



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

FEBRUARY 7, 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

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
February 7, 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. Jensen and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of February 21, 2017 in order to give the Planning Board time to respond with their comments.

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 21, 2017**

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2. 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)

Mr. Forsythe offered the following resolution and moved for its adoption:

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 125 Peck 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 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.

Seconded by Mr. Hartwig 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

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

Mr. Chairman, regarding the application of Adam Allocco, 125 Peck Road, Mr. Allocco appeared before the Board of Zoning Appeals this evening, requesting 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 and 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.

WHEREAS, the findings of fact are as follows. The parcel is located at 125 Peck Road and is located in an R1-44 (Single-Family Residential) neighborhood. The applicant, Adam Allocco, appeared before this Board this evening, stating that he has lived at the residence for approximately one year. He stated that he is proposing a pole barn addition for the following reason: he would like to store his camper, general storage, mower and some of his work equipment inside the pole barn to try to get it out of the yard to make it more presentable. He indicated that it is going to be constructed of metal siding, along with a metal roof, on a concrete pad. Inside the pole barn he is going to run electrical only and he has also agreed to remove advertising from his website for the purposes of allowing this barn to be constructed. Mrs. Melody Fess from 140 Peck Road appeared before this Board with some concerns. I believe some of her concerns have been addressed with the moving of the pole barn into the side yard to make it more even with the house, as opposed to in the front yard.

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 and that the garage maintains all Town code requirements.
2. That Mr. Allocco has agreed to random inspections of the barn to make sure that it is in compliance with all Town codes.
3. And as offered and agreed to by the applicant, item "b" has been withdrawn.

Seconded by Mr. Hartwig 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

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New Business:

1. Applicant: Anchor Baptist Church
Location: 25 Arcampus Drive
Mon. Co. Tax No.: 045.12-2-42.331
Zoning District: BP-2 (Professional Office)
Request: An area variance for 17 existing parking spaces, instead of the minimum 44 parking spaces required. Sec. 211-45 E

On a motion by Mr. Shea and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of March 7, 2017 in order to give the applicant time to review his options as they move forward with the parking issue.

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 March 7, 2017**

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2. 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 offered the following resolution and moved for its adoption:

WHEREAS, Bell Atlantic Mobile Systems of Allentown, Inc. (d.b.a. Verizon Wireless) (the "Applicant") has submitted an application to the Town of Greece (the "Town") Board of Zoning Appeals (the "Board") for a special use permit for a proposed cellular service telecommunications facility and a related area variance, as more particularly described in the minutes of this meeting (the "Application"); and

WHEREAS, the Board has determined that it would be in the best interests of the Board, the Applicant, and the general public to engage the services of an independent consultant to advise the Board on technical matters that relate to the Application; and

WHEREAS, the Applicant has agreed to pay reasonable costs associated with the Town's hiring a consultant who is well-known in the telecommunications industry, who has extensive experience in this field, and who has provided such services to the Town or other municipalities.

NOW, THEREFORE, be it

RESOLVED that this Board retain the services of William P. Johnson to review the Application and to prepare comments to the Board; and be it further

RESOLVED that the Chairman of the Board of Zoning Appeals hereby is authorized to execute all applicable documents related to said consultant services; and be it further

RESOLVED to continue the Application to the Board's meeting of March 7, 2017 so that the Board's consultant can have an opportunity to review the Application and to prepare comments to the Board.

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On a motion by Ms. Nigro and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of March 7, 2017.

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 March 7, 2017**

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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: _____

NEXT MEETING: February 21, 2017