



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 20, 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

Robert J. Bilsky

Thomas F. 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

Andrew P. Forsythe

Additions, Deletions and Continuances to the Agenda

Announcements

BOARD OF ZONING APPEALS MINUTES
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Old Business:

1. Applicant: Lynn Cucinelli
Location: 1800 Manitou Road
Mon. Co. Tax No.: 073.03-1-22.2
Zoning District: R1-18 (Single-Family Residential)
Request: An area variance for a proposed detached garage (20.0 feet x 30.0 feet; 600.0 square feet), resulting in a total gross floor area of 2937 square feet in all accessory structures, instead of the 2337 square feet granted by the Board of Zoning Appeals on July 19, 2011. Sec. 211-11 E (1), Table I

On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of October 18, 2016, per the applicant's request.

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

**Motion Carried
Application Continued Until
Meeting of October 18, 2016**

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2. Applicant: Christina Tanski
Location: 429 Woodsong Lane
Mon. Co Tax No.: 046.02-3-67
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (92± linear feet) to be located in a front yard, where fences in front yards 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 6.0-foot-high, closed-construction fence (30± linear feet) 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

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 429 Woodsong 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).)
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. Bilsky and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	yes	Mr. Forsythe	Absent
	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:

Mr. Chairman, regarding the application of Christina Tanski, 429 Woodsong Lane, Ms. Tanski appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (92± linear feet) to be located in a front yard, where fences in front yards shall not exceed 4.0 feet in height and shall be of open construction; and an area variance for a proposed 6.0-foot-high, closed-construction fence (30± linear feet) 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.

The findings of fact are as follows. Ms. Tanski, of 429 Woodsong Lane, first appeared before the Board of Zoning Appeals on July 19th. The property is located in an R1-E (Single-Family Residential) zoning district. Ms. Tanski, who has lived at this address for three years, has appeared before the July 19th Board of Zoning Appeals meeting with an application. The reason presented by Ms. Tanski for the proposed fencing is to increase the safety and privacy of her and her family. Ms. Tanski wanted to modify the application; this required a new application to be re-advertised on August 17th. At the August 2nd meeting, it was agreed by the applicant: Number 1, new fencing along Woodsong Lane to have at least a three-foot setback from the sidewalk; and Number 2, to comply with the Town's clear visibility safety triangle requirements. The new fencing along Woodsong Lane would start no less than 15 feet from the driveway, and the fencing along the applicant's driveway will start no less than 3 feet back from the sidewalk, plus another 12 feet toward the garage, to make it at least 15 feet total. Thus the safety and visibility requirements for the pedestrians and automobiles will be met. It was also resolved to continue the public hearing until August 16th meeting in order to give staff time to hear from the Department of Public Works with their comments. The result of that review led to the department to request an additional five-foot setback from the sidewalk, leaving the total setback now eight feet from the sidewalk. The reason the applicant wants the fence is for the privacy and safety of her children, primarily at the home. The applicant has agreed to sign a Hold Harmless agreement whereby the Town is not held responsible for any damages to the fence as a result of the snowplowing and also not to hold the utility company, RG&E, accountable for any damage. Since the applicant did not appear at the August 16th meeting and the September 6th meeting, the hearing was postponed until September 20th. No one appeared before the Board to speak either in favor or against 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 applicant shall obtain all necessary Town permits.
2. That the setback of the proposed fence will be at least three (3) feet from the edge of the sidewalk that is closest to the house.
3. The owner will sign with the Town a Hold Harmless agreement.
4. And there will be a clear visibility triangle of at least 15 feet along Woodsong Lane and along the applicant's driveway to fully comply with the Town's safety and visibility requirements.
5. All existing utility easements will remain enforced.

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

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Absent
	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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3. Applicant: Shaun Sick
Location: 94 Crossgate Road
Mon. Co. Tax No.: 088.03-2-29
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed in-ground pool (16.0 feet x 34.0 feet; 544.0 square feet) to be located 6.0± feet (measured from the water's edge) from an existing principal building (single-family dwelling), instead of the 10.0 feet minimum required. Sec. 114.12.1 B (2)
b) An area variance for a proposed in-ground pool (16.0 feet x 34.0 feet; 544.0 square feet) to have a (east) rear setback of 4.0± feet (measured from the water's edge), instead of the 9.0 feet minimum required. Sec. 211-11 E (1), Table I
c) An area variance for a proposed in-ground pool (16.0 feet x 34.0 feet; 544.0 square feet) to be located 6.0± feet (measured from water's edge) from an existing shed, instead of the 10.0 feet minimum required. Sec. 114.12.1 B (2)

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 94 Crossgate 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.

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

VOTE:	Mr. Bilsky	yes	Mr. Forsythe	Absent
	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, regarding the application of Shaun Sick, 94 Crossgate Road, Mr. Sick appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed in-ground pool (16.0 feet x 34.0 feet; 544.0 square feet) to be located 6.0± feet (measured from the water's edge) from an existing principal building (single-family dwelling), instead of the 10.0 feet minimum required; an area variance for a proposed in-ground pool (16.0 feet x 34.0 feet; 544.0 square feet) to have a (east) rear setback of 4.0± feet (measured from the water's edge), instead of the 9.0 feet minimum required; and an area variance for a proposed in-ground pool (16.0 feet x 34.0 feet; 544.0 square feet) to be located 6.0± feet (measured from water's edge) from an existing shed, instead of the 10.0 feet minimum required.

The findings of fact are as follows. This parcel is approximately 90 feet x 106 feet and lies within an R1-E (Single-Family Residential) district. Mr. and Mrs. Sick have lived at this home for approximately 13 years, and the reason for the pool is for family enjoyment. And recently Mrs. Sick has been diagnosed with a condition that would benefit from the exercise of swimming. The placement for the pool is due to the lot shape and really leaves no room for placement to come within code. The discussion of making the pool smaller came up and there is no cost saving to the applicant to go smaller. There will be a three-foot concrete area around the pool, and also a patio. The pool will be fenced by a four-foot vinyl fence, the posts for which will be cemented in, and there will be two gates on either side of the home with a top latch. The applicant states that there is no way to access the roof of the home to allow anyone to have access to the pool by jumping in it; in fact, the applicant has agreed to sign a Hold Harmless agreement with the Town. The applicant has presented petitions from neighbors who have approved his request; they have no concerns with it. Previous approvals show that there have been 10 approvals similar to this request. The applicant prefers to leave the shed where it is, in its existing area. However, the applicant testified that in fact he could move the shed and he was going to if he had to. It is not an economic hardship to move it and he did not testify to it being an economic hardship, such as it had wiring, a concrete floor or anything that would make it nearly impossible to move. The applicant explained that where he would move the shed has power lines overhead and wondered if that made a difference as far as placement of the shed, but he has agreed to move the shed to the other side of the yard in order to come within compliance.

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:

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1. That the applicant will obtain all permits.
2. That the applicant will comply with Town code.
3. The applicant will sign a Hold Harmless agreement with the Town.
4. As offered and agreed to by the applicant, Item "c" has been formally withdrawn, and the existing shed will be relocated to comply with setback requirements.
5. And the applicant also will make himself aware of the local pool ordinance and comply with it.

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

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Absent
	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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4. Applicant: 4320 West Ridge, LLC
Location: 4232-4350 West Ridge Road
Mon. Co. Tax No.: 073.01-1-3, 073.01-1-4, 073.01-1-5, 073.01-1-6, 073.01-1-7,
073.01-1-21, 073.01-2-63, 073.01-2-64.111, 073.01-2-64.12,
073.01-2-68.1 (part)
Zoning District: BG (General Business)
Request: a) A special use permit to operate a motor vehicle service
station. Sec. 211-17 C (3) (b) [2], Sec. 211-35
b) A special use permit to operate a gasoline dispensing station.
Sec. 211-17 C (3) (b) [1], Sec. 211-34
c) An area variance for a proposed gasoline dispensing canopy
to have an area of 5640 square feet, instead of the 1500 square
maximum permitted. Sec. 211-34 C

On a motion by Mr. Bilsky and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of November 1, 2016, per the applicant's request.

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

**Motion Carried
Application Continued Until
Meeting of November 1, 2016**

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New Business:

1. Applicant: Philip Gombatto
Location: 75 Jade Creek Drive
Mon. Co. Tax No.: 044.02-3-11.1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed shed (12.0 feet x 16.0 feet; 192.0 square feet), resulting in a total gross floor area of 1192.2± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), 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 75 Jade Creek 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.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Philip Gombatto, 75 Jade Creek Drive, Mr. Gombatto appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed shed (12.0 feet x 16.0 feet; 192.0 square feet), resulting in a total gross floor area of 1192.2± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre.

The findings of fact are as follows. Mr. Gombatto, who has lived at 75 Jade Creek Drive for 12 years, appeared before the Board this evening to obtain approval for an area variance for a proposed shed (12.0 feet x 16.0 feet; 192.0 square feet), resulting in a total gross floor area of 1192.2± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre. The property is located in an R1-E Single-Family residential zoning district. The reason presented by Mr. Gombatto for the proposed 6-foot x 12-foot shed is to provide extra storage for lawn equipment, pool supplies, and outdoor furniture. The proposed shed will be constructed of wood and vinyl, and will not have any electrical or water supply. The exterior appearance will be similar to their home. In looking at other homes in the area, we have exceeded the square footage with other applicants, so this is well within the neighborhood variances. No one appeared before the Board this evening 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 first obtain all necessary Town permits.
2. And that all codes are satisfied.

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

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Absent
	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: John DeMunck
Location: 55 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-28
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed hot tub (6.0 feet x 6.0 feet; 36.0 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as hot tubs, are permitted only in rear yards. Sec. 211-11 E (3)
b) An area variance for a proposed shed (12.0 feet x 12.0 feet; 144.0 square feet) to be located in the front yard of a waterfront lot with lot area less than 18,000 square feet, where accessory structures, including sheds, are permitted only in rear yards. Sec. 211-11 E (2) (a), Sec. 211-11 E (3)

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 55 Shoreway 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.

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

VOTE:	Mr. Bilsky	yes	Mr. Forsythe	Absent
	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:

Mr. Chairman, regarding the application of John DeMunck, 55 Shoreway Drive, Mr. DeMunck appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed hot tub (6.0 feet x 6.0 feet; 36.0 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as hot tubs, are permitted only in rear yards; and an area variance for a proposed shed (12.0 feet x 12.0 feet; 144.0 square feet) to be located in the front yard of a waterfront lot with lot area less than 18,000 square feet, where accessory structures, including sheds, are permitted only in rear yards.

The findings of fact are as follows. Mr. DeMunck, who has lived at 55 Shoreway Drive for three months, appeared before the Board of Zoning Appeals this evening to obtain approval for two area variances: first, an area variance for a proposed hot tub (6.0 feet x 6.0 feet; 36.0 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as hot tubs, are permitted only in rear yards; and second, an area variance for a proposed shed (12.0 feet x 12.0 feet; 144.0 square feet) to be located in the front yard of a waterfront lot with lot area less than 18,000 square feet, where accessory structures, including sheds, are permitted only in rear yards. The property is located in an R1-E (Single-Family Residential) zoning district. As mentioned by Mr. DeMunck, the reason for the hot tub is to increase the family's outdoor pleasure, and the reason for the proposed 12-foot x 12-foot shed is to provide extra storage for lawn equipment and outdoor furniture. The reason for the hot tub is because of the front yard being actually the back yard of his home. No one appeared before the Board either in favor or against it, but he did receive many letters of approval from his 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 SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant first obtain all necessary Town permits.
2. And that all codes are satisfied.

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

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Absent
	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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3. Applicant: Stephen Klaassen
Location: 1599 Edgemere Drive
Mon. Co. Tax No.: 034.08-1-58
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed shed (10.0 feet x 16.0 feet; 160.0 feet) to be located in a side yard, where accessory structures, such as sheds, are permitted only in rear yards. Sec. 211-11 E (3)

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 1599 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)(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.

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

VOTE:	Mr. Bilsky	yes	Mr. Forsythe	Absent
	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, regarding the application of Stephen Klaassen, 1599 Edgemere Drive, Mr. Klaassen appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed shed (10.0 feet x 16.0 feet; 160.0 feet) to be located in a side yard, where accessory structures, such as sheds, are permitted only in rear yards.

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The findings of fact are as follows. The applicant has lived at this location for 26 years and currently has an existing shed that is falling apart, and he would like to replace it with a shed the exact same size (10 feet x 16 feet). The applicant stated that the new shed will match the house, along with the roofing of the existing house. The applicant also stated that the current shed and the new shed will be on a stone pad, which is currently in place. The applicant was also asked if it would be a financial hardship for him to move this shed into the rear yard or in the back yard on the Edgemere Drive side, and the applicant stated that he currently has a vinyl fence with cemented posts and this would make it unable for him to put this shed in the back yard. Also, staff reported that this back yard is in a DEC wetland, and he would need to get approval from the DEC to put this in the backyard. We also received comments from three neighbors who are in favor of this proposal. Mr. Doug Dobson of 1630 & 1604 Edgemere Drive, is in favor of it. Also Linda Robertson from 1622 Edgemere Drive is in favor, and also a neighbor at 1610 Edgemere Drive. Also, the applicant said there will be no utilities to this shed.

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 obtain all necessary permits.
2. This approval is for the life of the shed.
3. And the applicant agrees to have no utilities in the shed.

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

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Absent
	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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4. Applicant: Joanne Scarlata
Location: 53 Creekwood Drive
Mon. Co. Tax No.: 074.10-6-3
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed garage addition (20.0 feet x 21.2 feet; 424.0 square feet) to have a (west) side setback of 5.1 feet, instead of the 7.2 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for a proposed garage addition (20.0 feet x 21.2 feet; 424.0 square feet) resulting in a total gross floor area of 1016.8± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots with a lot area less than 16,000 square feet. Sec. 211-11 E (1), Table I
c) An area variance for an existing shed (7.9 feet x 10.1 feet; 79.8 square feet) with a (west) side setback of 1.6± feet, instead of the 4.0 feet minimum required. Sec. 211-11 E (1), 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 53 Creekwood 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
September 20, 2016

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Joanne Scarlata, 53 Creekwood Drive, Ms. Scarlata appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed garage addition (20.0 feet x 21.2 feet; 424.0 square feet) to have a (west) side setback of 5.1 feet, instead of the 7.2 feet minimum required; an area variance for a proposed garage addition (20.0 feet x 21.2 feet; 424.0 square feet) resulting in a total gross floor area of 1016.8± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots with a lot area less than 16,000 square feet; and an area variance for an existing shed (7.9 feet x 10.1 feet; 79.8 square feet) with a (west) side setback of 1.6± feet, instead of the 4.0 feet minimum required.

The findings of fact are as follows. This evening, Ms. Joanne Scarlata and Mr. Greg Newcomb came before the Board to testify that they required this addition on the garage for storage and that the size of this addition was determined based on their existing storage needs in Fairport. Mr. Newcomb indicated that this was actually a little less than what he is currently using in his Fairport facility; anything smaller than what he has proposed would not satisfy his needs. The side setback to this particular structure is in line with the existing home; the area variance for the existing shed—it existed prior to Ms. Scarlata purchasing this home in 2002. The applicant testified that in order to move or demolish the shed would create a substantial financial hardship to them. The applicant indicated that this addition to the garage would have no utilities whatsoever.

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 comply with all building codes in the Town of Greece.

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

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Absent
	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: Elaine Ainsworth
Location: 574 Manitou Beach Road
Mon. Co. Tax No.: 017.03-2-22
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed in-ground pool (12.0 feet x 24.0 feet; 288.0 square feet) to be located in a waterfront yard, where accessory structures, such as pools, are permitted only in rear yards. Sec. 211-11 E (3)
b) An area variance for a proposed 4.0-foot-high, closed-construction fence (160± linear feet) to be located in a waterfront yard, where fences in a waterfront yard shall be of open construction. Sec 211-47 A
c) An area variance for an existing pergola (12.0 feet x 14.0 feet; 168.0 square feet) located in a waterfront yard, where accessory structures, such as pergolas, are permitted only in rear yards. 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 574 Manitou Beach 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).)
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
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Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	yes	Mr. Forsythe	Absent
	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, regarding the application of Elaine Ainsworth, 574 Manitou Beach Road, Ms. Ainsworth appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed in-ground pool (12.0 feet x 24.0 feet; 288.0 square feet) to be located in a waterfront yard, where accessory structures, such as pools, are permitted only in rear yards; an area variance for a proposed 4.0-foot-high, closed-construction fence (160± linear feet) to be located in a waterfront yard, where fences in a waterfront yard shall be of open construction; and an area variance for an existing pergola (12.0 feet x 14.0 feet; 168.0 square feet) located in a waterfront yard, where accessory structures, such as pergolas, are permitted only in rear yards.

The findings of fact are as follows. This evening, Elaine Ainsworth, who resides at 574 Manitou Beach Road in an R1-E (Single-Family Residential) zoning district, whose lot size is 101 feet x 1027 feet, appeared before the Board to request an area variance for a proposed in-ground pool (12.0 feet x 24.0 feet; 288.0 square feet) to be located in a waterfront yard, where accessory structures, such as pools, are permitted only in rear yards; an area variance for a proposed 4.0-foot-high, closed-construction fence (160± linear feet) to be located in a waterfront yard, where fences in a waterfront yard shall be of open construction; and an area variance for an existing pergola (12.0 feet x 14.0 feet; 168.0 square feet) located in a waterfront yard, where accessory structures, such as pergolas, are permitted only in rear yards. This evening Ms. Ainsworth mentioned that she has owned the property for six years, and that at this particular point in time she is requesting a pool to enhance her lifestyle. As far as a location of the pool, if the pool were to be located on the street side of the property there would be a privacy issue, so being in the waterfront yard the privacy is retained and also the quietness from the road noise. As for the fence, the fence will be constructed out of wrought iron and pavers and will have the appearance of a masonry situation, which, with the aesthetics, will blend into the pool location. The applicant does have the ability to change the fence as long as she meets the variances that were granted. With the elevation drop on the property, there will be no sight obstructions that would be caused by this type of fence. It was also mentioned that the pergola is approximately 20 feet from the pool and as such there would not be a situation of anyone gaining entry to the pool from the pergola. She did mention that there would be a substantial financial hardship if the pergola were to be removed. She also mentioned that she has spoken with her neighbors and they are all in favor of 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,

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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.
2. That all Town codes be satisfied.
3. And that the applicant is in compliance with the Town of Greece pool ordinance.

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

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Absent
	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
September 20, 2016

6. Applicant: Jane Kenney
Location: 305 Crystal Creek Drive
Mon Co. Tax No.: 045.01-2-91
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing covered porch (12.5 feet x 18.0 feet; 225.0 square feet) with a (south) rear setback of 2.5± feet, instead of the 10.0 feet minimum required. Sec. 211-11 E (1), Table I

On a motion by Mr. Bilsky and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of October 4, 2016 in order to give the applicant time to gather more information that the Board members requested.

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

**Motion Carried
Application Continued Until
Meeting of October 4, 2016**

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September 20, 2016

7. Applicant: Woodspring Suites Rochester NY Northwest, LLC
Location: 145 Bellwood Drive
Mon. Co. Tax No.: 089.04-1-8.1, 089.04-1-8.3
Zoning District: BG (General Business)
Request: An area variance for a second (east side) building-mounted sign ("WoodSpring Suites"; 11.3 feet x 15.69 feet; 177.3 square feet), instead of the one (1) 98-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

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 145 Bellwood 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 and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.

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8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

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

Motion Carried

BOARD OF ZONING APPEALS MINUTES
September 20, 2016

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

Mr. Chairman, regarding the application of Woodspring Suites Rochester NY Northwest, LLC, 145 Bellwood Drive, their representative, Brian Burri from Bergmann Associates, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a second (east side) building-mounted sign ("WoodSpring Suites"; 11.3 feet x 15.69 feet; 177.3 square feet), instead of the one (1) 98-square-foot building-mounted sign permitted.

The findings of fact are as follows. Mr. Brian Burri appeared before the Board, representing the applicant, who is seeking an area variance for a proposed second (east side) building-mounted sign. This is a new hotel, which is located at least or approximately 130 feet, the east side property line from the expressway. Therefore, this request to place this second sign is for better exposure to the traffic on 390 so that the public is aware of its location. The sign will be lit by building-mounted lighting, and will be made of plastic material with channel letters. The Canal Ponds Business Park faces 390 and Ms. Christine Luft, the property manager from Canal Ponds Architectural Review Board, has approved this sign request.

Therefore, I move to approve this request, with the following conditions:

1. That the applicant must obtain necessary permits.
2. As offered by the applicant, there will be no internal illumination of the sign.

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

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Absent
	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
September 20, 2016

ADJOURNMENT: 9:00 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: October 4, 2016