



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

NOVEMBER 19, 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

Randy T. Jensen

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Cathleen A. Nigro

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

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Old Business:

1. Applicant: Christina Dingman
Location: 121 Estall Road
Mon. Co. Tax No.: 060.74-1-30
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow four (4) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Sec. 211-30 A

On a motion by Mr. Wechsler and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of March 17, 2020 per the request of the applicant.

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

**Motion Carried
Application Continued Until
Meeting of March 17, 2020**

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

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 482 Mill Road, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Nancy Ferrari, 482 Mill Road, her representative, Mr. Al Broccuto, appeared before the Board of Zoning Appeals for the fifth time, requesting several area variances, as mentioned above.

WHEREAS, the findings of fact are as follows. Mr. Al Broccuto, the applicant's contractor, appeared before the Board of Zoning Appeals 5 times. On September 17, 2019 the contractor representing the Ferrari's came to the board to give an overview of the proposed project. This project was to be out on the roadway (or in the front yard) of Mill Road. Several neighbors spoke against the proposed applicant, including Attorney Keith O'Toole who spoke on behalf of his clients, William and Barbara Groszenski, of 476 Mill Road, (who live immediately to the east of the applicant) and spoke about concerns with the height, noise and so on, being so close to their home. Also speaking were Joan and David Schlosser of 479 Mill Road, who live directly across the street and were concerned with the current road conditions from construction going on and the noise that may arise from the applicants vehicles being stored in the front yard. There was also discussion of the structure (detached garage) regarding the height and number of vehicles being stored in all garages (attached and detached) on the premises and it was determined that the application would have to be re-advertised for the height and number of vehicles proposed at being stored. The board did request the applicant to come back with scaled drawings of the proposed detached garage showing the items to be stored and where they would be stored within this proposed detached garage, along with a list of all the vehicles to be stored.

At the October 1, 2019 meeting the applicant's contractor again appeared and provided drawings (not to scale) of the proposed detached garage and listing all of items and vehicles that would be stored within, which included some ATV's, a boat trailer, a zero-turn lawn mower and so on. Mr. Broccuto stated that they would move the structure to the rear yard so request for variance "B" (for a detached garage to be located in a front yard) would be withdrawn. The applicant was asked to think about coming down in overall size and height and to provide "scaled drawings" of the proposed garaged and items being stored within. The application was then continued.

At the October 15, 2019 meeting the applicant's contractor appeared again and provided a scaled drawing of the proposed detached garage and the items being stored within, with no change in size. However, the board still believed the size was too extreme and asked the applicant to think about bringing it down another 300 to 400 square feet and reduce the height. The application was again continued.

At the November 6, 2019 the applicant's contractor was again in attendance. The applicant provided another scaled drawing, this time showing a reduction in the size of the proposed detached garage at 1700 square feet and bringing the total of all garages on site to 2896 square feet. (Side note: all attached garages are at 1196 square feet). The request for variance "D" of having a total of 10 motor vehicles stored in all garages on site, was also withdrawn. So request "B" and "D" have been withdrawn. The applicant stated that they would only request electric and water. No heat. No sewers. No second floor. All items would be stored indoors. They also agreed to random inspections. The applicant was also asked to take an additional two weeks and further scale down the size.

This evening the applicant's contractor came back and provided the board with new drawings and a reduction in size of the proposed detached garage at approximately 1550 sq. ft.; and having an overall height of 20 ft. The applicant has provided the board with a drawing of where all the vehicles will be stored inside this accessory structure. The outside of the proposed accessory structure will match the brand new home, which is under construction. They will be able to aesthetically match, as close as possible, the primary residence and the accessory structure. Mr. Broccuto also agreed to random inspections and the also agreed that there will only be electric to the proposed accessory structure and only water for a spigot. There will be no sewers; the water spigot will only be used for washing down vehicles, washing tools, cleaning the area and things like that. The building is proposed at a 20 ft. height and is approximately 700 ft. from the roadway. The lot is approximately 4 acres and it would not change the character of the neighborhood. There are other large homes on the north side of Mill Road and it is also a heavily treed lot, which should provide some coverage to the neighbors. The applicant said there would be some security lighting, but none of the lighting would affect any of the neighbors in the area.

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Once again, the applicant has agreed to random inspections by code. During the construction process, there will just be a stone driveway. And also, the 1550 sq. ft. and the 20 ft. height of the building would, even though it is a larger than permitted size overall of 1250 sq. ft., having a lot size of approximately 4 acres, not change the characteristics in this neighborhood. No neighbors, since the last several meetings, have come and spoke for or against the project.

For the findings, also note that the total square footage of all accessory structures is at 2746 sq. ft. and that there is 1196 sq. ft. of attached garages in addition to the 1550 sq. ft. (detached) that is being granted tonight. The overall is 2746 sq. ft.

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 has withdrawn request "B" and "D".
2. That the applicant has agreed to random inspections by code.
3. The applicant has agreed to only have electric, no heat, and no second floor.
4. The applicant will not run a commercial business out of this accessory structure.
5. He will have water available, but only from a water spigot. There will be no bathrooms, no sewers, just water enough for him to run garden hose activities, washing vehicles, watering lawns and things like that.
6. There will be no living space within this accessory structure.
7. They will obtain all necessary building permits.
8. That the northwest corner of the building will not be enclosed in any form or fashion unless the applicant appears back before the board to request for a further variance for the additional square footage.

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

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

**Motion Carried
Application Approved
With Conditions**

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3. Applicant: Walmart Real Estate Business Trust
Location: 3800 Dewey Avenue
Mon. Co. Tax No.: 060.10-1-1.11
Zoning District: BG (General Business)
Request: a) An area variance for lot coverage of 21.55% instead of the 21.43% granted by the Board of Zoning Appeals on September 12, 2007. Section 211-17 (4), Table III
b) An area variance for a proposed sixth (west side) building-mounted sign ("*Pickup"; 41.13 square feet), instead of the combined five (5) building-mounted signs granted by the Board of Zoning Appeals on February 1, 2012 and April 17, 2018. Section 211-52 B(2)(a)[1]
c) An area variance for twenty-four (24) proposed parking stall directional signs (with logo), consisting of twelve (12) wall/post "*Pickup" signs, (1.5 feet x 3.0 feet; 4.5 square feet; 54 square feet total) and twelve (12) ground "*Pickup" signs, (2.0 feet x 7.0 feet; 14.0 square feet; 168.0 square feet total), where freestanding and building-mounted directional signs, shall not exceed 5.0 square feet and where logos shall not be included. Section 211-52 B(3)(b)[1]; Section 211-52 B(3)(b)[2] & Section 211-52 B(3)(b)[3].
d) An area variance for a proposed canopy directional sign, ("Order Online. Pick up here"; 1.16 feet x 18.5 feet; 21.46 square feet), where freestanding and building-mounted directional signs shall not exceed 5.0 square feet. 211-52 B(3)(b)[1] & Section 211-52 B(3)(b)[2].

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3800 Dewey Avenue, for variances, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.

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6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

At the November 6, 2019 meeting, Niki Drake from Harrison French & Associates Architect & Engineering, 1705 S. Walton Blvd., Suite 3, Bentonville, AR representing Walmart Real Estate Business

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Trust appeared before the Board of Zoning Appeals, requesting several area variances, as mentioned above. No action could be taken at the November 6, 2019 meeting due to needing Planning Board recommendation. The applicant, being from Arkansas, presented to this board at the November 6th hearing, and to avoid having her come back for a future meeting, all testimony and data was taken then.

The findings of fact are as follows. Regarding the application of Walmart Real Estate Business Trust, the reason for this application is due to Walmart starting up the a popular "on line" grocery pick-up service. They are going to be increasing the size of this area by approximately 1366 sq. ft., that is what makes the lot coverage go from 21.43%, (which was granted in September of 2007), to 21.55%. This increase in lot coverage is a small amount. Walmart believes that the online grocery pickup service being very popular in other locations throughout the country, and in order to add this additional service, a variance for lot coverage was needed.

I need to make one correction. We did add request "D" to the agenda, I did not mention it in the zoning request. This is a variance for a proposed canopy directional sign, ("Order Online. Pick up here", 1.16 feet x 18.5 feet; 21.46 square feet), where freestanding and building-mounted directional signs shall not exceed 5.0 square feet. The reason for this canopy directional sign is to provide customers a place to pick up their orders. This 21.4 sq. ft. is not overly big and will also help the customers find the location of the "Customer Pick Up Service Area". This proposed canopy directional sign will direct customers where they need to go and it will also protect them from the elements outside.

Item "B" regarding the six building-mounted signs; through discussion, will only have the "sparkle", (Note: the term "Sparkle" refers to the "*" used as a logo for Walmart) which is their business logo and that will just have "pick up", it will not have any words of Walmart or any other words, just the "sparkle" and "pick up" and that will be on the southwest corner in front of the building. That size is 41.3 sq. ft. and that will also help the customers find where the online grocery pickup service will be. For the area variances for the 24 proposed parking stall directional signs; once again these are directional signs, also these signs will direct customers to parking spots. When they come and pick up their order they will be directed to go to a particular parking stall and once they arrive at the appropriate number parking stall someone from Walmart will bring out their product to the customer. These signs will help ease traffic congestion and will give direction to customers through easy access in and out for this service. These signs are key to a successful program, especially where they need to park in the area and also for safety concerns for shoppers and employees.

I make a motion to approve the four requests with the following conditions:

1. That they obtain all necessary permits.
2. That this conditioned on the approval of the Planning Board.

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

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

**Motion Carried
Application Approved
With Conditions**

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New Business:

1. Applicant: Marla Cangialosi
Location: 21 Shaemus Drive
Mon. Co. Tax No.: 073.02-7-12
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 5.0 feet high, chain-link fence to be located in a front yard, where fences located in a front or corner yard shall not exceed 4.0 feet in height. Section 211-46 L.

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 21 Shaemus Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Marla Cangialosi, 21 Shaemus Drive, Ms. Cangialosi, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed 5.0 feet high, chain-link fence to be located in a front yard, where fences located in a front or corner yard shall not exceed 4.0 feet in height.

WHEREAS, the findings of fact are as follows. This evening, Ms. Marla Cangialosi came before the board, she has owned the property at 21 Shaemus Drive for only 1 ½ months, a new homeowner. The applicant has stated that the need for the fence is to not only enhance the appearance of the yard, but it is for safety reasons because she has a medium to large breed bulldog mix dog and this is to keep

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the dog within a confine of the area, which also will protect any residents that might be walking by. This is on a corner lot. While we do not have many requests on the books for a 5.0 ft. high chain link fences in a front yard, the applicant was told that if she did decided to do close construction that she would have to come back before the board. I do not find that this request is going to be a detriment to the neighborhood.

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 permits needed by the Town.

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

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

Motion Carried
Application Approved
With Condition

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2. Applicant: Frederick Metzger
Location: 1150 Long Pond Road
Mon. Co. Tax No.: 074.10-4-36
Zoning District: R1-12 (Single-Family Residential)
Request: An area variance for a proposed subdivision lot, being Lot #11 of the Long Pond Woods Subdivision, to have a lot depth of 120.0 feet, instead of the 147.0 feet required. Section 211-11 D(2), Table1

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 1150 Long Pond Road, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Frederick Metzger, 1150 Long Pond Road, in an R1-12 (Single-Family Residential) district, his representative, Mr. Richard Giraulo appeared before the Board of Zoning Appeals, requesting an area variance for a proposed subdivision lot, being Lot #11 of the Long Pond Woods Subdivision, to have a lot depth of 120.0 feet, instead of the 147.0 feet required.

WHEREAS, the findings of fact are as follows. This evening Mr. Giraulo spoke on behalf of Mr. Metzger, mentioning that Mr. Metzger has owned the property for over 50 years and as such is looking to sell his property, which is causing the situation for the subdivision of the land. Relative to this Lot #11 and how it is designed: the lot requires a minimum lot depth of 120 ft being a corner lot. Due to overall design of the subdivision and the limitations with having Round Pond Creek on the parcel and also being a private drive, this lot required a variance for lot depth only on the private drive side in order to meet the requirements for the rest of the lots and could not be moved further to the north. Mr.

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Giraulo mentioned that he has been working with the Town's Development Services department for 6 months and has been receiving direction from them. The Planning Board provided a recommendation and is ready to approve this application, however they need the zoning approval of this lot depth in order for them to do this. Mr. Thomas Borden, who resides at 1159 Long Pond Road mentioned that he has a couple concerns relative to the drive going onto the property being directly opposite his driveway, on the other side of the street. He was concerned about additional traffic that this may cause and also mentioned that he had some concerns with the construction that there might be some environmental impact upon the creek itself. In looking at the subdivision there are just 8 houses that will be utilizing this private drive that empties onto Long Pond Road, so the traffic does not appear to have a significant impact. Also, relative to the stormwater situation, Town engineers and the Town will be supervising this to make sure that the situation does not become worse than it is and also the applicant needs to pursue with the state to get storm water improvement permits.

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 they receive Planning Board approval.

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

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

Motion Carried
Application Approved
With Condition

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3. Applicant: James Russo
Location: 700 Edgemere Drive
Mon. Co. Tax No.: 035.14-1-27
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure, two-story detached garage, (700.0 square feet first floor; 900.0 square feet second floor), totaling 1600.0 square feet, instead of the 1100.0 square feet granted by the Board of Zoning Appeals on August 20, 2019. Section 211-11 E(1), Table I
b) An area variance for a proposed accessory structure, two-story detached garage, (700.0 square feet first floor; 900.0 square feet second floor), totaling 1600.0 square feet, to have an overall height of 24.0 feet, instead of the 20.0 feet granted by the Board of Zoning Appeals on August 20, 2019. Section 211-11 E(1), Table I
c) Request of relief from testimony and a condition of approval pertaining to an area variance granted by the Board of Zoning appeals on August 20, 2019 to allow a water connection to a proposed accessory structure (detached garage).

On a motion by Mr. Jensen and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of January 7, 2020 in order to give the applicant time to review their options.

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

**Motion Carried
Application Continued Until
Meeting of January 7, 2020**

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4. Applicant: David Ferris
Location: 1242 Long Pond Road
Mon. Co. Tax No.: 074.14-2-9
Zoning District: BR (Restricted Business)
Request: Waiver of a special use permit to operate a motor vehicle service station (general automotive repair), in accordance with the regulations established in Section 211-17 B(3)(b)[3] & Section 211-35.

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 1242 Long Pond Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.

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11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Absent	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 David Ferris, 1242 Long Pond Road, in a BR (Restricted Business) district, Mr. Ferris appeared before the Board of Zoning Appeals this evening, requesting a waiver of a special use permit to operate a motor vehicle service station (general automotive repair), in accordance with the regulations established in Section 211-17 B(3)(b)[3] & Section 211-35.

The findings of fact are as follows. Once again, David Ferris appeared before this board applying for a waiver of a special use permit to operate a motor vehicle service station at 1242 Long Pond Road in accordance with the regulations established in Section 211-17.

Under the guidelines for a special use permit, the applicant shall demonstrate to the satisfaction of the Board that:

Access to the site and the size of the site are adequate for the proposed use.

The proposed use will not adversely affect the orderly pattern of development in the area.

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The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood, nor be detrimental to the residents thereof.

The proposed use will not create a hazard to health, safety or the general welfare.

The proposed use will not be detrimental to the flow of traffic in the vicinity.

The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

This evening Mr. Ferris is requesting a waiver of a special use permit to operate a service station at this site. This business will be for basic auto service, including inspections and repair work on vehicles. This particular property has previously been an auto repair service station. Mr. Ferris is proposing that he operates from the hours of 7:30 A.M. to 7:00 P.M. Monday through Friday, 7:30 A.M. to 6:00 P.M. on Saturday and closed on Sunday. Currently, he has two employees and is expected to hire up to six in the future. He will not be selling any vehicles out of this property nor will he be doing any body work or collision repair. Storage of vehicles will be primarily inside the property unless it is absolutely necessary, by drop off, to store the vehicles outside the property and in which case those vehicles should be able to be move inside.

At this time he has agreed to abide by all Town regulations pursuant to Section 211-35 and comply with all Federal, State, County and Town Laws regarding motor vehicle repair shops.

As far as previous conditions on the old approval, as outlined in minutes of the previous Special Use Permit granted on July 24, 2012, these conditions hold. There will be no body work done on vehicles; that the maximum Town occupancies in this general motor repair shop shall be the limits established by the Town's Fire Marshal pursuant to building codes of New York State. Again, that they comply by all applicable State, Federal, County and Town Laws and failure to comply with such regulations may be grounds for revocation of this special use permit.

Previous owners operation ran from 7:00 A.M. to 6:00 P.M. Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturday, whereas Mr. Ferris is asking for 7:30 A.M. to 7:00 P.M. Monday through Friday, 7:30 A.M. to 6:00 P.M. on Saturday and closed on Sunday. We are moving to modify the hours and number of employees, maximum of six employees and hold previous conditions. Also, a condition that there not be any outdoor storage of auto parts, mufflers, tires and anything else unless screened from the public view. Also, unregistered vehicles will not be stored in public view, they will be stored inside. No storage of cars in disrepair weather on jacks or now blocks or whatever.

As such, I move to approve this application with all the conditions mentioned above.

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

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

**Motion Carried
Application Approved
With Conditions**

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Special Agenda Item:

Applicant: Bell Atlantic Mobile Systems of Allentown, Inc. (d.b.a. Verizon Wireless)
Location: 1510 Maiden Lane
Mon. Co. Tax No.: 059.19-3-1.1
Zoning District: R1-18 (Single-Family Residential)
Request: a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (119 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. Sec. 211-56 A
b) An area variance for the use of barbed wire (188± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in Section 211-49. Sec. 211-46 E

On a motion by Ms. Andreano and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of March 3, 2020 per the applicants request.

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

**Motion Carried
Application Continued Until
Meeting of March 3, 2020**

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ADJOURNMENT: 8:55 PM

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

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

Signed: _____

Date: _____

Albert F. Meilutis, Chairman

NEXT MEETING: Tuesday, January 7, 2020

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