



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

MAY 19, 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

Christopher A. Schiano, Esq., Deputy Town Attorney

John Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Bradford Shea

Additions, Deletions and Continuances to the Agenda

Announcements

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

OLD BUSINESS:

1. Applicant: Robert Vacchetto
Location: 316 South Drive
Mon. Co. Tax No.: 026.18-4-29
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed deck addition (222± square feet) to be located in a front yard, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)
 - b) An area variance for a proposed aboveground pool (12.0 feet x 23.0 feet; 276 square feet) to be located in a front yard, where accessory structures, such as pools, are permitted in rear yards only. Sec. 211-11 E (3)
 - c) An area variance for a proposed aboveground pool (12.0 feet x 23.0 feet; 276 square feet) to be located 6.0 feet from an existing sunroom, instead of the 10.0 feet minimum required. Sec. 114.12.1 B (2)
 - d) An area variance for proposed lot coverage of 36%, instead of the 29.7% approved by the Board of Zoning Appeals on March 7, 2000. Sec. 211-11D (2), Table I

Mr. Bilsky 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 316 South 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
May 19, 2015

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	Absent		

Motion Carried

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

WHEREAS, with regard to the application of Robert Vacchetto, 316 South Drive, Mr. Vacchetto appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck addition (222± square feet) to be located in a front yard, where accessory structures, such as decks, are permitted in rear yards only; an area variance for a proposed aboveground pool (12.0 feet x 23.0 feet; 276 square feet) to be located in a front yard, where accessory structures, such as pools, are permitted in rear yards only; an area variance for a proposed aboveground pool (12.0 feet x 23.0 feet; 276 square feet) to be located 6.0 feet from an existing sunroom, instead of the 10.0 feet minimum required; and an area variance for proposed lot coverage of 36%, instead of the 29.7% approved by the Board of Zoning Appeals on March 7, 2000.

WHEREAS, the findings of fact are as follows. Mr. Robert Vacchetto came before the Board, an application at 316 South Drive, for essentially a lot coverage variance for a proposed deck addition and for a proposed aboveground pool. Mr. Vacchetto indicates that there is a need for this pool, primarily for medical issues. He is requiring exercise and therapy and sees this swimming pool as a way to help accomplish this. The applicant came before the Board with an initial proposal that would result in 36% lot coverage, and has since submitted a modification to his original proposal that significantly reduces the size of the proposed deck, as well as the size of the pool. The applicant now states that the new dimensions for the deck are 6 feet x 15 feet, which results in a 90-square-foot deck, and the applicant also indicates that he is going to install a 12-foot x 23-foot pool as well. The applicant has agreed to a Hold Harmless agreement; the proximity to the house as well as access to the sunroom roof would help hold the Town harmless from any potential injury that may occur, unlikely as that might be. The neighbor, Mr. Michael Collichio, at 321 South Drive submitted a letter in support of this 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 deck dimensions be no larger than 6 feet x 15 feet, as proposed by the applicant.
2. That the proposed above-ground pool be limited to 12 feet x 23 feet in dimension.
3. That the applicant signs a Hold Harmless agreement with the Town.
4. That the applicant complies with all Town regulations regarding pool installation.

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

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	Absent		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

2. Applicant: Mark Freedman
Location: 160 Wildwood Drive
Mon. Co. Tax No.: 060.72-1-10
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 75 linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46L
b) An area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 30 linear feet) to be located in a front yard, where fences located within the clear visibility portion of a front yard shall not exceed 3.0 feet in height and shall be of open construction. Sec.211-46 D, Sec. 211-46 L
c) An area variance for an existing 4.0-foot-high, open-construction fence (approximately 30 linear feet) located in a front yard, where fences located within the clear visibility portion of a front yard shall not exceed 3.0 feet in height and shall be of open construction. Sec. 211-46 D, Sec. 211-46L

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 160 Wildwood Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (10).)
2. According to SEQRA, Type II actions have been determined 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
May 19, 2015

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	Absent		

Motion Carried

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

WHEREAS, with regard to the application of Mark Freedman, 160 Wildwood Drive, Mr. Freedman appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 75 linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction; an area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 30 linear feet) to be located in a front yard, where fences located within the clear visibility portion of a front yard shall not exceed 3.0 feet in height and shall be of open construction; and an area variance for an existing 4.0-foot-high, open-construction fence (approximately 30 linear feet) located in a front yard, where fences located within the clear visibility portion of a front yard shall not exceed 3.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows; this parcel is located on a corner lot at Wildwood Drive and Tait Avenue, it is approximately 188 feet wide x 45 feet deep and lies within an R1-E district. This evening, Mr. Freedman, who has lived at this address for eight years, is looking to install fencing to maintain privacy and security as well as the general welfare for his children and family dog. The proposed fence will be of closed construction, made of stained wood, portions of which are located in what is considered the front yard and within a clear visibility area. The proposed fence is located in the visibility portion of the yard and therefore, he staked out different options to return with and decided to bring the fence back five feet from the sidewalk in a staggered fashion and five feet from the driveway, which will allow a clear sightline when exiting the driveway. Also, the existing chain-link fence along the road appears to be in the right-of-way and that the bump-out on the gate is beyond that. It was brought to our attention by Town staff and through DPW, which sets the tone as to why we want the existing fence removed or permitted—one or the other—to bring it into compliance, so it will either be brought into compliance or removed. Also, no neighbors spoke about this request.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the request for the proposed fence is approved per the revised map provided by the applicant to the Town of Greece as presented tonight, which provides a clear sightline.
2. That the applicant will obtain all necessary Town permits.

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

3. That the chain link fence will be removed within the year to come into compliance.
4. That the approval is for the life of the new fence.
5. And that the applicant shall enter into a Hold Harmless agreement with the Town of Greece.

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	Absent		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

NEW BUSINESS:

1. Applicant: William Stewart
Location: 146 Marwood Road
Mon. Co. Tax No.: 060.07-9-42
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed detached garage (12.0 feet x 24.0 feet; 288 square feet) to have a (south) side setback of 3.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I
 - b) An area variance for an existing shed (8.2 feet x 8.3 feet; 68 square feet) to have a (east) side setback of 1.9 feet, instead of the 4.0 feet minimum required. Sec. 211-11 E (1), Table I
 - c) An area variance for an existing shed (8.2 feet x 8.3 feet; 68 square feet) to have a (north) side setback of 2.0 feet, instead of the 4.0 feet minimum required. 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 146 Marwood 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
May 19, 2015

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	Absent		

Motion Carried

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

WHEREAS, with regard to the application of William Stewart, 146 Marwood Road, a lot that encompasses about 6500 square feet in an R1-E single-family residential district, William and Diana Stewart appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed detached garage (12.0 feet x 24.0 feet; 288 square feet) to have a (south) side setback of 3.0 feet, instead of the 6.0 feet minimum required; an area variance for an existing shed (8.2 feet x 8.3 feet; 68 square feet) to have a (east) side setback of 1.9 feet, instead of the 4.0 feet minimum required; and an area variance for an existing shed (8.2 feet x 8.3 feet; 68 square feet) to have a (north) side setback of 2.0 feet, instead of the 4.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This evening, the owners, William and Diana Stewart, mentioned that they have owned the property currently for about seven to eight months. The house was built in 1950 and has never had a garage since its construction. The need for the garage now is that, due to weather situations, they need car storage; it would make it easier for driveway clearance and better security for the automobile. As far as the garage being placed, on the survey, showing the three-foot setback instead of the six, that is really the only location where it can be placed, as the garage would be impracticable if it was rotated 90 degrees behind the house, and also if it was moved over three feet to accommodate that six-foot setback since three feet would be behind the garage. It will be wood-frame in structure, placed on a concrete pad, vinyl siding and finishes to match the house. There will be an electric line, a 20-amp line run to the garage for lighting and an electric garage door opener. As far as the shed is concerned, it has been in place for at least 10 to 15 years. The items being stored in the shed are lawn equipment; the shed is needed for storage even though the garage is being constructed. The shed cannot be relocated. It is permanently attached in the ground, and if it were moved it would be damaged or destroyed, so the existing setbacks need to be remaining in place. Diana also mentioned that they have spoken to the neighbors on all three sides and all of them are in accordance with the project and did not express any opposition to 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 building permits are first obtained, all building codes are followed.
2. That the approval is for the life of the shed, the existing shed. If the shed was to be destroyed or removed, it would have to come into compliance.

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

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	Absent		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

2. Applicant: Maureen McGrath
Location: 68 Ontario Boulevard
Mon. Co. Tax No.: 017.12-2-21
Zoning District: R1-E (Single Family Residential)
Request: a) An area variance for a proposed garage (13.0 feet x 22.0 feet; 286 square feet) to have a (west) side setback of 1.8 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I
b) An area variance for an existing deck (8.5 feet x 13.0 feet; 111 square feet) to be located in a front yard, where accessory structures, including decks, are permitted in rear yards only. Sec. 211-11 E (3)

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 68 Ontario Boulevard, 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	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Absent		

Motion Carried

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

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

WHEREAS, with regard to the application of Maureen McGrath, 68 Ontario Boulevard, she appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed garage (13.0 feet x 22.0 feet; 286 square feet) to have a (west) side setback of 1.8 feet, instead of the 6.0 feet minimum required; and an area variance for an existing deck (8.5 feet x 13.0 feet; 111 square feet) to be located in a front yard, where accessory structures, including decks, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. This parcel is located at 68 Ontario Boulevard in an R1-E Single-Family Residential district and is 120 feet x 43 feet. Ms. McGrath has lived at this address since 2008, and the reason for the garage is to provide basic storage of her car and miscellaneous lawn items. Construction will be overseen by a contractor, it will be on a concrete slab and will match the existing home, and there will not be a second story. There will be electricity for basic lighting and to eventually power an automobile. The proposed garage is not able to be placed in another location to meet restrictions because of the size needed for her car. The existing deck is constructed of pressure-treated wood, and there will be no coverage added to the deck or extending the roof. No neighbors spoke opposing this request.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant will obtain the necessary building permits for the garage.
2. The deck and steps will be brought into compliance; the deck is different than the steps.
3. The approval is for the life of the deck; however, the steps can be replaced if need be.

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	Absent		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

3. Applicant: Stephen Robinson
Location: 101 Bonesteel Street
Mon. Co. Tax No.: 075.71-1-10
Zoning District: R1-E (Single Family Residential)
Request: a) An area variance for a proposed closed-construction fence (6± linear feet at 4.0 feet high, 11± linear feet at 5.0 feet high, and 24± linear feet at 6.0 feet high; 41± linear feet total) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L
b) An area variance for a proposed closed-construction fence (6± linear feet at 4.0 feet high, 11± linear feet at 5.0 feet high, and 24± linear feet at 6.0 feet high; 41± linear feet total) to be located in the clear visibility portion of a lot, where fences in the clear visibility portion of a lot shall not exceed 3.0 feet in height and shall be of open construction. Sec. 211-46 D, Sec. 211-46 L
c) An area variance for an existing 6.0-foot-high, closed-construction fence (45± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

Mr. 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 101 Bonesteel Street, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (10).)
2. According to SEQRA, Type II actions have been determined 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
May 19, 2015

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	Absent		

Motion Carried

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

WHEREAS, with regard to the application of Stephen Robinson, 101 Bonesteel Street, Mr. Robinson appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed closed-construction fence (6± linear feet at 4.0 feet high, 11± linear feet at 5.0 feet high, and 24± linear feet at 6.0 feet high; 41± linear feet total) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction; an area variance for a proposed closed-construction fence (6± linear feet at 4.0 feet high, 11± linear feet at 5.0 feet high, and 24± linear feet at 6.0 feet high; 41± linear feet total) to be located in the clear visibility portion of a lot, where fences in the clear visibility portion of a lot shall not exceed 3.0 feet in height and shall be of open construction; and an area variance for an existing 6.0-foot-high, closed-construction fence (45± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. The applicant, Mr. Robinson, has lived at this location for four years. This property is a corner lot at Bonesteel Street and Falmouth Street, so the front is considered both on Bonesteel Street and Falmouth Street. The applicant has a pre-existing fence and he is looking to close off the back yard; this will be able to provide security for his family and also to detour people from cutting through his back yard. The current fence is wood, board-on-board type fence, and he will continue to have the wood, board-on-board type fence. The applicant has agreed to work with the Town and DPW due to the fact that the fence is on a current right-of-way and the applicant will work with DPW and the Town. During our testimony this evening, the applicant, along with Town staff, agreed on a map of where the location of the fence will be regarding the visibility triangle. The staff has an updated map as we speak, and we appreciate that and the applicant will see it prior to the close of the meeting. The applicant also agreed with the map that this will, by making these changes, the fence will be kept out of the visibility triangle and this will also enable the applicant to have a five-foot gate from his current concrete sidewalk to look into his driveway 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 found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant will obtain all necessary permits.
2. The fence will not be constructed within the triangle of visibility.

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

3. The applicant will work with the Town and DPW regarding the fence that is currently on the right-of-way.
4. The applicant also agreed to sign a Hold Harmless agreement with the Town.
5. And this approval is for the life of the fence.

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	Absent		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

4. Applicant: Charles Edwards
Location: 2599 West Ridge Road
Mon. Co. Tax No.: 074.14-3-9
Zoning District: BR (Restricted Business)
Request: a) An area variance for 12 proposed parking spaces, instead of the 17 parking spaces minimum required. Sec. 211-45 Q
b) An area variance for an existing freestanding sign (3.0 feet x 6.25 feet; 19 square feet) to have a setback of 2.0 feet from the south right-of-way line of West Ridge Road, instead of the 15 feet minimum required, and for the lowest side of said sign to be 3.8 feet above the nearest street grade, instead of the 7.0 feet minimum required. Sec. 211-52 B (1) (b) [1], Sec. 211-52 B (1) (c)

On a motion by Mr. Bilsky and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of June 16, 2015 in order to give the Town's staff time to re-advertise the legal notice.

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

**Motion Carried
Application Continued Until
Meeting of June 16, 2015**

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

MODIFICATION TO NEIGHBORHOOD NOTIFICATION:

1. Applicant: Wilmorite, Inc.
Location: 800 Greece Ridge Center Drive
Mon. Co. Tax No.: 074.19-1-3 & 074.18-4-7.113
Zoning District: BR (Restricted Business) & BG (General Business)
Request:
 - a) An area variance for a proposed (north side) building-mounted sign (7.5 feet x 8.2 feet; 61.5 square feet), instead of the 50 square feet maximum permitted. Sec. 211-52 B (2) (a), Table VII
 - b) An area variance for a proposed second (south side) building-mounted sign (7.5 feet x 8.2 feet; 61.5 square feet), instead of one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
 - c) An area variance for a proposed third (west side) building-mounted sign (7.5 feet x 8.2 feet; 61.5 square feet), instead of one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
 - d) An area variance for a proposed menu board with a sign area of 43.7 square feet (5.9 feet x 7.4 feet), instead of the 20 square feet maximum permitted. Sec. 211-52 B (1) (a) [4]
 - e) An area variance for a proposed second menu board (4.7 feet x 5.7 feet; 26.8 square feet), instead of the one (1) 20-square-foot menu board permitted. Sec. 211-52 B (1) (a) [4]
 - f) An area variance for three (3) proposed freestanding signs (parking signs for "Rapid Pick-Up, 5 Minute Parking," with a logo) each 1.5 square feet in area (total of 4.5 square feet), in addition to the four (4) freestanding signs granted by the Board of Zoning Appeals on May 21, 2013 and November 12, 2013. Sec. 211-52 B (1) (a), Table VI
 - g) An area variance for a fourth freestanding canopy sign (1.6 feet x 2.7 feet; 4.3 square feet), in addition to the four (4) freestanding signs granted by the Board of Zoning Appeals on May 21, 2013 and November 12, 2013. Sec. 211-52 B (1) (a), Table VI

The staff has recommended a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this recommendation 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 request.

On a motion by Mr. Jensen and seconded by Mr. Bilsky, it was resolved that the Board of Zoning Appeals, on its own initiative, amend the neighborhood notification for the variance request application submitted by Wilmorite, Inc., relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be neighboring parcels

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

fronting West Ridge Road; these are the parcels in the immediate vicinity that potentially would be most affected by the proposed area variances.

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

Motion Carried
Modification Granted

BOARD OF ZONING APPEALS MINUTES
May 19, 2015

ADJOURNMENT: 8:25

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, June 2, 2015

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