



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

OCTOBER 16, 2018

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Thomas F. Hartwig

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Randy T. Jensen

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business:

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

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 29 Lombardy Circle, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

VOTE:	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:

Mr. Chairman, regarding the application of Patricia Nacco, at 29 Lombardy Circle, Ms. Nacco appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed in-ground pool (16.0 feet x 32.0 feet; 512.0 square feet) to be located in the (south) side yard, where accessory structures, such as pools, are permitted only in rear yards, and for said pool to have a (south) side setback of 7.0± feet (measured from the water's edge), instead of the 9.2± feet minimum required; and an area variance for an existing deck (330± square feet) located in the (south) side yard, where accessory structures, such as decks, are permitted only in rear yards.

WHEREAS, the findings of fact are as follows. This evening, Patricia Nacco of 29 Lombardy Circle appeared before this Board. She originally came before this Board on the 18th of September. At that time she was applying for an area variance for a proposed in-ground pool. At that time it was 16.0 feet x 32.0 feet; 512.0 square feet, to be located in the (south) side yard, where accessory structures, such as pools, are permitted in rear yards only; and for said pool to have a (south) side setback of 7.0± feet (measured from the water's edge), instead of the 9.2± feet minimum required. In regard to this particular variance, at this time the applicant has changed the shape of the pool and moved the pool as far into the rear yard as possible, which will eliminate the need to have the setback variance. However, they will be applying for a variance because the pool is partially in the side yard. They have spoken to several of their neighbors and at the original meeting on this, the 18th of September, there were some here who spoke. The most affected neighbor, I believe, is to the south side of the house. Bill and Kim Jamison at 31 Lombardy Circle were concerned about the close proximity to the pool to their house, but it appears that since Ms. Nacco has moved the pool further back, the neighbors are satisfied with that. She is also applying for variance "b," an area variance for an existing deck (330± square feet) located in the (south) side yard, where accessory structures, such as decks, are permitted in rear yards only. This is an existing deck on the house and would be a hardship for them to remove it, and it was also an improvement to the property to have the deck there at this time. Also, it is the opinion of staff that, based on the repositioning of the pool, the side setback is no longer needed and while the applicant has not formally withdrawn it, we are not approving the seven-foot side setback, we are denying the seven-foot setback, which will then force the pool to be within code. The location of the pool, as testified at a previous meeting, is going to be slid back and the shape, as testified to, is no longer a rectangular shape.

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:

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1. That the Applicant applies for all existing permits.
2. That the Applicant adheres to the pool regulations of the Town.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: Frank Zannie
Location: 115 Pickering Drive
Mon. Co. Tax No.: 058.02-6-2
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed attached garage addition (532± square feet) to have a (north) side setback of 6.8 feet, instead of the 9.0 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for existing and proposed accessory structures which result in a total gross floor area of 1208± square feet, where 800 square feet is the maximum gross floor area permitted for lots less than 16,000 square feet in area. Sec. 211-11 E (1), 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 115 Pickering Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Frank Zannie, at 115 Pickering Drive, Mr. Zannie appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed attached garage addition (532± square feet) to have a (north) side setback of 6.8 feet, instead of the 9.0 feet minimum required; and an area variance for existing and proposed accessory structures which result in a total gross floor area of 1208± square feet, where 800 square feet is the maximum gross floor area permitted for lots less than 16,000 square feet in area.

WHEREAS, the findings of fact are as follows. This parcel is located at 115 Pickering Drive and is approximately a 90-foot-wide x 170-foot-deep lot and lies within an R1-E (Single-Family Residential) district. Mr. Zannie states that he has lived at this property for one month and has requested the proposed garage addition for storage of his work van and miscellaneous items. Upon much discussion this evening, Mr. Zannie has agreed to withdraw item "a," the garage addition setback of 6.8 feet, which would then allow for an addition of 10 feet wide and comply with the 9-foot minimum required. In further discussion, Mr. Zannie said that the shed, instead of expanding it, he would tear down the existing shed and rebuild it on a stone pad, with wood and vinyl. It would match the house and it would be 12 feet x 16 feet. He would also bring the shed forward towards the house and will meet with the Town's engineer to decide its placement for drainage. The applicant said that the garage addition will not be used for commercial purposes; further discussion was noted that the tools stored are not of concern. A new asphalt driveway will lead to the addition of the garage, and Mr. Zannie states that the finishes of the garage will match the existing structure and the only utility will be electricity. He is aware that this addition cannot be used for commercial purposes and he will not store any work items in the shed or the garage. A letter was submitted, and also they appeared, Mr. and Mrs. Jones, the neighbors at 125 Pickering Drive, to voice their concerns about drainage. The applicant did meet with the Town engineer to discuss the drainage issue. Based on the meeting with the engineer, it was determined that they would discuss the shed placement and there would be no concern now that item "a," the garage, has been removed.

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

1. That the Applicant will apply for all necessary permits.
2. The applicant will meet all necessary building codes.
3. The garage addition will not exceed 340 square feet and the total accessory structure square footage on the property will not exceed 1010 square feet.
4. The 12-foot x 16-foot shed's location is subject to the approval of the Town engineer, as it relates to drainage.
5. As offered and agreed to by the applicant, item "a" is withdrawn, meaning the addition must be at least 9.0 feet from the (north) side property line.
6. Total square footage of all accessory structures will not exceed 1010 square feet.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Reid Petroleum Corp.
Location: 3561 Latta Road
Mon. Co. Tax No.: 044.04-1-1 & 044.04-1-12
Zoning District: BR (Restricted Business)
Request: a) A special use permit to operate a gasoline dispensing station in accordance with the regulations established in Section 211-34. Sec. 211- 17 B (3) (b) [2]
b) An area variance for a proposed gasoline dispensing station canopy (42.0 feet x 86.0 feet; 3612.0 square feet), instead of the 1500.0 square feet maximum permitted. Sec. 211-34 C
c) An area variance for a proposed 6.0-foot-high, closed-construction fence (275± linear feet) to be located in the front and corner yard of a corner lot, where fences in front and corner yards shall be of open construction and shall not exceed four feet in height. Sec. 211-46 L

On a motion by Mr. Wechsler and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of November 27, 2018 per the request of the applicant.

VOTE:	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 27, 2018**

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New Business:

1. Applicant: Carol Cross
Location: 136 Pepperidge Drive
Mon. Co. Tax No.: 074.13-1-56
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed deck (10.0 feet x 10.0 feet; 100.0 square feet) to be located in the (west) front yard of a corner lot, where accessory structures, such as decks, are permitted in the rear yard only, and for said deck to have a (west) front setback of 31.5± feet (measured from the east right-of-way line of Pepperidge Drive), instead of the 39.9 feet minimum as established by the neighborhood average. Sec. 211-11 E (1), Sec. 211-11 E (3)

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 136 Pepperidge Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Carol Cross, at 136 Pepperidge Drive, Ms. Carol Cross appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (10.0 feet x 10.0 feet; 100.0 square feet) to be located in the (west) front yard of a corner lot, where accessory structures, such as decks, are permitted in the rear yard only, and for said deck to have a (west) front setback of 31.5± feet (measured from the east right-of-way line of Pepperidge Drive), instead of the 39.9 feet minimum as established by the neighborhood average.

WHEREAS, the findings of fact are as follows. This parcel is located at 136 Pepperidge Drive, and is approximately 70 feet wide x 135 feet deep and lies within an R1-E (Single-Family Residential) district. The applicant, Ms. Cross, appeared before the Board this evening and stated that she has lived at the property since 2006. She is requesting this deck due to medical conditions; it will help her exit and enter the home with ease. The deck will eventually require a ramp. It will be made out of pressure-treated wood. It will not be fixed to the house; it will be on cement posts. It will have railings, it will not have a hot tub, it will not have a covering or a permanent grill, and it will have basic lighting. A letter from the VA Administration was received and it does endorse the need for the deck, and two letters from neighbors—one at 152 Pepperidge Drive, and a Mr. Glenn Miller—have no objections to the proposed deck.

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

1. That the Applicant will obtain all necessary Town permits.
2. And the application is for the life of the deck.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: John Tufano
Location: 104 Sackets Landing
Mon. Co. Tax No.: 033.04-4-14
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (135± linear feet) to be located in the (north) front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

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 104 Sackets Landing, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of John Tufano, at 104 Sackets Landing, Mr. Tufano appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (135± linear feet) to be located in the (north) front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

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WHEREAS, the findings of fact are as follows. This parcel is located at 104 Sackets Landing and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Mr. John Tufano, appeared before the Board this evening and said he has lived there for approximately three months. The reason for the proposed 6.0-foot-high, closed-construction vinyl fencing is to provide privacy and security for him and his family, along with containing his dog, since the property is on a corner lot. Mr. Tufano has spoken with his neighbors and everyone agreed. No one spoke tonight in favor or opposed 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 condition that all Town permits be obtained.

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

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

Motion Carried
Application Approved
With Condition

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3. Applicant: Teri Cashion
Location: 200 Sackets Landing
Mon. Co. Tax No.: 033.04-4-13
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (115± linear feet) to be located in the (south) front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

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 200 Sackets Landing, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Teri Cashion, at 200 Sackets Landing, Ms. Cashion appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (115± linear feet) to be located in the (south) front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

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WHEREAS, the findings of fact are as follows. This parcel is located at 200 Sackets Landing and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Teri Cashion, has appeared before the Board this evening and stated that she has lived at this residence for approximately 18 months. The reason for the proposed 6.0-foot-high, closed-construction fence is to provide privacy and security for her and her family, her little animal, and she has a pool (which needs to be enclosed as well), and she is on a corner lot. Ms. Cashion did speak with her neighbors and everybody approved. No one at tonight's meeting spoke in favor or in opposition of 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. That the other fence is removed and that the fence being installed is placed in the same location as the fence that is coming down.

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

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

Motion Carried
Application Approved
With Conditions

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4. Applicant: Lindsay Patton
Location: 27 Alcott Road
Mon. Co. Tax No.: 074.15-4-23
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (24± linear feet) to be located in a front yard of an interior lot, where fences in the front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46L

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 27 Alcott Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

VOTE:	Mr. Hartwig	Yes	Mr. Jensen	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:

Mr. Chairman, regarding the application of Lindsay Patton, at 27 Alcott Road, in an R1-E (Single-Family Residential) district, Ms. Patton appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (24± linear feet) to be located in a front yard of an interior lot, where fences in the front yard shall not exceed 4.0 feet in height and shall be of open construction.

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WHEREAS, the findings of fact are as follows. Ms. Patton mentioned that she has owned the property for approximately a year and a half. This property is directly to the north of an existing commercial property, the Firestone Tire Dealership. She will be needing this fence because there were trees that had been removed, and as such the property is open to the Firestone property, and with this fence it will create privacy for her and also restrict the view of the unpleasantness of the tires and such of her neighbor. The fence will be the same type of fence that is already installed in her back yard, meaning a cedar fence. The color will be stained to match the rear fence, and she has spoken to the Firestone people and they have no concerns.

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 all necessary permits first be obtained.

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

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

Motion Carried
Application Approved
With Condition

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5. Applicant: Pinar Sonmez
Location: 2740 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-9
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing deck (710± square feet) located in the waterfront yard, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 80.0± feet (measured from the north right-of-way line of Old Edgemere Drive) instead of the 78.0± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table
b) An area variance for an existing deck (710± square feet) to have a (east) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
c) An area variance for an existing deck (710± square feet) to have a (west) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
d) An area variance for an existing hot tub located in the waterfront yard where accessory structures, such as hot tubs, are permitted only in rear yards. Sec. 211-11 E (3)
e) An area variance for an existing 6.0-foot-high, closed-construction fence (28± linear feet) on an existing deck in a waterfront yard, where fences on decks are permitted only in rear yards; and for said fence to have a (east & west) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211- 46 C

On a motion by Mr. Wechsler and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of November 7, 2018 in order to give the applicant time to review his options.

VOTE:	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 7, 2018**

BOARD OF ZONING APPEALS MINUTES
October 16, 2018

ADJOURNMENT: 8:25 p.m.

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

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

Signed: _____

Date: _____

Albert F. Meilutis, Chairman

NEXT MEETING: **Wednesday, November 7, 2018**