



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

MARCH 1, 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 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

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

Old Business:

1. Applicant: GP Custom Auto
Location: 1599 Long Pond Road
Mon. Co. Tax No.: 089.03-2-8
Zoning District: BR (Restricted Business)
Request: A public hearing for the Board of Zoning Appeals to consider whether or not a special permit grantee, G.P. Custom Auto, has violated the terms and conditions of the special permit to operate a motor vehicle service station which the Board of Zoning Appeals granted on May 20, 2014, and whether said special permit should be revoked. Sec. 211-60 A (5) (a)

Mr. Meilutis 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 1599 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 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 an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and 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.
6. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that 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.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from nearby

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. 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.
12. 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.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

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

Motion Carried

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

WHEREAS, pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the Town of Greece (the "Town") Board of Zoning Appeals (the "Board") has initiated action to consider whether or not a special permit grantee, G.P. Custom Auto, has violated the terms of and conditions of the special permit to operate a

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

motor vehicle service station which the Board granted on May 20, 2014, and whether said special permit should be revoked.

WHEREAS, the findings of fact are as follows. On May 20, 2014, the Board approved with conditions a special use permit to Jeff and Greg Perrin (the "Operators") to operate a motor vehicle service station, to be known as G.P. Custom Auto (the "Business"), on the property located at 1599 Long Pond Road (the "Premises"). As part of said approval, the Board attached nineteen (19) conditions. The conditions included but were not limited to: the screening of vehicles awaiting repair; allowing no vehicle to be parked in public view that does not have valid license plates, current registration, and/or inspection; not allowing any spray painting, body work, or collision work of any kind without obtaining the necessary approvals and permits from the Town's Technical Services Department; obtain approvals from the Town's Planning Board for site plan approval, and, when site plan approval is granted, the Operators would have sixty (60) days to comply with the conditions of such approval; and the approval was made subject to review by the Board within six (6) months' time, (i.e., November of 2014). These are only five (5) of the nineteen (19) conditions associated with the approval of the Operators' special use permit.

Since the granting of said special use permit, evidence collected by the Town has shown that the Operators of the Business remained noncompliant on the conditions of their approval. As a result, the Town's Building Inspector issued a notice of violation to the Operators on December 11, 2014. As part of this notice, it was stated that if violations were not remediated within thirty (30) days, this matter would be referred back to the Board for a public hearing to determine whether or not the special use permit should be revoked due to noncompliance.

On April 7, 2015, pursuant to the provisions of the Zoning Ordinance, the Board held a public hearing, and the Operators of the Business appeared before the Board to discuss whether the special use permit should be revoked. At said date, the Operators were determined to be in violation of eight (8) conditions of the special use permit.

Since the Board's hearing of April 7, the Operators have been before the Board on four (4) separate dates: April 21, 2015; May 5, 2015; July 21, 2015; and August 18, 2015. During that time, the Operators have shown instances of good faith and have corrected a majority of their outstanding violations. However, since August 18, 2015, some violations remain, notably, vehicles being stored in public view which do not have valid license plates, current registration, and/or inspection; the storage of more than ten (10) vehicles on-site after the close of each business day; and the long-term storage of vehicles in a fenced-in area to the rear of the building on the Premises. It should be noted that, recently, more than ten (10) vehicles have been observed on-site after the close of each business day. Also, in that period, the Operators have been cited by the Town's Code Compliance Department and have had attended Town Court proceedings regarding their violations.

It is the opinion of this Board that in nearly the year that this matter has been before us, progress has been made by the Operators. It should also be noted that the Operators have invested substantial money into the Premises in effort to comply with the conditions of the special use permit. However, I should stress that more effort must be made by the Operators to comply with the remaining outstanding issues on the Premises. Also, when appearing before the Town Court, the Operators plead guilty to the charges brought against them, and were required to pay monetary fines in conjunction with their guilty plea. It is the opinion of the Board that this method of recourse is deemed more appropriate than revoking the Operators' special use permit at this time. The Board has been patient with the Operators and even though the Operators have complied with some conditions, there are still outstanding violations of conditions of the special use permit that was granted nearly two years ago.

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

Since the Town's Code Compliance Department has actively been pursuing legal action against the Operators, which could result in further monetary fines, I am going to move to not revoke the special use permit granted to G.P. Custom Auto on May 20, 2014 at this time. By doing so, any future violations of the special use permit are subject to enforcement by the Town's Code Compliance Department, and any proceedings that are to occur will occur in the Town Court, and/or this Board.

Basically, this motion to not revoke the special use permit is taking the matter out of this Board's hands for now; however, the matter can always come back to us. If the Town Court cannot get compliance from the Operators, the court has several remedies available to it, and as a last resort the Town Court can always deal with it later.

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
Special Use Permit
Not Revoked

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

2. Applicant: Daniel Pearl
- Location: 107 Long Pond Road
- Mon. Co. Tax No.: 034.02-1-21
- Zoning District: R1-44 (Single-Family Residential)
- Request:
- a) An area variance for a proposed principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (north) side setback of 7.5 feet, instead of the 20.0 feet minimum required. Sec.211-11 D (2), Table I
 - b) An area variance for a proposed principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (south) side setback of 11.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 D (2), Table I
 - c) An area variance for a proposed deck (1440± square feet) to be located in the front yard and side yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a proposed front setback of 727.5 feet (measured from the west right-of-way line of Long Pond Road), instead of the 472.5 feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec.211-11 D (2), Table I, Sec. 211-11 E (1), Table I
 - d) An area variance for a proposed deck (1440± square feet) to have a (north) side setback of 7.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
 - e) An area variance for a proposed deck (1440± square feet) to have a (south) side setback of 5.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
 - f) An area variance for a proposed second story deck (8.0 feet x 14.0 feet; 112 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)
 - g) An area variance for a proposed shed (80± square feet) to be located in a side yard, where accessory structures, such as sheds, are permitted in the rear yards only. Sec. 211-11 E (3)
 - h) An area variance for an existing shed (7.0 feet x 22.0 feet; 154 square feet) to have a (south) side setback of 4.96 feet, instead of the 10.0 feet minimum required. Sec. 211-11 E (1), Table I
 - i) An area variance for a proposed detached garage (550± square feet) to have a (south) side setback of 8.0 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
 - j) An area variance for an existing detached garage (542± square feet) to have a (south) side setback of 5.17 feet,

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I

k) An area variance for a proposed detached garage addition (750± square feet) to have a (south) side setback of 5.16 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I

l) An area variance for existing and proposed accessory structures which result in a total gross floor area of 2076± square feet, instead of the 1250 square feet maximum gross floor area permitted for accessory structures on lots with a lot area greater than one (1) acre. Sec. 211-11 E (1), 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 107 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (10), (12) & (13).)
2. According to SEQRA, Type II actions have been determined not to 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 Ms. Nigro 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

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

Mr. Hartwig then offered the following resolution:

(After the first meeting, revisions were made to the applicant's proposal and additional variances were required. The Board member references the original Legal Notice of the previous meeting, January 19, 2016, and also the revised Legal Notice.)

WHEREAS, on January 19, Greg McMahon of McMahon Larue Associates along with Daniel and Holly Pearl, who own 107 Long Pond Road in a R1-44 (Single Family Residential) zone, appeared before the Board to request the following application and variances:

- a) An area variance for a proposed principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (north) side setback of 7.5 feet, instead of the 20.0 feet minimum required. Sec.211-11 D (2), Table I
- b) An area variance for a proposed principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (south) side setback of 11.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 D (2), Table I
- c) An area variance for a proposed deck (1440± square feet) to be located in the front yard and side yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a proposed front setback of 727.5 feet (measured from the west right-of-way line of Long Pond Road), instead of the 472.5 feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec.211-11 D (2), Table I, Sec. 211-11 E (1), Table I
- d) An area variance for a proposed deck (1440± square feet) to have a (north) side setback of 7.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
- e) An area variance for a proposed deck (1440± square feet) to have a (south) side setback of 5.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
- f) An area variance for a proposed shed (80± square feet) to be located in a side yard, where accessory structures, such as sheds, are permitted in the rear yards only. Sec. 211-11 E (3)
- g) An area variance for a proposed detached garage (550± square feet) to have a (south) side setback of 8.0 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
- h) An area variance for an existing detached garage (542± square feet) to have a (south) side setback of 5.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
- i) An area variance for a proposed detached garage (1500± square feet) to have a (south) side setback of 10.0 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
- j) An area variance for existing and proposed accessory structures which result in a total gross floor area of 2672± square feet, instead of the 1250 square feet maximum gross floor area permitted for accessory structures on lots with a lot area greater than one (1) acre. Sec. 211-11 E (1), Table I
- k) An area variance for a total gross floor area of existing and proposed accessory structures on the premises (2672 square feet) to exceed the total gross floor area of the proposed principal building (2253 square feet). Sec. 211-11 E (1), Table I

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

Daniel and Holly Pearl have resided at 107 Long Pond Road for approximately 12 years in a 1,184-square-foot primary structure. Over the course of time, this structure has become too small for their living needs, so they investigated building an addition on to their house. As this option turned out not to be realistic, they then decided to demolish the existing house and build a new 2,200-square-foot structure closer to the water. The new structure's location was determined in order to accommodate a sanity sewer easement. In addition, this location would also enhance their lifestyle and accommodate their new living needs.

Along with this new house, the Pearls have proposed a 1,440-square-foot deck to be located around the west, south, and east sides of the new house. With ensuing discussion, it appeared that the "deck" could be replaced by a patio, as ground elevations could be used. A patio does not require the same variances as a proposed deck. As such, the Pearls stated that they would review their options.

Further discussion concerned an 80-square-foot storage shed. This shed is to be used for the placement of trash containers and recycling bins. This amount of square footage appears to be excessive for this type use. The Pearls will reevaluate this request.

A new detached 550-square-foot garage is planned to be located near the new house. This garage will be used to house two vehicles. Once constructed, the exterior finishes will match the new house. Only electric service will be run to this garage.

In addition, an existing 542-square-foot detached garage is to remain in place. A third vehicle and a motorcycle are planned to be located in this structure.

A 1,500-square-foot utility building was also proposed to be constructed on the property. A Kubota loader and backhoe to be used for personal gardening, two trailers, jet skis, a canoe and a new possible boat (yet to be purchased) are to be located in this building. With this building the Pearl's total storage square footage comes to 2,672 square feet, which is larger than the primary structure. After further consideration, the Pearls then decided not to pursue this building, thereby withdrawing their request for that variance. Instead, the Pearls now plan to construct a 750-square-foot addition to the existing 542-square-foot garage. As a result, their overall storage space will be reduced to 1,922 square feet.

A letter from David and Cathy Schuth of 111 Long Pond was read into the meeting minutes, stating their concern that all the proposed construction would meet the standards of the neighborhood.

Due to these changes, this application was continued to February 16 in order to give the Pearls sufficient time to generate a new site plan, along with a grading plan; however, due weather conditions the February 16 meeting was cancelled. As such, the application was moved to the March 1 meeting.

This evening, Daniel Pearl and Greg McMahon reappeared before the Board to review the options and changes to the original request. Discussions concerned about the deck/patio and it was deemed that the patio could be at grade level on the south-southwest side of the house. The rear of the house would be at grade level. Going around toward the water, the grade of the land changes where a portion of the patio will be at grade, but then the patio will need to be raised so that the patio, as it goes around the waterfront side of the house will be at a height that will be consistent with the floor of the new home. The height, it was mentioned, would be maybe one step or two steps. It was also mentioned that there would be the need for a second-floor deck for the primary purpose of giving weather protection to the patio and also for access from the second floor of the house to obtain a water view from that perspective. It was also determined in this meeting that there was an existing shed that they would like to maintain or propose of approximately 154 square feet that was attached to an existing garage. Through further discussion, they would like to omit the request for that variance, and that shed will be demolished. It was also discussed about the 80-square-

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

foot storage shed that would be closer to the house. Mr. Pearl mentioned that not only would there be trash containers located there, but there would also be a snowblower, yard utensils, and items that would be necessary to maintain the grounds around the house down toward the water, therefore necessitating that amount of square footage.

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 building permits be obtained and Town Codes met.
2. That the final site plan needs to be approved and any grading and elevation plans need to be approved by the Town's Engineering Department.
3. That there will be no commercial use whatsoever to be utilized on this property by any of the structures.
4. And as for the demolition of the existing home, we look to have that taken down within six months after construction permits or a timeframe that is approved by the Building Department.
5. There will be no open flame of any kind on the patio underneath the overhang of the deck; that would include fire pits, grills, and everything as testified by the applicant. He has no intent, but I think we need to make it clear that fire pits or anything else, we do not want under that deck.
6. There will be no permanent structures on the second floor deck, no hot tubs or grills or open flames.
7. The items that are being approved are Items "a," "b," "c," "c," "e," "f," "g," "i," "j," "k," and "l," and item "h" has been withdrawn by the applicant.
8. The overall storage will not exceed 1922 square feet.

Seconded by Ms. Nigro 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

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

New Business:

1. Applicant: Michael W. Godden
Location: 2482 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-51
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed two-story addition (443.6± square feet) to have a (east) side setback of 2.5 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
 - b) An area variance for a proposed two-story addition (443.6± square feet) to have a (west) side setback of 1.6 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
 - c) An area variance for an existing detached garage (13.5 feet x 37.0 feet; 499.5 square feet) to have a (west) side setback varying from 1.8 feet to 4.0 feet, instead of the 3.0 feet to 5.0 feet granted by the Board of Zoning Appeals on November 4, 2009. Sec. 211-11 E (1), Table I
 - d) An area variance for a proposed lot coverage of 29.8%, instead of the 25% maximum permitted. Sec. 211-11 D (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 2482 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 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), (10) & (12).)
2. According to SEQRA, Type II actions have been determined not to 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.

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

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:

WHEREAS, with regard to the application of Michael W. Godden, 2482 Edgemere Drive, Mr. Godden appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed two-story addition (443.6± square feet) to have a (east) side setback of 2.5 feet, instead of the 6.0 feet minimum required; an area variance for a proposed two-story addition (443.6± square feet) to have a (west) side setback of 1.6 feet, instead of the 6.0 feet minimum required; an area variance for an existing detached garage (13.5 feet x 37.0 feet; 499.5 square feet) to have a (west) side setback varying from 1.8 feet to 4.0 feet, instead of the 3.0 feet to 5.0 feet granted by the Board of Zoning Appeals on November 4, 2009; and an area variance for a proposed lot coverage of 29.8%, instead of the 25% maximum permitted.

WHEREAS, the findings of fact are as follows. The applicant has lived at this location for approximately 10 years, and the reason for the addition is that, above the kitchen they will be adding a bedroom and a bathroom; along with that, they will also be putting on a porch, which will be constructed of pressure-treated lumber. The applicant is looking for additional space by adding a bedroom and bathroom to the second floor, and the applicant also stated that he will be adding new siding to the structure to enhance the look. The applicant also stated that the addition will be within the current footprint of the current residence. On variance "c," regarding the garage, this variance is to clean up the previous variance by getting the lot coverage and the size of the variance due to re-staking and re-measuring of the property. The applicant also said that it would be a financial hardship for him to move the garage. The area variance of 29.8% is very consistent with other properties within this lakefront neighborhood. We did have one correspondence to the Board; this was by the neighbor at 2488 Edgemere Drive. The applicant was made aware of the neighbor's concerns, which was brought forward and he understands the neighbor's concerns.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of 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 condition that the applicant will obtain all necessary permits.

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

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 Condition

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

2. Applicant: Christopher Barone
Location: 68 Crossroads Lane
Mon. Co. Tax No.: 045.19-2-57
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed covered porch addition (8.0 feet x 30.4 feet; 243.2 square feet) to have a front setback of 31.5± feet (measured from the east right-of-way line of Crossroads Lane), instead of the 46.3 feet minimum established by the neighborhood average. Sec. 211-11 D (1), Sec. 211-11 D (2), Table I

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

WHEREAS, the applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 68 Crossroads 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)(10) & (12).)
2. According to SEQRA, Type II actions have been determined not to 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 Ms. Nigro 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. Shea then offered the following resolution:

WHEREAS, with regard to the application of Christopher Barone, 68 Crossroads Lane, Sue Barone appeared before the Board of Zoning Appeals this evening requesting an area

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

variance for a proposed covered porch addition (8.0 feet x 30.4 feet; 243.2 square feet) to have a front setback of 31.5± feet (measured from the east right-of-way line of Crossroads Lane), instead of the 46.3 feet minimum established by the neighborhood average.

WHEREAS, the findings of fact are as follows. This parcel is located on the east side of Crossroads Lane and located within the R1-E (Single-Family Residential) zoning district. Currently, the northwest corner of the home has a front setback of 40.5 feet, and by adding an additional 8 feet of covered porch to the front of the home it will reduce the front setback to 31.5 feet, which would be much closer to the right-of-way than the average of 46.3 feet minimum established by the neighborhood along Crossroads Lane. Height of the walking surface will be six inches and will be constructed of concrete. There will be no lighting in the overhang, other than the existing lighting, which is already on the house. The purpose of the porch is to cover the front entrance and then to allow for extended seating outside in inclement weather. No one appeared in front of the Board to speak either in favor or against the application.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of 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 shall obtain all necessary Town permits.
2. There will be no lighting in the overhang; the existing lighting is already on the house.
3. That this covered porch not be enclosed, just an overhang/roof with the columns to support it, but not enclosed.

Seconded by Ms. Nigro 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

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

3. Applicant: Robert Murray
Location: 39 Deschel Drive
Mon. Co. Tax No.: 088.12-2-21
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing detached garage (24.0 feet x 31.0 feet; 744.0 square feet), resulting in a total gross floor area of 1214.3± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for accessory structures on lots with a lot area less than 16,000 square feet. Sec. 211-11 E (1), Table I
b) An area variance for a proposed lot coverage of 25.2%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I
c) An area variance for an existing aboveground pool (24-foot-diameter; round) to have a (east) side setback of 7.5± feet, instead of the 8.0 feet minimum required. 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 39 Deschel Drive, as outlined above; and

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

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

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

Seconded by Mr. Shea 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

Ms. Nigro then offered the following resolution:

WHEREAS, with regard to the application of Robert Murray, 39 Deschel Drive, Mr. Murray appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing detached garage (24.0 feet x 31.0 feet; 744.0 square feet), resulting in a total gross floor area of 1214.3± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for accessory structures on lots with a lot area less than 16,000 square feet; an area variance for a proposed lot coverage of 25.2%, instead of the 25% maximum permitted; and an area variance for an existing aboveground pool (24-foot-diameter; round) to have a (east) side setback of 7.5± feet, instead of the 8.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This parcel is approximately 175 feet deep x 80 feet wide and lies within an R1-E Single-Family Residential district. Mr. Murray has lived in the home since 1974 and had purchased it in 2001 from his mother, so he is the current owner. Mr. Murray applied for a permit, which was approved by the Town. When it was inspected, they found that there was an error, as they thought it was a carport. The detached garage is on a concrete slab and is used to store classic vehicles and miscellaneous lawn equipment. Access to this garage is via the west side of the yard; there is no gravel or driveway access. There is a loft and there is electricity to provide lighting. The pool has been there for decades. The pool is accessed by a deck and is secured by a fenced-in yard, and the pool is in good condition. During the course of this hearing, we heard testimony from Attorney Neil Campbell, who is representing Tim and Lori English, neighbors of Mr. Murray, who basically stated that they just wanted some trees planted, seven to ten arborvitaes to make it a more pleasing view. Upon discussion, Mr. Murray is more than happy to put up a privacy fence and will take care of that once the weather changes.

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 Mr. Murray will indeed install the privacy fence by the end of June, no later.
2. And that the approval is for the life of the garage and the pool.

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

Seconded by Mr. Shea 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

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

4. Applicant: Frederick Hamaker
Location: 2830 Edgemere Drive
Mon. Co. Tax No.: 026.10.-1-44
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed single-story addition (5.0 feet x 10.1 feet; 50.5 square feet) to have a (west) side setback of 5.08 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for an existing deck (308± square feet), to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a (west) side setback of 0.5 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I, Sec. 211, Figure III
c) An area variance for an existing deck (616± square feet) to be located in the front yard of waterfront lot, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)

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 2830 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 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), (10) & (12).)
2. According to SEQRA, Type II actions have been determined not to 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.

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

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:

WHEREAS, with regard to the application of Frederick Hamaker, 2830 Edgemere Drive, which is in an R1-E (Single-Family Residential) district, Mr. Hamaker appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed single-story addition (5.0 feet x 10.1 feet; 50.5 square feet) to have a (west) side setback of 5.08 feet, instead of the 6.0 feet minimum required; an area variance for an existing deck (308± square feet), to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only, and for said deck to have a (west) side setback of 0.5 feet, instead of the 6.0 feet minimum required; and an area variance for an existing deck (616± square feet) to be located in the front yard of waterfront lot, where accessory structures, such as decks, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. Mr. Hamaker has stated that he has owned the property since 1983 and that the need for this 50-foot addition is for an age-in-place type of situation where he will be bringing the laundry up from the basement to the first floor, so that the access to the laundry will be easier to accomplish. The addition will be in the same line as the existing primary structure. The primary structure was built back in the 1960s, and the existing setback for that primary structure has been in existence for 50 years; this addition will utilize that same pre-existing setback. As far as the decks, they have been in existence since the mid-90s, 1990. They are pressure-treated wood and in excellent condition, so that the setbacks that currently exist or the setbacks have been inexistence in that situation for approximately 20 Years. Mr. Hamaker said that to remove the decks or adjust the decks to accommodate the code setbacks would be an extreme financial hardship.

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 conditions that all building permits first be obtained and Town codes, as far as the addition is concerned, are satisfied.

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

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 Condition

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

5. Applicant: Heritage Christian Services
Location: 1680 Stone Road
Mon. Co. Tax No.: 075.13-4-12
Zoning District: RMH (Multiple-Family Residential)
Request: An area variance for a proposed accessory structure (shed) to have a setback of 26.0 feet from all other zoning districts, instead of the 50 feet minimum required. Sec. 211-13 D, Table II

Mr. Forsythe 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 1680 Stone Road, as outlined above; and

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

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

WHEREAS, with regard to the application of Heritage Christian Services, 1680 Stone Road, , Mr. Matt Tomlinson from Marathon Engineering appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (shed) to have a setback of 26.0 feet from all other zoning districts, instead of the 50 feet minimum required.

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

WHEREAS, the findings of fact are as follows. The parcel is located at 1680 Stone Road and is zoned for Multi-Family Residential. The site is bordered on the south and east by the Multi-Family Residential Zoning, and on the west by Single-Family Residential Existing Zoning; the north is Public Lands. The parcel is 1.84 acres in size and is currently under construction and will contain "Expressive Beginnings Day Care." Mr. Tomlinson appeared before this Board this evening and stated that the shed is approximately 200 square feet and will match the décor of the other sheds and existing building that is under construction. The shed will contain electric service and the shed will be utilized to store play equipment for the kids play stuff in the play area. A number of variances for this project were approved by the Zoning Board on 8/4/15. This requested variance was not approved; it was an oversight by the Town. No changes have been made to the plans, which were approved by the Planning Board on 8/5/15.

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. The applicant obtain all the necessary permits.
2. And that the shed maintains all Town and Code requirements.

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

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

6. Applicant: Greece Siddhi Management, LLC (d.b.a. Hampton Inn Rochester North)
- Location: 500 Center Place Drive
- Mon. Co. Tax No.: 074.16-4-40.2
- Zoning District: BR (Restricted Business)
- Request: a) Relief from Condition 1 of the January 9, 1996, area variance granted by the Board of Zoning Appeals, which stated that no other freestanding signs shall be permitted in the Center Place business center. Sec. 211-52 B (1) [2]
- b) An area variance for a proposed second freestanding sign (3.3 feet x 5.1 feet; 16.8 square feet) in a business center, instead of one (1) 185-square-foot freestanding sign in a business center granted by the Board of Zoning Appeals on January 7, 2003. Sec. 211-52 B (1) [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 500 Center Place 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 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 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 an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and 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.
6. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that 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.

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that 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.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. 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.
12. 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.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

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 Ms. Nigro 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

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

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

Mr. Chairman, regarding the application of Greece Siddhi Management, LLC (d.b.a. Hampton Inn Rochester North), at 500 Center Place Drive, Camille Sisk from Greece Siddhi Management, LLC (d.b.a. Hampton Inn Rochester North) and Lisa Sparks, who represents Baywood Hotels, appeared before the Board of Zoning Appeals this evening, requesting Relief from Condition 1 of the January 9, 1996, area variance granted by the Board of Zoning Appeals, which stated that no other freestanding signs shall be permitted in the Center Place business center; and an area variance for a proposed second freestanding sign (3.3 feet x 5.1 feet; 16.8 square feet) in a business center, instead of one (1) 185-square-foot freestanding sign in a business center granted by the Board of Zoning Appeals on January 7, 2003.

WHEREAS, the findings of fact are as follows. The applicants who appeared before the Board of Zoning Appeals tonight are requesting a change in the signage. Currently, there is an "Enter" sign that goes into the hotel property. Over the past years, the area has grown with tree growth, along with other buildings, which makes it extremely difficult for customers to find the hotel. The applicants are looking to change from an "Enter" sign to putting on "Hampton Inn by Hilton." The applicants also agreed—to assist customers find their hotel and to make this a directional sign—that they will put an arrow on the sign to help customers find the "Hampton Inn by Hilton." Once the design of the sign and once the drawing has been come up with they will submit it to the Town's staff just to make sure it meets within the motion that has been brought forth tonight. Also, this change is due to the corporate name change and as stated before this will be the "Hampton Inn by Hilton". The sign will be backlit; there will be no lights on this sign, but everything will be backlit. Once again, this sign will have "Hampton Inn by Hilton" and also will have an arrow, which will help customers find this hotel. I move to approve this application with the following conditions:

1. That the applicants obtain all necessary permits.
2. Also there must be an arrow on the sign for directional purposes.

Seconded by Ms. Nigro 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

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

7. Applicant: Indus Real Estate II, Inc.
Location: 2585 West Ridge Road & 1271 Long Pond Road
Mon. Co. Tax No.: 74.14-3-10 & 74.14-3-13
Zoning District: BR (Restricted Business)
Request: a) An area variance for a proposed principal building to have a front setback of 78.0 feet (measured from the south right-of-way line of West Ridge Road), instead of the 85.0 feet minimum required. Sec. 211 – 17 B (4), Table III
b) An area variance for a proposed parking area (145± linear feet) to be located a distance of 5.0 feet to 8.0 feet from the south right-of-way line of West Ridge Road, instead of the 20.0 feet minimum required. Sec. 211-17 B (4), Table III
c) An area variance for a proposed 61 parking spaces, instead of the 81 parking spaces required. Sec. 211-45 S (1). Sec. 211-45 Q

On a motion by Mr. Meilutis and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of March 15, 2016 to give Monroe County time to respond with their comments on the request.

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 March 15, 2016**

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

SPECIAL TOPIC

1. Applicant: James Pilkenton
Location: 165 Barcrest Drive
Mon. Co. Tax No.: 060.09-5-16
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for an existing principal structure to have a (south) side setback of 6.4 feet, instead of the 7.6 feet granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 D (2), Table I
 - b) An area variance for an existing deck (1334.8± square feet) to have a (north & west) side setback of 0.0 feet, instead of the 8.0 feet minimum required. Sec. 211-11 E (1), Table I
 - c) An area variance for existing accessory structures, totaling 1083.4± square feet, instead of the 972.0 square feet granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 E (1), Table I
 - d) An area variance for proposed lot coverage of 42.8%, instead of the 28% granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 D (2), Table I
 - e) An area variance for an existing 6.0-foot-high, closed-construction fence on a deck (35.3± linear feet) to have a (north) side setback of 0.0 to 7.4 feet, instead of the 8.0 feet minimum required. Sec. 211-47 C (2)
 - f) An area variance for an existing 6.0-foot-high, closed-construction fence on a deck (20± linear feet) to have a rear setback of 0.0 feet, instead of the 36.8 feet minimum required. Sec. 211-47 C (2)
 - g) An area variance for an existing closed-construction fence (67± linear feet) to have a height ranging from 7.3± feet to 8.7± feet (measured from the top of said fence to the ground directly beneath it), instead of the 6.0 feet maximum permitted. Sec. 211-47

On a motion by Mr. Hartwig and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of April 5, 2016, instead of March 15, 2016 (as previously established by the Board on February 2, 2016) to give Rochester Gas and Electric Corporation additional time to respond with their comments on the request.

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

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 April 5, 2016

BOARD OF ZONING APPEALS MINUTES
March 1, 2016

ADJOURNMENT: 9:30 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: March 15, 2016