



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

DECEMBER 6, 2016

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
Andrew P. Forsythe
Thomas F. Hartwig
Randy T. Jensen
Cathleen A. Nigro
Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney
John T. Caterino, Planning Assistant
Maryjo Santoli, Zoning Board Secretary

Absent

Robert J. Bilsky

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business:

1. Applicant: Patsy D'Alesio
Location: 134 Ridgedale Circle
Mon. Co. Tax No.: 075.14-7-38
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow four (4) dogs to be kept at a residence, instead of the maximum three (3) dogs permitted per dwelling unit. Sec. 211-30 A

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 134 Ridgedale 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 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.

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

VOTE:	Mr. Bilsky	Absent	Mr. Forsythe	Abstain
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried

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

Mr. Chairman, regarding the application of Patsy D'Alesio, 134 Ridgedale Circle, the applicant appeared before the Board of Zoning Appeals, requesting an area variance to allow four (4) dogs to be kept at a residence, instead of the maximum three (3) dogs permitted per dwelling unit.

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals relative to the property at 134 Ridgedale Circle, as outlined above.

Mr. Chairman, with regard to the application of Patsy D'Alesio (the "Applicant"), 134 Ridgedale Circle, the Applicant appeared before this Board, requesting an area variance to allow four (4) dogs to be kept at a residence, instead of the maximum three (3) dogs permitted per dwelling unit.

WHEREAS, the findings of fact are as follows. The parcel is approximately 10,364 square feet or 0.24± acres and is located within a R1-E (Single-Family Residential) Zoning District. On October 18, 2016, the Applicant appeared before this Board regarding the aforementioned variances. The Applicant has lived at the property for approximately 17 years. The four (4) dogs in question are: Buck, a mixed-breed Husky, born in 2014; Tucker, a mixed-breed Husky, born in 2014; Remington, a Husky mix, born in 2016; and Storm, a Husky mix, born in 2016. All four (4) of the dogs are male and all are unneutered. The aforementioned information regarding the dogs was referenced in the licenses they have obtained from the Town. In terms of lifespan, the dogs can live for up to 15 years in age. All four (4) dogs are brothers and the Applicant would prefer not split them up. The Board was also in receipt of comments from the Town's Animal Control Office in which they stated, "All of the dogs are Huskies. We feel this could cause an issue later on with barking complaints, once the dogs are outside playing with each other."

Also, during the October 18th meeting, the Board received oral, written, and photographic testimony from Julie Musto, 142 Ridgedale Circle, which is directly west of the Applicant's property. Ms. Musto was opposed to this application for reasons including but not limited to: the state of the existing fence in the Applicant's rear yard, which appeared to have some gaps/holes in it based on pictures submitted; the size of the dogs and their behavior; if the dogs could be properly accommodated at this location, notably the limited amount of room in the rear yard; and the impact that four (4) dogs would have on the neighborhood. In addition, Ms. Musto submitted three (3) letters signed by other individuals, who supposedly lived in the neighborhood.

As a result, the Board voted to continue the public hearing on this application until November 15th, in order to give the Applicant time to review their options and to explore finding an alternate home for one (1) of the dogs.

On November 15th, the Applicant reappeared before this Board. During the public hearing, the Applicant stated that he would like to keep all four (4) of the dogs, because he considers them to be family and because all the dogs are brothers. Also, a petition was submitted by the Applicant with the name and signature of the 24 individuals in the area who supported the application.

As a result, the Board voted to close the public hearing on this application and reserved decision until the meeting of December 6th.

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

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1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. This Board evaluates these types of applications on a case-by-case basis. After careful thought to all the data presented and listening to all the testimony pertaining to this application, it is my belief that the continued harboring of these four (4) dogs at this location would indeed change the character of the neighborhood and would be a detriment to nearby properties. No property in the immediate area has received approval from this Board to have more than three (3) dogs.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance. The Applicant could find a home for one (1) of the dogs and by doing so, would comply with the Town's Zoning Ordinance and need no approval from this Board.
3. Whether the variance is substantial. The variance overall is substantial, especially when you take into consideration that four (4) dogs, which could each grow to be 50-60 pounds in weight, could be at the property for almost 15± years. In past cases when this Board has approved more than three (3) dogs, they were smaller in size and/or had shorter life expectancies.
4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district. This is a single-family residential area, which is located in a section of the town which is denser; the lot sizes are smaller and the houses are closer to one another. The circumstances from this application show that the parcel may be too small to harbor four (4) dogs, which are of medium to large breeding size. It can be argued that the outside area for these dogs is inadequate for them to roam, as the rear yard contains an aboveground swimming pool, pool deck, and shed, leaving very limited space for these dogs. Past variances granted for more than three (3) dogs generally were due to the small size of the dogs.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. It could be argued that this difficulty was self-created.

Therefore, for the reasons mentioned, I am going to move to deny this application.

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

VOTE:	Mr. Bilsky	Absent	Mr. Forsythe	Abstain
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried
Application Denied

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2. Applicant: Garland Beasley
Location: 245 Talon Run
Mon. Co. Tax No.: 033.04-1-30
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 8.0-foot-high, closed-construction fence (80.0± linear feet) to be located in the rear yard, where fences in rear yards shall not exceed 6.0 feet in height. Sec. 211-47

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 245 Talon Run, 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 adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Garland Beasley, 245 Talon Run, Mr. Beasley appeared before the Board of Zoning Appeals requesting an area variance for a proposed 8.0-foot-high, closed-construction fence (80.0± linear feet) to be located in the rear yard, where fences in rear yards shall not exceed 6.0 feet in height.

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Mr. Chairman, with regard to the application of Garland Beasley of 245 Talon Run, the Applicant appeared before the Board of Zoning Appeals requesting an area variance for a proposed 8.0-foot-high, closed-construction fence (80.0± linear feet) to be located in the rear yard, where fences in rear yards shall not exceed 6.0 feet in height.

WHEREAS, the findings of fact are as follows. This parcel is located at 245 Talon Run and is located in an R1-E (Single-Family Residential) Zoning District. On November 1, 2016 the Applicant appeared before this Board regarding the aforementioned area variance. The applicant has lived at the property since July 2016 and would like to install an 8.0-foot-high, closed-construction fence on the on east rear property line. Currently, an existing 6.0-foot-high fence is present and the applicant would add an additional two (2) feet of fencing on top of the existing fence. Also, it should be noted that the existing fence is located on the high side of a drainage swale, which is parallel to the property line. The reason for this request is due to the shining of vehicle headlights from the intersection of Flynn Road and Kuhn Road, which is approximately 200 feet east of the Applicant's property. The areas of the Applicant's house impacted by the headlights are primarily the kitchen and a portion of the family/living room, which are all located on the house's first floor. The Applicant stated to the Board that existing blinds/covers do not block all of the headlights, and this will be a problem which will increase with additional vehicular traffic in the area. Prior to applying for the variance, the Applicant stated he contacted the neighbor to the east, 715 Flynn Road, regarding planting arborvitaes in two (2) different locations on their property in order to block the headlights. The location of the arborvitaes proposed was in close proximity to the intersection and on the opposite side of the Applicant's existing fence, which were both rejected by the neighbor.

The Board continued the public hearing on this application until the meeting of November 15th in order to give the applicant time to gather more information that the Board requested and to allow for Board Members to visit the property.

On November 15th, the Applicant reappeared before this Board. Prior to this meeting, it was stated that a Board member and staff have visited the property in the evening time to view the headlights from the Flynn Road and Kuhn Road intersection and the impact that they have. The Applicant submitted photographic testimony, showing four (4) 8.0-foot-high boards leaned against the fence to simulate how the proposed fence would appear. It should be noted that in those photographs, the proposed 8.0-foot-high fence would not entirely block the windows and it could be argued that there is still the potential for light to shine through the windows from the intersection. Also, the Board inquired about alternatives to granting the variance, notably installing some form of fencing on the existing deck, using some form of light-blocking or room-darkening blinds or window covers, or relocating an existing shed to a different area of the rear yard to block the light, which the Applicant stated was a solution for one of his neighbors as it relates to blocking vehicle headlights from the intersection. The Applicant stated that none of these alternatives would solve the overall problem.

To conclude, the Board voted to close the public hearing on this application and reserve decision until the meeting of December 6, 2016. While the Board is sympathetic to the Applicant, there is a concern on the overall impact to the neighborhood if an 8.0-foot-high, closed-construction fence was to be allowed.

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

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. An undesirable change would occur in the character of the neighborhood. Currently,

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there are no fences on Talon Run or the adjoining streets which are greater than 6.0 feet in height.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance. Other methods are feasible for the applicant to pursue. The vehicle lights could be blocked either by the planting of arborvitaes or some form window blind/shade, both of which would not require building permits or approval from this Board. Also, a 6.0-foot-high, closed construction fence could be installed on the existing deck which would comply with the zoning ordinance and could have a greater impact than an 8.0-foot-high, closed construction fence. Furthermore, as discussed during the public hearing, the existing shed in the rear yard could be relocated to a different location and could potentially block any headlights from the Flynn Road and Kuhn Road intersection.
3. Whether the variance is substantial. The variance could be considered substantial, because as stated previously, no properties on Talon Run or the adjoining streets have fences higher than 6.0 feet in height.
4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district. While there would not be an environmental impact, it could be argued that an 8.0-foot-high fence would have a physical and visual impact, because as stated previously, no properties on Talon Run or the adjoining streets have fences higher than 6.0 feet in height.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. It can be argued that the alleged difficulty is self-created. When the Applicant purchased the property, the intersection of Flynn Road and Kuhn Road would be visible either from the interior of the kitchen and living room or would be visible from the existing deck in the rear yard.

Based on the aforementioned information, I move to deny this application.

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

VOTE:	Mr. Bilsky	Absent	Mr. Forsythe	No
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried
Application Denied

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New Business:

1. Applicant: Jodie Salemi
Location: 160 Carrington Drive
Mon. Co. Tax No.: 058.02-8-34
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed attached garage addition (6.0 feet x 15.0 feet; 90.0 square feet), resulting in a total gross floor area of 934± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots whose lot area is less than 16,000 square feet. 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 160 Carrington 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).)
2. According to SEQRA, Type II actions have been determined to not have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Jodie Salemi, 160 Carrington Drive, Mike and Jodie Salemi appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed attached garage addition (6.0 feet x 15.0 feet; 90.0 square feet), resulting in a total gross floor area of 934± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots whose lot area is less than 16,000 square feet.

The findings of fact are as follows. Mike and Jodie Salemi appeared before the Board this evening. This parcel is located at 160 Carrington Drive in an R1-E (Single-Family Residential) district. The lot is 85 feet x 154 feet. The Salemis have lived at this address for nine years, and the proposed garage addition is to provide storage of a third vehicle that is used during the summer months. Construction will be overseen by a contractor, Matco Construction, and the exterior will match the existing home. It will be built on a block and concrete foundation. There will not be a second story, and there will be no additional electricity or water. There is a shed that they currently use to store lawn furniture. There will be no repairs or painting in the garage, and there is no intention to utilize this addition as a business. The Salemis have considered scaling it back, but it is just not possible as the area is needed to store a vehicle. Additionally, no neighbors spoke opposing 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 this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, 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 building permits.
2. And that the addition will not exceed 90.0 square feet, meaning the total accessory structures will not exceed 934 square feet.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: Ronald J. Berardi
Location: 839 North Greece Road (Meadows at English subdivision)
Mon. Co. Tax No.: 058.01-2-19.2 & 058.01-2-20.2
Zoning District: RMS (Multiple-Family Residential – Senior Citizen)
Request: a) An area variance for proposed dwelling units (Lots 101, 102, 103, 104, 113, 114, 115, & 116) to have a (east) setback of 88.0 feet to 149.9 feet (measured from the centerline of North Greece Road), instead of the 150.0 feet minimum required. Sec. 211-14 H, Table II
b) An area variance for proposed dwelling units (Lots 102 & 103) to have a (north) setback of 44.0 feet from other zoning districts, instead of the 50.0 feet minimum required. Sec. 211-14 H, Table II
c) An area variance for proposed dwelling units (Lots 118, 119, 122, 123, 126 & 127) to have a (south) setback of 30.0 feet from other zoning districts, instead of the 50.0 feet minimum required. Sec. 211-14 H, Table II
d) An area variance for a proposed driveway and parking area (285± linear feet) to be located 27.0± feet to 49.9 feet from the west right-of-way line of North Greece Road, instead of the 50.0 feet minimum required. Sec. 211-14 H, Table II

On a motion by Mr. Jensen and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until this Board’s meeting of January 3, 2017 if the Planning Board hears his request on December 21, 2016, or until this Board’s meeting of January 17, 2017 if the Planning Board doesn’t hear the applicant’s request until their January 4, 2017, meeting, per the request of the applicant.

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

**Motion Carried
Application Continued Until
Meeting of January 3, 2017**

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3. Applicant: New Cingular Wireless PCS, LLC ("AT&T")
Location: 1541 & 1555 Long Pond Road
Mon. Co Tax No.: 089.01-1-6.11
Zoning District: CHC (Central Health Care)
Request: A special use permit for a proposed cellular service telecommunications facility (roof-mounted antenna) to be located on an existing building. Sec. 211-56 A

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 1541 & 1555 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

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

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

Motion Carried

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

Mr. Chairman, regarding the application of New Cingular Wireless PCS, LLC (AT&T), 1541 & 1555 Long Pond Road, in a CHC (Central Health Care) district, Mr. Paul Reed, representing the applicant, appeared before the Board of Zoning Appeals this evening, requesting a special use permit for a proposed cellular service telecommunications facility (roof-mounted antenna) to be located on an existing building.

The findings of fact are as follows. This evening, Paul Reed of Centerline Communications, appeared before this Board on behalf of New Cingular Wireless PCS, LLC ("AT&T"). This evening, Mr. Reed mentioned that this telecommunications facility will be comprised of three antennas and associated switching equipment to be located in the penthouse roof at the Unity Hospital location on Long Pond Road. The need for this telecommunications facility is to fill a gap in the AT&T services and to improve the service in the Unity complex. The specific location was chosen as it would be the optimum location to benefit the hospital. As far as the antennas are concerned, they will be no more than 60 feet off the ground elevation and approximately 8 feet, 6 inches above an existing roof parapet. There will be approximately 300 square feet that will be involved in this facility. In addition, the location of this antenna will be approximately 800 feet from Long Pond Road; therefore, with the distance from Long Pond Road and that 8 feet, 6 inches height above the parapet, the visual appearance of this antenna will be negligible. The hospital was built approximately 40 years ago, so the access to this location will be the same that has been in existence for that timeframe. The site will be manned only for routine maintenance at approximately once a month. The site will be operated and constructed in accordance with FCC requirements and regulations. The only utility involved with this site will be electricity; there will be no generator. As for the pole for the antennas, if there is a wind shear, the antenna will be landing on the roof and not on the surrounding property.

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

1. Access to the site and the size of the site are adequate for the proposed use. As previously stated the access was determined back 40 years ago and it has not changed so they will be using the same access and they will only be utilizing 300 feet in a penthouse at the hospital.
2. The proposed use will not adversely affect the orderly pattern of development in the area. The communication will be built on the roof of the building, so it will have no impact on the development.
3. 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. As previously stated, this will be a roof-mounted situation and will have no impact for the character of the neighborhood or be detrimental to the residents.
4. The proposed use will not create a hazard to health, safety or the general welfare. As mentioned, this will be constructed and operated in accordance with FCC regulations and requirements.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity. As it is on a roof, it has no impact on the traffic.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities. As previously mentioned, only electricity will be servicing this site, so it will not place an excessive burden.

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Therefore, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Section 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by New Cingular Wireless PCS, LLC ("AT&T") for a special use permit for a proposed cellular service telecommunications facility (roof-mounted antenna) to be located on an existing building on property located at 1541 & 1555 Long Pond Road, in a CHC (Central Health Care) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this cellular service telecommunications facility in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The maximum occupancies in this cellular service telecommunications facility shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code. Failure to comply with such requirements may be grounds for revocation of this special use permit.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
7. Upon the sale or other transfer of controlling interest in this cellular service telecommunications facility to any persons or entity other than New Cingular Wireless PCS, LLC ("AT&T"), its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
8. All applicable building permits must be obtained.
9. This cellular service telecommunications facility shall be installed and operated in accordance with FCC rules, regulations, and requirements.
10. The top of the antenna for this cellular service telecommunications facility shall be no higher than 60 feet off the ground elevation.

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

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

Motion Carried
Application Approved
With Conditions

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ADJOURNMENT: 8:35 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: _____

NEXT MEETING: December 20, 2016