



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

APRIL 7, 2015

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

Robert J. Bilsky

Andrew P. Forsythe

Thomas Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Additions, Deletions and Continuances to the Agenda

Announcements

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OLD BUSINESS:

1. Applicant: Jorge Alas
Location: 20 Chippendale Road
Mon. Co. Tax No.: 060.83-4-16
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet) to be located in a front yard, where accessory structures, including sheds, 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 20 Chippendale 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes a Type II action under SEQR. (SEQR Regulations, §617.5(c)(10).)
2. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQR 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	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried

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

Mr. Chairman, with regard to the application of Jorge Alas, 20 Chippendale Road, Mr. Alas appeared before the Board of Zoning Appeals this evening, requesting an area variance

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for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet) to be located in a front yard, where accessory structures, including sheds, are permitted in rear yards only.

WHEREAS, on the main motion, the findings of facts are as follows: On March 3rd, Mr. Jorge Alas, who owns the property located at 20 Chippendale Road, appeared before the Board to request an area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet) to be located in a front yard, where accessory structures, including sheds, are permitted in rear yards only.

WHEREAS, at that meeting Mr. Alas mentioned that he has owned the property for approximately two years and is utilizing it for rental purposes. Through further discussion, it was determined that Mr. Alas did not have a rental property permit for this location, as per Town code. As for the requested shed, Mr. Alas did state that the property does not have a backyard and that the existing house does not have either a garage or basement for storage purposes, thereby creating the need for a front yard shed. When asked what would be stored, Mr. Alas stated a long table and a push lawn mower; however, Mr. Alas could not clearly justify the need for a 200 sq. ft. shed if only those two items were being stored and could not clearly define:

1. How the shed would appear;
2. How would it be constructed;
3. The height of the shed; and
4. The exact shed location.

WHEREAS, Karen Stein of 14 Chippendale Road and John Leckner of 21 Chippendale Road then spoke of their concerns about the proposed shed. In addition, a letter from Sharon Tiermini of 26 Chippendale Road was also read into the record, stating her concerns. As such, Mr. Alas's application was continued to the next board meeting of April 7th in order to allow Mr. Alas time to obtain more specific information concerning the requested shed and to obtain the rental property permit. This evening, April 7th, Mr. Alas did mention that he has obtained his rental property permit and he has 90 days to obtain an inspection of the property, which has not occurred as of yet. He has submitted a picture of the shed and further defined what the size will be. He is reducing the shed from 10 feet x 20 feet, or 200 square feet, down to 10 feet x 10 feet, or 100 square feet; in other words, making it half in size. The shed will have a height of 8 feet at the peak, it will be pre-fabricated, parts being bought at Home Depot; it is made out of pressure-treated wood. Mr. Alas did say that once the shed was fully constructed, the finishes will be painted to match the house. He also said that there will be no electricity or water or utilities of any type being run to the shed. As far as location of the shed, it will be placed 10 feet from the edge of the house, 5 feet from the property line, as per the plan that was previously submitted. This evening, Karen Stein and Sharon Tiermini also spoke and mentioned that with the new definition of the shed, they now have no problems 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 all requirements must be satisfied pertaining to the rental property permit and that there is a successful building inspection. The rental permit has to be issued and

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inspection completed and everything needs to be satisfied as far as the rental permit before the building permit is issued for the new shed.

2. That all applicable building permits are obtained.
3. Any prior or existing shed needs to be removed from the property.
4. This approval is for this shed only. If there is a replacement that is required in the future, then a new application will need to be made.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: Goddard Development Partners IV, LLC
Location: 680 Maiden Lane
Mon. Co. Tax No.: 060.17-3-6.111
Zoning District: BG (General Business)
Request: An area variance for a proposed second (east side) building-mounted sign, with a sign area of 70.4 square feet, instead of the one (1) 125.0 square feet building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Sec. 211-52B (2) (c) [1], 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 680 Maiden 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes an Unlisted action under SEQR.
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 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 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 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.

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

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

Motion Carried

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

Mr. Chairman, with regard to the application of Goddard Development Partners IV, LLC, 680 Maiden Lane, their representative, Mr. Chris Schjorring, appeared before the Board of Zoning Appeals this evening for the request of an area variance for a proposed second (east side) building-mounted sign, with a sign area of 70.4 square feet, instead of the one (1) 125.0 square feet building-mounted sign permitted.

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WHEREAS, on the main motion, the findings of facts are as follows: The applicant, Chris Schjorring, appeared before the Board of Zoning Appeals this evening. The reason for the second building-mounted sign was to improve visibility to the customers. The east side building-mounted sign will be facing toward Mount Read Boulevard. Mount Read Boulevard, per the applicant, is a well-traveled road, and it will help customers find the business. The business opened in December of 2014, and the applicant stated that the business is not meeting its expectations and they feel that this sign will help with customers finding the business. The applicant also stated that this business is not only a people's destination business where people come for appointments or on-line reservations, but also is a business that has drive-up traffic due to customers having flat tires or problems with their tires, so it then becomes a place where they are looking to have their tires repaired or fixed or new ones purchased. The sign that they are requesting is the same type of sign that is currently in front of the building, and it will be illuminated. Currently, the permitted sign is facing Maiden Lane, which is on the south side of the property. The applicant was asked if it was possible for the sign to be lower, the size of the letters going from 24-inch letters to 18-inch letters, to make it no higher and the applicant agreed, which makes it that the signage will be no greater than 50 square feet (he did ask for 70.4 square feet), and the applicant agreed.

WHEREAS, with all the information gathered, I move that we approve this application for the second sign on the east side of the building. with the condition that it does not exceed 50 square feet in size.

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

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

Motion Carried
Application Approved
With Condition

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NEW BUSINESS:

1. Applicant: Diana Furman
Location: 57 Daylilly Lane
Mon. Co. Tax No.: 058.03-4-90
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing shed (8.2 feet x 12.2 feet; 100 square feet) to be located in a side yard, where accessory structures, such as sheds, are permitted in rear yards only. Sec. 211-11 E (3)

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 57 Daylilly 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes a Type II action under SEQR. (SEQR Regulations, §617.5(c)(10).)
2. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

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

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

VOTE:	Mr. Bilsky	Yes	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 and moved its adoption:

WHEREAS, with regard to the application of Diana Furman, 57 Daylilly Lane, Ms. Amy Triano and her mother appeared before the Board of Zoning Appeals this evening,

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requesting an area variance for an existing shed (8.2 feet x 12.2 feet; 100 square feet) to be located in a side yard, where accessory structures, such as sheds, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows: The parcel is located at 57 Daylilly Lane and is located in an R1-E (Single-Family Residential) neighborhood. The parcel is approximately 150 feet deep and approximately 85 feet wide. The parcel contains a two-story family dwelling with an attached garage. The applicant, Diana Furman, appeared before this Board this evening, along with her daughter, Amy Triano, and stated that they lived at the residence for approximately two years. The shed located on the west side of the property is on a slab, at its current location, for about 12 years. The shed is 12 years old, and when asked whether or not the shed could be moved to the rear of the yard to be in compliance, it was indicated that the shed would be destroyed structurally if attempted to be moved. Ms. Triano indicated that there is no electricity into the shed, and as far as speaking with the neighbors, there are no complaints or any issues regarding the neighbors.

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 SEQR, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That all permits are obtained for the shed.
2. That the shed is fire rated because it is less than 5 feet from the house.
3. And that any future sheds, once this shed is either destroyed or moved, be placed in the rear yard to be in compliance with Town code.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: Timberland Development
Location: 11 Hawks Landing (pvt.)
Mon. Co. Tax No.: 033.01-2-45
Zoning District: R1-44 (Single-Family Residential)
Request: a) An area variance for a proposed two-story, single-family dwelling to have a total floor area of 2103 square feet, instead of the 2200 square feet minimum required. Sec.211-11 D (2), Table I
b) An area variance for a proposed two-story, single-family dwelling to have a first floor area of 1035 square feet, instead of the 1100 square feet minimum required. Sec.211-11 D (2), Table I

On a motion by Mr. Meilutis and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of April 21, 2015. The applicant did not attend this meeting.

VOTE:	Mr. Bilsky	Yes	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 21, 2015**

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3. Applicant: Scott Steinberg
Location: 122 Orchard Road
Mon. Co. Tax No.: 026.30-1-8
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing front setback of 18.6 feet, instead of 36.2 feet minimum required (as determined by the neighborhood average). Sec. 211-11 D (2), Table I
b) An area variance for a proposed side setback of 9.6 feet, where 10 feet minimum is required. Sec. 211-11 D (2), Table I
c) An area variance for a proposed rear setback of 5.7 feet, where 26.4 feet minimum is required. 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 122 Orchard 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes a Type II action under SEQR. (SEQR Regulations, §617.5(c)(9), (12) & (13).)
2. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQR 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	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Scott Steinberg, 122 Orchard Road, Mr. Steinberg appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing front setback of 18.6 feet, instead of 36.2 feet minimum required (as determined by the neighborhood average); an area variance for a proposed side setback of 9.6 feet, where 10 feet minimum is required; and an area variance for a proposed rear setback of 5.7 feet, where 26.4 feet minimum is required.

WHEREAS, the findings of fact are as follows: This evening, Mr. Scott Steinberg, who resides at 122 Orchard Road, came before the Board to request an area variance for an existing front setback of 18.6 feet, instead of 36.2 feet minimum required (as determined by the neighborhood average), an area variance for a proposed side setback of 9.6 feet, where 10 feet minimum is required and an area variance for a proposed rear setback of 5.7 feet, where 26.4 feet minimum is required.

WHEREAS, these variances are requested due to an addition that will be placed upon the existing structure; however, the existing setbacks have been in existence, as far as the house is concerned, for 60 years, as the house was built in 1940. Relative to the garage, though, its existing setbacks were determined or there were variances granted in 2008, so those setbacks have been in existence for approximately seven years. He has mentioned that as far as the addition is concerned, he needs that because the original structure was primarily a cottage, and he would like to open it up and make it into a larger structure, increase the size of his kitchen, increase the size of his living area and also create a second bathroom. Also, a connection to the garage is desired or needed for closet space and also for a connection in inclement weather. He has discussed these plans with adjoining property owners and both have spoken favorably to the project.

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 SEQR, requiring no further action by this Board, I move to approve this application, with the condition that all necessary building permits must be obtained.

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

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

Motion Carried
Application Approved
With Condition

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4. Applicant: Crescent Beach Restaurant and Hotel, LLC
Location: 1372 Edgemere Drive
Mon. Co. Tax No.: 035.09-1-23
Zoning District: BR (Restricted Business)
Request: An area variance for portions of an existing and proposed parking area (approximately 60 linear feet) to be located a distance of 14.1 feet to 19.9 feet from the right-of-way of Edgemere Drive, instead of the 20 feet minimum required. Sec.211-17 B (4), Table III

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 1372 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes a Type II action under SEQR. (SEQR Regulations, §617.5(c)(12).)
2. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

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

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

VOTE:	Mr. Bilsky	Yes	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 and moved its adoption:

WHEREAS, with regard to the application of Crescent Beach Restaurant and Hotel, LLC, Mr. Pietrangelo, one of the owners of two years, appeared before the Board of Zoning Appeals this evening, requesting an area variance for portions of an existing and proposed

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parking area (approximately 60 linear feet) to be located a distance of 14.1 feet to 19.9 feet from the right-of-way of Edgemere Drive, instead of the 20 feet minimum required.

WHEREAS, the findings of fact are as follows: The eastern portion of that parking area has been given variances in the past; therefore the entire length of the parking area along Edgemere Drive will comply with the right-of-way restrictions and Town Law. At this time, there were no neighbors that spoke against this request. The benefit to this egressing the parking lot to the side street is helpful to the flow of traffic and renders green space in front of the parking lot.

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 SEQR, requiring no further action by this Board, I move to approve this application with the condition that this is subject to Planning Board approval.

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

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

Motion Carried
Application Approved
With Condition

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5. Applicant: Robert Collins Jr.
Location: 1762 Manitou Road
Mon. Co. Tax No.: 073.01-3-4
Zoning District: BG (General Business)
Request: A waiver of the requirements for a special use permit to operate an existing motor vehicle service station in accordance with the regulations established in Sec. 211-35. Sec. 211-17 C (3) (b) [2]; Sec. 211-17 C (4) & Sec. 211-35

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 1762 Manitou 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes a Type II action under SEQR. (SEQR Regulations, §617.5(c)(26).)
2. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

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

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

VOTE:	Mr. Bilsky	Yes	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 and moved its adoption:

Mr. Chairman, with regard to the application of Robert Collins for the request of a waiver of the requirements for a special use permit to operate an existing motor vehicle service station in accordance with the regulations established in Sec. 211-35, the findings of

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fact are as follows: Mr. Collins appeared before the Board for a waiver requirement for a new special use permit for a business called "Ideal Motors" located at 1762 Manitou Road.

WHEREAS, the Applicant's proposal is to operate a motor vehicle service station in accordance with Town regulations, consistent with the business that was there previously, known as "Under Ground Auto Body," essentially performing doll-up work. There is no major automotive pair, collision work, or that type of business expected on this site. There is one employee. Proposed hours of availability to customers are: Mondays through Fridays, 9:00 a.m. to 5:00 p.m. Vehicular access for the premises is via an unsignalized driveway at Manitou Road. Vehicles will be kept outdoors in an enclosed stockade fence. There will be no auto sales at the premises. There is a dumpster that will be located within an enclosure. The maximum amount of cars on the premises at any one time would be 15 to 20; no more than that.

The Proposal is in substantial conformity with the previous operator's description of the nature, duration, and intensity of the operation.

Based on the Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the previous motor vehicle service operation: (a) did not adversely affect the orderly pattern of development in the area; (b) was in harmony with nearby uses; (c) did not alter the essential character of the nearby neighborhood, nor were they detrimental to the residents thereof; (d) the previous application did not create a hazard to health, safety, or to the general welfare; e) it was not detrimental to the flow of traffic; and (f) did not place an excessive burden on public improvements, facilities, services, or utilities.

Access to the Premises and the size and shape of the Premises are virtually unchanged from the previous owner and are adequate for the Proposal.

Having considered the Proposal and all additional information that may be relevant to this Proposal, it is in the public interest to grant the requested waiver of the requirements to obtain a new special use permit.

Based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Section 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by Mr. Collins (the "Applicant") for a waiver of the requirements for a special use permit to operate a motor vehicle service station, to be known as Ideal Motors, on property located at 1762 Manitou Road, in a BG (General Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this motor vehicle service station in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without hearing, shall the determine resolution of such conflict.
2. The maximum occupancies in this motor vehicle service station shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code and all applicable requirements for

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the installation/maintenance of a grease trap and or disposal of waste materials from this operation. Failure to comply with such requirements may be grounds for revocation of this special use permit.

4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include designees, successors, and assigns.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding authority.
7. Upon the sale or other transfer of controlling interest in this motor vehicle service station to any persons or entity other than Robert Collins, his wholly owned subsidiaries, or his franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
8. As testified by the Applicant, there shall be no auto painting, repair work, or body work.
9. There shall be no more than 15 to 20 autos on the premises at any one time, and they shall be screened from public view.
10. There shall be an enclosure for storage of cars.
11. Also, the applicant has stated that a stockade fence will surround the property.

WHEREAS, for clarification, the Applicant has offered in verbal testimony that his hours of operation will be Mondays through Fridays from 9:00 a.m. to 5:00 p.m.—not 8:00 to 6:00 as indicated in the documentation that was submitted—and that there will be absolutely no painting done on-site, no body work, no automobile repair. This is strictly doll-up, which is not consistent with what he submitted in the documentation, so I would like to make it clear in the conditions that as testified by the applicant in the hearing no body repair, no painting, and the hours of operation are 9:00 a.m. to 5:00 p.m. Any storage of automobiles will be done in the screened area so that there are not 20 cars out in front of the building, and 20 cars behind the screen; we are looking for not more than 20 cars in total, and all cars at night must be screened from public view.

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

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

Motion Carried
Application Approved
With Conditions

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6. Applicant: Arex Enterprises, Inc.
Location: 100 Dobson Road
Mon. Co. Tax No.: 060.07-10-21
Zoning District: DMU (Dewey Avenue Mixed Use)
Request: a) An area variance for a proposed west side building façade to have 21% transparency (measured between the height of three (3) feet and eight (8) feet above the parking area grade), instead of the 60 % minimum required for a building façade facing a parking area. Sec. 211-17.1 G (2) (c)
b) An area variance for a proposed north side building façade to have 10% transparency (measured between the height of two (2) feet and ten (10) feet above the adjacent sidewalk), instead of the 20% minimum required for ground-floor facades in a residential use. Sec. 211-17.1 E (5) (b), Sec, 211-17.1 E (5) (c)
c) An area variance for a proposed south side building façade to have 10% transparency (measured between the height of two (2) feet and ten (10) feet above the adjacent sidewalk), instead of the 20% minimum required for ground-floor façades in a residential use. Sec. 211-17.1 E (5) (b), Sec. 211-17.1 E (5) (c)
d) An area variance for a proposed east side building façade which does not exhibit a clearly defined base, mid-section, and crown. Sec. 211-17.1 E (3) (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 100 Dobson 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes an Unlisted action under SEQR.
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,

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drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").

5. 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.
6. The Board of Zoning Appeals 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 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 SEQR.
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 SEQR.
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 SEQR, 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.

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

VOTE:	Mr. Bilsky	Yes	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, with regard to the application of Arex Enterprises, Inc., Mr. Greg McMahon appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed west side building façade to have 21% transparency (measured between the height of three (3) feet and eight (8) feet above the parking area grade), instead of the 60 % minimum required for a building façade facing a parking area; an area variance for a proposed north side building façade to have 10% transparency (measured between the height of two (2) feet and ten (10) feet above the adjacent sidewalk), instead of the 20% minimum required for ground-floor facades in a residential use; an area variance for a proposed south side building façade to have 10% transparency (measured between the height of two (2) feet and ten (10) feet above the adjacent sidewalk), instead of the 20% minimum required for ground-floor façades in a residential use; and an area variance for a proposed east side building façade which does not exhibit a clearly defined base, mid-section, and crown.

WHEREAS, the findings of fact are as follows: The applicant's representative went on to say that this is a new project that's being proposed for six dwelling units within the DMU, the Dewey Avenue Mixed Use district. When the DMU was created, it did not anticipate in its design criteria residential housing. Residential housing is appropriate within the DMU, as long as it contains a certain amount of the elements as defined by the DMU and is not totally out of character with the rest of the development to be constructed within the DMU. In this particular case, the applicant testified that it is a residential housing project and that it will require a slightly different look, but they are incorporating many of the elements as required within the DMU. The Board was in receipt of Planning Board minutes from March 4th—whereas, the Planning Board after considerable review of the elements of the DMU, has made a recommendation to the Board of Zoning Appeals that we approve this requested variance. More typically, the Planning Board is responsible for designing and working with the developers on the look within the DMU. The fact that this particular developer has worked with them prior to coming to this Board and they are signing off on this variance request is very encouraging that they will feel that this will in fact blend in well with our DMU zoning area.

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 issued a negative declaration for this Unlisted action under SEQR, I am going to move that we approve the variances requested, subject to the final approval from the Planning Board at their official Planning Board meeting.

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

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

Motion Carried
Application Approved
With Condition

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7. 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)

On a motion by Mr. Meilutis and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of April 21, 2015, in order to give the applicant time to comply with all prior agreed-to, stipulated conditions of the Special Use Permit.

VOTE:	Mr. Bilsky	Yes	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 21, 2015**

MODIFICATION TO NEIGHBORHOOD NOTIFICATION:

1. Applicant: Sunscape Farms
Location: 1510 & 1532 Maiden Lane
Mon. Co. Tax No.: 059.19-3-1.1 & 059.19-3-26
Zoning District: R1-18 (Single Family Residential)
Request: A special use permit to allow the sales of farm- and garden-related goods, materials or merchandise that is not produced on the premises, provided that said sales also include produce, flowers or other plants grown on the premises. Sec.211-11 C (2) (d)

The above-referenced applicant has requested a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this request is the large size of the entire parcel, of which this site is but one part, and the many properties which would be included in the notification but which are not near the subject of the area variance.

On a motion by Mr. Jensen and seconded by Mr. Shea, it was resolved to amend the Neighborhood Notification for the special use permit application submitted by Sunscape Farms, relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be just the parcels fronting Maiden Lane, both sides of the street on Woodstone Lane, some parcels on Kirkstone Pass and some parcels on Vintage Lane, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed area variances.

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

**Motion Carried
Request Granted**

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ADJOURNMENT: 9:30

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, April 21, 2015

J:\John Agenda Assignments\2015\Agenda 0407 2015.doc