



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

JANUARY 16, 2024

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

Christopher A. Schiano, Esq., Deputy Town Attorney

Jon Mead, Staff Advisor to the Zoning Board

Melanie Burton, Zoning Board Secretary

Janelle Castellana, Planning Board Secretary

Absent:

Bradford Shea

Anthony F. Wechsler

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

OFFICE OF PLANNING & ZONING

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BOARD OF ZONING APPEALS MINUTES
January 16, 2024

Old Business

1. Applicant: Lien Thi Gallagher
Address: 16 Centerwood Drive aka 4396 Mt. Read Boulevard
Mon. Co. Tax No.: 060.06-3-25
Zoning District: R1-E (Single-Family Residential)
Request: A special use permit for a major home occupation (in home nail salon). § 211-11C(2)(a)

On a motion by Ms. Andreano and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of February 6, 2024 per the request of the applicant.

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

**Motion Carried
Application Continued Until
The meeting of February 6, 2024**

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2. Applicant: APD Engineering on behalf of Valvoline
Address: 3081 West Ridge Road
Mon. Co. Tax No.: 074.13-3-27
Zoning District: BR (Restricted Business)
Request:

- a) A special use permit to operate a motor vehicle service station in a BR (Restricted Business) zoning district. § 211-17B(3)(b)[5]
- b) An area variance for a driveway to be located 9-18 feet from a front lot line, instead of the 20-foot minimum setback required for such driveway. § 211-17B(4), Table III

On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of February 6, 2024.

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

Motion Carried
Application Continued Until
The meeting of February 6, 2024

BOARD OF ZONING APPEALS MINUTES
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New Business

1. Applicant: Bill Shubert
Address: 132 Lakeshore Drive
Mon. Co. Tax No.: 017.06-1-45
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an accessory structure (garden shed, 8 feet by 10 feet; 80 square feet) to have a side setback of 1 foot, instead of the 5-foot minimum setback permitted. § 211-11E(1), Table I

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 132 Lakeshore Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of 132 Lakeshore Drive in the R1-E (Single-Family Residential) zoning district, Bill Shubert appeared before the Board of Zoning Appeals this evening requesting the area variance listed above.

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WHEREAS, the findings of fact are as follows. At the meeting of January 16, 2024, the applicant is requesting an area variance for an accessory structure 8 feet by 10 feet for a total of 80 square feet to have a side setback of 1-foot instead of the 5-foot minimum setback permitted. Regarding the finding of fact, at the meeting of January 16, 2024, Mr. Shubert attended the Zoning Board meeting to present his application for his need for a setback variance for his garden shed. His intended use is to store yard equipment in the shed. He does not plan on attaching any utilities to the shed. He is having the company who is prefabricating the shed drop it on a foundation of stone and patio blocks. He has looked at other locations and it would be a hardship to place it anywhere else in the yard. He has not received any criticism from any neighbors. He is aware of the current Building Department processes and does plan on applying for the 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 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 Type II action under SEQRA regulations, requiring no further action by this board, I move to approve this application with the following condition:

1. That the Applicant obtains the required Town permits.

So moved.

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
	Mr. Shea	Absent	Mr. Wechsler	Absent

Motion Carried
Application Approved
With Condition

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2. Applicant: Frank Hoffman
Address: 417 Edgemere Drive
Mon. Co. Tax No.: 035.15-5-3.1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed addition to a principal structure (3 season room with basement, 18 feet by 20 feet; 360 square feet) to have a side setback of 6 feet, instead of the 8.3 foot side setback granted by the Board of Zoning Appeals on July 5th, 2023. § 211-11D(2), Table I

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 417 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

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WHEREAS, with regard to the application of 417 Edgemere Drive in the R1-E (Single-Family Residential) zoning district, Alice Hoffman appeared before the Board of Zoning Appeals this evening requesting the area variance listed above.

WHEREAS the findings of fact are as follows. At the meeting of January 16, 2024, the applicant is requesting an area variance for a proposed addition to the principal structure, a three-season room with a basement, 18 foot by 20 foot for 360 square feet, and to have a side setback of 6 feet instead of the 8.3 foot side setback that was granted by the Board back on July 5, 2023. The applicant stated that through a survey and remeasurement it was determined that to meet the 18 foot by 20 foot; 360 square foot principal addition to their home, the side setback would be 6 feet instead of the 8.3 feet. Back on July 5, 2023, the applicant requesting this room for family events and activities. A neighbor did communicate back on July 5th that they had no issue with this addition, and there has been no other neighbors voicing concern for this evening. The applicant did say to achieve what they are looking for, they need the additional 2 feet of a side setback. The cause was an issue with measurement, and they also did have a site survey completed.

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 Type II action under SEQRA regulations, requiring no further action by this board. I move to approve this application with the following conditions:

1. That the Applicant obtains the appropriate Town permits.
2. That all conditions stated from the July 5, 2023 meeting continue.
3. Setback not to exceed 6 feet.

So, moved.

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
	Mr. Shea	Absent	Mr. Wechsler	Absent

Motion Carried
Application Approved
With Conditions

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3. Applicant: Burlington Stores Inc.
Address: 112 Greece Ridge Center Drive
Mon. Co. Tax No.: 074.18-4-7.113
Zoning District: BG (General Business)
Request: An area variance for a proposed second building-mounted sign (heart logo and the word "Burlington," east elevation, 10.3 feet by 11 feet; 113.3 square feet), instead of the one 350-square-foot building-mounted sign permitted. § 211-56B(2)(c), Table VII

On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of February 6, 2024.

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

**Motion Carried
Application Continued Until
The meeting of February 6, 2024**

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4. Applicant: True Storage LLC
Address: 317 Greece Ridge Center Drive
Mon. Co. Tax No.: 074.18-4-8
Zoning District: BG (General Business)
Request: A special use permit to operate a self-storage facility in a General Business (BG) district. § 211-17C(3)(b)[8]

On a motion by Mr. Jensen and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of February 6, 2024.

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

**Motion Carried
Application Continued Until
The meeting of February 6, 2024**

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SPECIAL ZONING TOPICS

1. Applicant: Sonbyrne Sales, Inc.
Address: 1050 Stone Road
Mon. Co. Tax No.: 075.06-1-29.11
Zoning District: Restricted Business (BR)
Request: An extension of a special use permit for a fuel dispensing station, pursuant to the provisions of Section 211-65A and subject to site plan approval pursuant to the provisions of § 211-65 approved by the Board of Zoning Appeals on January 17th, 2023.

On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to grant two 90-day extensions, for a total of 180 days' extension.

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

Motion Carried
Two 90-day extensions Approved

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ADJOURNMENT: 8:16 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: Tuesday, February 6, 2024