



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

JANUARY 17, 2017

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present

Albert F. Meilutis, Chairman

Andrew P. Forsythe

Thomas F. Hartwig

Randy T. Jensen (arrived at 7:20 p.m.)

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Robert J. Bilsky

Additions, Deletions and Continuances to the Agenda

Announcements

BOARD OF ZONING APPEALS MINUTES
January 17, 2017

Old Business:

1. Applicant: Ronald J. Berardi
Location: 839 North Greece Road (Meadows at English subdivision)
Mon. Co. Tax No.: 058.01-2-19.2 & 058.01-2-20.2
Zoning District: RMS (Multiple-Family Residential – Senior Citizen)
Request: a) An area variance for proposed dwelling units (Lots 101, 102, 103, 104, 113, 114, 115, & 116) to have a (east) setback of 88.0 feet to 149.9 feet (measured from the centerline of North Greece Road), instead of the 150.0 feet minimum required. Sec. 211-14 H, Table II
b) An area variance for proposed dwelling units (Lots 102 & 103) to have a (north) setback of 44.0 feet from other zoning districts, instead of the 50.0 feet minimum required. Sec. 211-14 H, Table II
c) An area variance for proposed dwelling units (Lots 118, 119, 122, 123, 126 & 127) to have a (south) setback of 30.0 feet from other zoning districts, instead of the 50.0 feet minimum required. Sec. 211-14 H, Table II
d) An area variance for a proposed driveway and parking area (285± linear feet) to be located 27.0± feet to 49.9 feet from the west right-of-way line of North Greece Road, instead of the 50.0 feet minimum required. Sec. 211-14 H, Table II

On a motion by Mr. Meilutis and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of February 7, 2017 in order to give Planning Board time to respond with their comments.

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

**Motion Carried
Application Continued Until
Meeting of February 7, 2017**

BOARD OF ZONING APPEALS MINUTES
January 17, 2017

New Business:

1. Applicant: Adam Allocco
Location: 125 Peck Road
Mon. Co. Tax No.: 058.01-1-24.113
Zoning District: R1-44 (Single-Family Residential)
Request: a) An area variance for a proposed detached garage (30.0 feet x 50.0 feet; 1500 square feet), resulting in a total gross floor area of 1697.7 square feet in all accessory structures, where 1250 square feet is the maximum gross floor area permitted for lots with a lot area greater than one (1) acre. Sec. 211-11 E (1), Table I
b) An area variance for a proposed detached garage (30.0 feet x 50.0 feet; 1500 square feet) to be located partially in a front yard, where garages are permitted only in side and rear yards. Sec. 211-11 E (3)

On a motion by Mr. Forsythe and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of February 7, 2017 in order to give the applicant time to review his options and for staff to re-advertise if needed.

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

**Motion Carried
Application Continued Until
Meeting of February 7, 2017**

BOARD OF ZONING APPEALS MINUTES
January 17, 2017

2. Applicant: Gary L. Lang, DMD
Location: 543 Long Pond Road
Mon. Co. Tax No.: 045.01-3-28.2
Zoning District: R1-12 (Single-Family Residential)
Request: Relief from a condition of a July 23, 1985, use variance granted by the Board of Zoning Appeals, which restricted the medical office use to 722.0 square feet and required that no additional professional use be permitted without approval from the Board of Zoning Appeals. Sec. 211-17 A (1) (a), Sec. 211-60 B (1)

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 543 Long Pond Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest 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.

BOARD OF ZONING APPEALS MINUTES
January 17, 2017

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

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

Motion Carried

BOARD OF ZONING APPEALS MINUTES
January 17, 2017

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

Mr. Chairman, regarding the application of Gary L. Lang, DMD, 543 Long Pond Road, Dr. Lang appeared before the Board of Zoning Appeals this evening, requesting relief from a condition of a July 23, 1985, use variance granted by the Board of Zoning Appeals, which restricted the medical office use to 722.0 square feet and required that no additional professional use be permitted without approval from the Board of Zoning Appeals.

The findings of fact are as follows. This evening, the applicant appeared before us with a request for changing an existing family room into more office space. The reason for this expansion is because he is adding his son and daughter-in-law to the practice. Currently, the Doctor has three chairs to provide service to patients, and he is adding two additional chairs. With this, this brings up the total number of square feet within the home to 1257 square feet of office along with dental chairs. This expansion will stay within the four walls of the existing home itself, with no additional outdoor addition to the current structure. The applicant has 12 parking spots for patients along with 5 additional parking spots for his employees, giving him total of 17 parking spots; code states that he needs a minimum of at least 7. The applicant also stated that he cannot achieve this expansion by some other method; this was the best fit for him and his practice.

Therefore, I move to approve this application with the condition that the applicant obtain all necessary permits.

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

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

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
January 17, 2017

3. Applicant: 2103 Maiden Lane, LLC, Roy & Shelia Englert
Location: 2101 Maiden Lane
Mon. Co. Tax No.: 074.05-2-48.2
Zoning District: R1-E (Single-Family Residential)
Request: In order to subdivide 2101 Maiden Lane, the following area variances are requested:
- Lot 1
- a) An area variance for a proposed lot width of 52 feet, instead of the 94 feet minimum established by the neighborhood average. Sec. 211-11 D (2)
 - b) An area variance for a proposed lot area of 7800 square feet, instead of the 14100 square feet minimum established by the neighborhood average. Sec. 211-11 D (2)
 - c) An area variance for an existing principal building (single-family dwelling) to have a rear setback of 44 feet, instead of the 45 feet minimum required. Sec. 211-11 D (2)
 - d) An area variance for an existing principal building (single-family dwelling) with a first floor area of 240± square feet, instead of the 600 square feet minimum required. Sec. 211-11 D (2)
 - e) An area variance for an existing principal building (single-family dwelling) with a total floor area of 984± square feet, instead of the 1100 square feet minimum required. Sec. 211-11 D (2)

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 2101 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 "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9) & (12).)
2. According to SEQRA, Type II actions have been determined to not 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
January 17, 2017

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

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

Motion Carried

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

Mr. Chairman, regarding the application of 2103 Maiden Lane, LLC, Roy & Sheila Englert, 2101 Maiden Lane, Mr. Kris Schultz of Schultz Associates, located in Spencerport, New York, appeared before the Board of Zoning Appeals this evening on behalf of 2103 Maiden Lane, LLC, and Roy & Sheila Englert, relative to property located at 2101 Maiden Lane, in an R1-E (Single-Family Residential) district, requesting several area variances in order to subdivide the property, as mentioned above.

WHEREAS, the findings of fact are as follows. Mr. Schultz stated that the current property owners of 2101 Maiden Lane, Roy and Sheila Englert, have owned that property for approximately 20 years and that the 2103 Maiden Lane, LLC, has owned the property, known as Lot 1 or 2103 Maiden Lane, for approximately 5 years. The need to substantiate the division of these two parcels is that Lot 1 is intended to be sold. These two parcels were separated in 1994 through a deed; as such, the lot widths of these proposed Lot 1 and Lot 2, the size of them, have been in existence for approximately 23 years. The building that is currently being in question, that is on Lot 1, was constructed in 1988, so it is approximately 29 years old, and the square footage of it has not been increased since the initial build. The initial building on Lot 1 is an accessory structure (garage); it's being retooled to become a residence. It is not recognized as a residence until the Building Department signs off that it meets all necessary codes for that, and it must be certified with a certificate of occupancy. As such, Mr. Schultz has stated that they are in the process of bringing this structure into compliance with existing building codes and that there was also a December 5th, 2016, letter mentioned that was issued by the Town of Greece Inspection Office, listing nine action items that Mr. Schultz stated that they are also in the process of following through on. Since these parcels, Lot 1 and Lot 2, once again have been in existence for approximately 22 years and the building has been in existence for 29 years; they are just trying to clean up this situation so the property could be sold.

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 necessary building permits pertaining to the structure on Lot 1 be obtained.
2. The existing structure on Lot 1 must be shown that it is in compliance with and satisfies all current building codes and in addition must be in accordance with the December 5, 2016, letter issued by the Town of Greece Inspection Office.

BOARD OF ZONING APPEALS MINUTES
January 17, 2017

3. That a Certificate of Occupancy be obtained for the use of the structure on Lot 1 as a single-family home.
4. That Planning Board approval relative to the subdivision must be obtained.

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

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

Motion Carried
Application Approved
With Conditions

SPECIAL ZONING TOPICS

New Business:

1. Applicant: Bell Atlantic Mobile Systems of Allentown, Inc. (d.b.a. Verizon Wireless)
Location: 1510 Maiden Lane
Mon. Co. Tax No.: 059.19-3-1.1
Zoning District: R1-18 (Single-Family Residential)
Request: a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (119 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. Sec. 211-56 A
b) An area variance for the use of barbed wire (188± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in Section 211-49. Sec. 211-46 E

Ms. Nigro made the following motion, seconded by Mr. Shea:

WHEREAS, Bell Atlantic Mobile Systems of Allentown, Inc. (d.b.a. Verizon Wireless) (the "Applicant/Project Sponsor") has submitted a request to the Board of Zoning Appeals (the "BZA") of the Town of Greece (the "Town"), Monroe County, New York, for a special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (119 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway; an area variance for the use of barbed wire fencing (188± linear feet) (the "Project"); and Planning Board site plan approval for same, relative to property located at 1510 Maiden Lane; and

WHEREAS, the Applicant/Project Sponsor has submitted to the BZA an application for the Project, including but not limited to: a project narrative; Part 1 of an Environmental Assessment Form ("EAF"); a radio frequency engineering report; photographs; and civil site plan set (collectively, the "Application"); and

WHEREAS, upon review of the Application, the BZA has determined that the Project 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 Project constitutes an Unlisted action under SEQRA; and

WHEREAS, the BZA intends to become the lead agency for the coordinated environmental review of the Project; and

WHEREAS, in accordance with the criteria in §617.6(b)(5)(v)(a) of the SEQRA Regulations, the BZA intends to become the lead agency because potential impacts from the Project primarily would be of local significance; and

WHEREAS, in order to establish a lead agency for coordinated environmental review of the Project, the BZA requests that all involved agencies reply as soon as possible about whether they agree with the designation of the BZA as the lead agency for the Project; and

WHEREAS, pursuant to §617.6(b)(3)(i) of the SEQRA Regulations, the BZA will assume that it has received consent to become the lead agency if an involved agency does not send

BOARD OF ZONING APPEALS MINUTES
January 17, 2017

a written objection within thirty (30) calendar days of the date of filing a Notice of Intent to Become Lead Agency.

NOW, THEREFORE, be it

RESOLVED that the BZA hereby makes the following determinations:

1. The BZA intends to become the lead agency for the coordinated environmental review of the Project.
2. The BZA hereby provides an opportunity of thirty (30) days from the date on which a Notice of Intent to Become Lead Agency is distributed to involved agencies for written comment on the BZA's intent to become lead agency.
3. If after thirty (30) days' time an involved agency has not provided a written objection to the BZA becoming lead agency, the BZA shall assume that it has such involved agency's consent.
4. The BZA hereby directs the BZA staff to file a Notice of Intent to Become Lead Agency with all involved agencies, and to notify all such involved agencies of the deadline for acceptance of written objections to the BZA's intent, in accordance with SEQRA.
5. This resolution shall take effect immediately.

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

Motion Carried

BOARD OF ZONING APPEALS MINUTES
January 17, 2017

ADJOURNMENT: 8:06 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: _____

NEXT MEETING: February 7, 2017