



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**JANUARY 19, 2016**

**Work Session Began: 6:30 p.m.**

**Meeting Began: 7:00 p.m.**

**Place: Community Conference Room, Greece Town Hall**

### **Present**

Albert F. Meilutis, Chairman

Andrew P. Forsythe

Thomas Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

### **Absent**

Robert J. Bilsky

### **Additions, Deletions and Continuances to the Agenda**

### **Announcements**

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**Old Business:**

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

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**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 February 2, 2016 in order to give staff time to receive correspondence from Rochester Gas & Electric Corporation.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Absent</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Continued until**  
**Meeting of February 2, 2016**

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**New Business:**

1. Applicant: Daniel Pearl  
Location: 107 Long Pond Road  
Mon. Co. Tax No.: 034.02-1-21  
Zoning District: R1-44 (Single-Family Residential)  
Request:
  - a) An area variance for a proposed principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (north) side setback of 7.5 feet, instead of the 20.0 feet minimum required. Sec.211-11 D (2), Table I
  - b) An area variance for a proposed principal building (single-family dwelling), following demolition of the existing single-family dwelling, to have a (south) side setback of 11.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 D (2), Table I
  - c) An area variance for a proposed deck (1440± square feet) to be located in the front yard and side yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a proposed front setback of 727.5 feet (measured from the west right-of-way line of Long Pond Road), instead of the 472.5 feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec.211-11 D (2), Table I, Sec. 211-11 E (1), Table I
  - d) An area variance for a proposed deck (1440± square feet) to have a (north) side setback of 7.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
  - e) An area variance for a proposed deck (1440± square feet) to have a (south) side setback of 5.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
  - f) An area variance for a proposed shed (80± square feet) to be located in a side yard, where accessory structures, such as sheds, are permitted in the rear yards only. Sec. 211-11 E (3)
  - g) An area variance for a proposed detached garage (550± square feet) to have a (south) side setback of 8.0 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
  - h) An area variance for an existing detached garage (542± square feet) to have a (south) side setback of 5.5 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I
  - i) An area variance for a proposed detached garage (1500± square feet) to have a (south) side setback of 10.0 feet, instead of the 20.0 feet minimum required. Sec. 211-11 E (1), Table I

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j) An area variance for existing and proposed accessory structures which result in a total gross floor area of 2672± square feet, instead of the 1250 square feet maximum gross floor area permitted for accessory structures on lots with a lot area greater than one (1) acre. Sec. 211-11 E (1), Table I

k) An area variance for a total gross floor area of existing and proposed accessory structures on the premises (2672 square feet) to exceed the total gross floor area of the proposed principal building (2253 square feet). Sec. 211-11 E (1), Table I

**On a motion by Mr. Hartwig and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of February 16, 2016 in order to give the applicant time to review his options.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Absent</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried  
Application Continued until  
Meeting of February 16, 2016**

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2. Applicant: Upstate Tattoo Company  
Location: 1429 West Ridge Road  
Mon. Co. Tax No.: 075.17-4-4  
Zoning District: BR (Restricted Business)  
Request: a) An area variance for a proposed second (east side) building-mounted sign (2.3 feet x 8.0 feet; 18.4 square feet), instead of the 8.35 square feet granted by the Board of Zoning Appeals on August 10, 1982. Sec. 211-52 B (2) (a) [1], Sec. 211-52 B (2) (c) [1], Table VII  
b) An area variance for a proposed third (west side) building-mounted sign (2.3 feet x 8.0 feet; 18.4 square feet), instead of the 8.35 square feet granted by the Board of Zoning Appeals on August 10, 1982. Sec. 211-52 B (2) (a) [1], Sec. 211-52 B (2) (c) [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 1429 West Ridge Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.

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7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
12. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Absent</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, regarding the application of Upstate Tattoo Company, at 1429 West Ridge Road, Mr. William Herring and Mr. Fred Cole appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second (east side) building-mounted sign (2.3 feet x 8.0 feet; 18.4 square feet), instead of the 8.35 square feet granted by the Board of Zoning Appeals on August 10, 1982; and an area variance for a proposed third (west side) building-mounted sign (2.3 feet x 8.0 feet; 18.4 square feet), instead of the 8.35 square feet granted by the Board of Zoning Appeals on August 10, 1982.

WHEREAS, the findings of fact are as follows. Mr. William Herring, the president of Upstate Tattoo Company, and Fred Cole appeared before the Board this evening, seeking an area variance for a proposed second (east side) building-mounted sign and a third (west side) building-mounted sign. The applicant, Upstate Tattoo Company, has been at this location since December of 2015. The existing sign has been there for approximately two weeks. His main location is located in the city, and has been there for six years. Mr. Herring lived in Greece and decided to expand in this area, therefore opening up the property on West Ridge Road. They are located very close to the road, which makes seeing the sign on the front nearly impossible. There are no signs out on the street, there are two existing casements for lighting that are located exactly where the proposed signs would be. They are the only tenant in the building and they provide tattoos and piercings, usually by appointment, with some walk-ins. The sign will be back-lit with fluorescent lighting. A letter of approval was received from a neighbor and read aloud at this meeting.

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

1. This variance is granted for the life of these signs for Upstate Tattoo Company.
2. There will be no parking of vehicles allowed in front of the property.
3. And there will be no A-frame signs or any other signage on the street.

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

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Absent</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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**ADJOURNMENT:** 7:58 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:** February 2, 2016