. workout room in the back. They have owned the home for 5 months and the garage is primarily for storage of vehicles. They do have an existing shed, which will be required to remain standing for the need of storage of yard tools. This type of garage and the setback is fairly characteristic of the neighborhood and for the size of the property. This evening we had speaking tonight a Mike Perry of 2650 Edgemere Drive, however his concern was not having to do with the garage, but with the deck, which is not being considered tonight in these variances. Another neighbor by the name of Jesse Kammer of 2638 Edgemere Drive, the east side neighbor, appeared and spoke in favor and also there is a letter from the same individual expressing the same support regarding any proposed home renovations, including decks, additions, garages, or otherwise that he would commission to be built at his home to be direct west of him at 2644 Edgemere Drive.

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 apply for all necessary building permits and adhere to all Town codes.

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

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

**Motion Carried
Application Approved
With Condition**

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

5. Applicant: Christine Klos
Location: 324 South Drive
Mon. Co. Tax No.: 026.18-4-28
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for proposed deck (14.0 feet x 18.0 feet; 252.0 square feet) to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 E (3)
b) An area variance for a proposed (two-story) principal structure to have an (east) side setback of 5.2 feet, instead of the 6.0 feet minimum required. Section 211-11 D (2), Table I
c) An area variance for a proposed (two-story) principal structure to have a (west) side setback of 5.2 feet, instead of the 6.0 feet minimum required. Section 211-11 D (2), Table I
d) An area variance for a proposed (two-story) principal structure, to have a rear setback of 20.2 feet, instead of the 38.7 feet minimum required, measured from the south right-of-way line of South Drive. Section 211-11 D (2), Table I
e) An area variance for lot coverage of 36.8%, instead of the 25% maximum permitted. Section 211-11 D (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 324 South 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	Absent	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	No
	Mr. Wechsler	Yes		

Motion Carried

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

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

WHEREAS, with regard to the application of Christine Klos, 324 South Drive, in an R1-E (Single-Family Residential) district, her representative, Mr. Robert Hannon appeared before the Board of Zoning Appeals, requesting an area variance for proposed deck (14.0 feet x 18.0 feet; 252.0 square feet) to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only, an area variance for a proposed (two-story) principal structure to have an (east) side setback of 5.2 feet, instead of the 6.0 feet minimum required, an area variance for a proposed (two-story) principal structure to have a (west) side setback of 5.2 feet, instead of the 6.0 feet minimum required, an area variance for a proposed (two-story) principal structure, to have a rear setback of 20.2 feet, instead of the 38.7 feet minimum required, measured from the south right-of-way line of South Drive and an area variance for lot coverage of 36.8%, instead of the 25% maximum permitted.

WHEREAS, the findings of fact are as follows. This evening Robert Hannon spoke on behalf of the applicant Christine Klos. He mentioned that the applicant has owned the property for a little under a year, that the lot is currently vacant and will have a structure built on it. The need for the project is that the applicant is a resident elsewhere and would like to move on the waterfront to enhance her life style. Relative to the proposed deck in the front yard, on waterfront lots the front yard is the water side and decks are common to be placed in the front yard in this area. The deck will be constructed of composite material, there are no plans to place a hot tub or permanent grill on the deck. The house cannot be made any narrower due to a bedroom and office that is planned to be placed on the first floor. Relative to variances "b", "c" and "d" that mention setbacks, these setbacks are basically a result of the small lots in this neighborhood and are not out of character or unusual. Also, the lot coverage of 36.8% is not out of character of the neighborhood, again due to the size of the lot. Mr. Greg Williams, who resides at 330 South Drive also spoke mentioning his concern about water view from his deck, as a result Mr. Hannon mentioned that as far as the house itself, a mere image could be constructed where the garage now instead of being on the left would be on the right. As such, the construction of the house would accommodate Mr. William's concern, the view of the water would be more substantial from his deck with that switch. No other comments were received relative to this project. As such

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 site plan be reviewed and approved by the Town building departments, engineering departments and fire marshal and after that approval then all building permits be obtained and building codes be satisfied.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Absent	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	No
	Mr. Wechsler	Yes		

**Motion Carried
Application Approved
With Conditions**

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

6. Applicant: Lori Matla
Location: 153 North Drive
Mon. Co. Tax No.: 026.14-1-44
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for proposed (one-story) principal structure to have a front setback of 112.0 ft. (measured from the north right-of-way line of North Drive), instead of the 97.0 feet maximum, established by the neighborhood average. Section 211-11 D (2), Table I
b) An area variance for a proposed (one-story) principal structure to have an (east) side setback of 5.0 feet, instead of the 6.0 feet minimum required. Section 211-11 D (2), Table I
c) An area variance for a proposed (one-story) principal structure to have a (west) side setback of 5.0 feet, instead of the 6.0 feet minimum required. Section 211-11 D (2), Table I
d) An area variance for a proposed (one-story) principal structure, to have a rear setback of 20.2 feet, instead of the 38.7 feet minimum required, measured from the south right-of-way line of North Drive. Section 211-11 D (2), Table I
e) An area variance for lot coverage of 39.2%, instead of the 25% maximum permitted. 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 153 North 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.

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Absent	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 Lori Matla, 153 North Drive, Ms. Lori Matla along with her cousin, Julian Matla appeared before the Board of Zoning Appeals, requesting an area variance for proposed (one-story) principal structure to have a front setback of 112.0 ft. (measured from the north right-of-way line of North Drive), instead of the 97.0 feet maximum, established by the neighborhood average, an area variance for a proposed (one-story) principal structure to have an (east) side setback of 5.0 feet, instead of the 6.0 feet minimum required, an area variance for a proposed (one-story) principal structure to have a (west) side setback of 5.0 feet, instead of the 6.0 feet minimum required, an area variance for a proposed (one-story) principal structure, to have a rear setback of 20.2 feet, instead of the 38.7 feet minimum required, measured from the south right-of-way line of North Drive and an area variance for lot coverage of 39.2%, instead of the 25% maximum permitted.

WHEREAS, the findings of fact are as follows. This parcel is located at 153 North Drive and is approximately 50 ft. wide X 145 ft. deep and lies within an R1-E (Single-Family Residential) district. Ms. Matla states that she has owned this property since February and it will be her primary residence. The proposed one story structure will be approximately 2253 sq. ft. Her cousin, Julian Matla states that they have considered other options to meet requirements, due to the size of the lot the and square footage required it leaves very little options. Ms. Matla is looking for this to be a primary residence and she is looking for it to be a long term home that will allow her to ease into the transition into aging. It is also important to have a one story structure in order to accommodate the means of her father, who comes to visit her often and his movement is limited. Construction is going to be done by her cousin, Julian Matla, subcontracted out. There will be no basement. Julian states that he is aware of the permit required from the DEC and that will need to be required prior to any building permits being granted and I see that while the proposed placement of this home requires the need for setback variances, I don't feel that this is excessive. Placement of homes in this neighborhood are similar and often generated by the size of these lots along the waterfront. Because there have been similar requests approved by the board I do not feel that Ms. Matla's request is obtrusive and it will not adversely impact the consistency of the neighborhood. Julian Matla states that he spoke to one neighbor who had no concerns and in addition no one spoke at tonight's meeting in opposition of this request.

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

1. The applicant will obtain permits from New York State DEC prior to any building permits being granted. The applicant will then apply for all necessary permits.
2. The applicant will meet all necessary building codes.
3. And the structure will not exceed 2300 sq. ft. total, house and garage.

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

7. Applicant: Rhonda Leaty
Location: 117 Ridgeway Estates
Mon. Co. Tax No.: 088.04-2-49
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed principal structure addition, (24.0 feet x 30.0 feet; 708.0 square feet, one-story attached garage), to have a rear setback of approximately 28.0 feet, instead of the 54.6 feet minimum required. Section 211-11 D (2), Table I one-story
b) An area variance for a proposed principal structure addition, (24.0 feet x 30.0 feet; 708.0 square feet one-story attached garage), resulting in a total gross floor area of 1500 square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots greater than 16,000 square feet in area, but less than one acre. Section 211-11 E (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 117 Ridgeway Estates, 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	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Absent	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:

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

WHEREAS, with regard to the application of Rhonda Leaty, 117 Ridgeway Estates, in an R1-E (Single-Family Residential) district, Ms. Leaty's representative Mr. Paul Morbito appeared before the Board of Zoning Appeals, requesting an area variance for a proposed principal structure addition, (24.0 feet x 30.0 feet; 708.0 square feet, one-story attached garage), to have a rear setback of approximately 28.0 feet, instead of the 54.6 feet minimum required and an area variance for a proposed principal structure addition, (24.0 feet x 30.0 feet; 708.0 square feet one-story attached garage), resulting in a total gross floor area of 1500 square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots greater than 16,000 square feet in area, but less than one acre.

WHEREAS, the findings of fact are as follows. This evening, Mr. Paul Morbito spoke on behalf of the applicant Rhonda Leaty and mentioned that the applicant has owned the property for 12 years. The need for this project is for storage of a boat that they have. The boat is 45 ft. in length and they need the addition to accommodate the length of this boat. He mentioned that there will be no commercial activities run in the addition or this garage and that it cannot be reduced in size due to the length of this boat. As such, variance "a" as far as the rear setback of 54.6 ft., that is a direct result of the addition, which cannot be reduced in size. The finishes of the addition will match the primary structure, the only utility that will be run to the addition is electricity. The addition will utilize the existing roof line of the garage. The applicant has agreed to random inspections by Town of Greece personnel. Neighbors on both sides of the property of Ms. Leaty are in support of this project and relative to the addition itself the existing garage does have loft storage in it and this loft storage will be continued in the addition. As such

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 building permits be obtained and building codes satisfied.
2. That there will be no more than four vehicles, which includes the boat and trailer be stored in the existing garage and the addition.
3. That the applicant has agreed to random inspections by Town of Greece personnel.
4. And that the boat will be stored indoors at all times and not outdoors.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
October 15, 2019

ADJOURNMENT: 9:40 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: Wednesday, November 6, 2019

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