



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

DECEMBER 12, 2017

Work Session Began: 6:30 p.m.

Meeting Began: 7:00p.m.

Place: Community Conference Room, Greece Town Hall

Present

Albert F. Meilutis, Chairman

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Andrew P. Forsythe

Christopher A. Schiano, Esq., Deputy Town Attorney

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business

None

New Business:

1. Applicant: Rachel Tompkins
Location: 77 Kentwood Drive
Mon. Co. Tax No.: 089.10-1-13
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (65± linear feet) to be located in a 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. 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 77 Kentwood 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 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 Ms. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, regarding the application of Rachel Tompkins, 77 Kentwood Drive, in an R1-E (Single-Family Residential) district, Rachel and Craig Tompkins appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (65± linear feet) to be located in a 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.

WHEREAS, the findings of fact are as follows. They have resided in the home for 2-1/2 years. The home at 77 Kentwood Drive is a corner lot, and in order to have privacy and security they are proposing to put a six-foot-high fence, which will come from the side of their house and go directly into the neighbor's fence at the rear of the yard. The fence will be constructed of PVC vinyl, and there will be a gate on the fence. They have agreed to a Hold Harmless agreement based upon an easement that they have entered into with RG&E, and have spoken with the neighbors, and the neighbors are fine with it.

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 sign a Hold Harmless agreement with the Town.
2. And that they apply for and obtain the necessary permits.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: Michelina LaDelfa
Location: 23 Bright Autumn Lane
Mon. Co. Tax No.: 074.05-4-3
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed single-story addition (13.5 feet x 20.8 feet; 281.0 square feet) to have a (west) rear setback of 44.1± feet, instead of the 48.0 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for a proposed lot coverage of 26.6±%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 23 Bright Autumn Lane, 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)(9) & (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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Michelina LaDelfa, 23 Bright Autumn Lane, in an R1-E (Single-Family Residential) district, Michelina LaDelfa and David Waldarek appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed single-story addition (13.5 feet x 20.8 feet; 281.0 square feet) to have a (west) rear setback of 44.1± feet, instead of the 48.0 feet minimum required; and an area variance for a proposed lot coverage of 26.6±%, instead of the 25% maximum permitted.

WHEREAS, the findings of fact are as follows. Ms. LaDelfa mentioned that she has owned the property for approximately 29 years, and the reason for the addition at this point in time is to establish an exercise room for herself and her mother. Currently, her exercise equipment is in the basement and in an upstairs location, and with this addition this exercise equipment then will be consolidated in one location, which will assist her mother to gain access and utilize the equipment. The finishes of the addition will match the existing structure and the existing roofline will be tying into existing rooflines of the house. Relative to the setback, there was a previous variance that was granted for this property for a 38-foot situation, rear setback, so this is less than what was previously approved. Relative to the lot coverage, we discussed possibly the reduction of the lot coverage through elimination of a storage shed, but the storage shed is utilized for lawn equipment, lawn furniture, snow blowers—things of that nature. It is located on a concrete foundation and it would be a financial hardship to reduce that situation. So, discussion then focused on the actual addition itself and what the applicant has agreed to is that the addition will be reduced by 27 square feet, resulting in a total of 254 square feet, and with the reduction of that square footage the lot coverage is reduced from 26.6% to 26.45%. The applicant mentioned that she has spoken to her neighbors about this project, and there were no negative comments concerning it.

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 all necessary building permits first be obtained.
2. All codes satisfied.
3. And that the size of the addition will not exceed 254 sq. ft.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Compson Development
Location: 2505 West Ridge Road
Mon. Co. Tax No.: 074.14-4-5.11
Zoning District: BR (Restricted Business)
Request: An area variance for a proposed (north side) building-mounted sign ("T-Mobile"; 2.8 feet x 13.3 feet; 37.3 square feet), instead of the 30 square feet maximum permitted. Sec. 211-52 B (2) (a), Table VII

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 2505 West Ridge 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.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Compson Development, 2505 West Ridge Road, Laura Baranes, of Premier Signs—and also representing MC Signs and Compson Development, the applicant—appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed (north side) building-mounted sign (“T-Mobile”; 2.8 feet x 13.3 feet; 37.3 square feet), instead of the 30 square feet maximum permitted.

WHEREAS, the findings of fact are as follows. The applicant appeared before us this evening requesting a variance for an increased sign from the permitted 30 square feet to 37.3 square feet. Currently there is a sign in place, and the applicant would like this sign larger. The sign capital letters would go from 20 inches to 24 inches, and the background of the sign would also increase for the background of the sign. The reason for this is for more visibility. The type of sign would be a face-lit, channel-back LED sign, and with this sign also with traffic going from both directions on West Ridge Road it will increase the visibility for shoppers going westbound, where they can use the turnaround; also, through the busy intersection of Long Pond Road and Ridge Road, it will also help them see the business as they come up. The applicant, part of the conditions this evening, will also provide staff with a letter from Compson Development approving that she represented them this evening and that they are okay with the size of this sign. This variance of an additional 7.3 square feet in the West Ridge corridor is not uncommon. Other areas have had greater size variances, and this is not going to cause any change or problems within the fabric of the West Ridge Road corridor.

With that being said, I would like to move to approve this application, with the following conditions:

1. That the applicant obtain all necessary permits.
2. That the applicant also provide the Town a letter, giving Laura Baranes the authorization to represent them here tonight.

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

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

Motion Carried
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ADJOURNMENT: 7:45 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: January 2, 2018