



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

APRIL 4, 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 (arrived at 7:15 p.m.)

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

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Old Business:

1. Applicant: Daniel Studeman
Location: 21 Fireweed Trail (Pvt.)
Mon. Co. Tax No.: 025.03-3-42
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed attached garage addition (10.0 feet x 22.3 feet; 223.0 square feet) to have a (south) side setback of 6.9 feet, instead of the 9.2 feet minimum required. Sec. 211-11 D (2), Table I
 - b) An area variance for a proposed detached garage (16.0 feet x 24.0 feet; 384.0 square feet) to have a (west) rear setback of 18.2± feet, instead of the 30.0 feet minimum required for a through lot. Sec. 211-11 E (1), Table I
 - c) An area variance for existing and proposed accessory structures which result in a total gross floor area of 1102.1± square feet, instead of the 1000 square feet maximum gross floor area permitted for accessory structures on lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), Table I

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 21 Fireweed Trail, 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 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.

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

VOTE:	Mr. Bilsky	Absent	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, with regard to the application of Daniel Studeman (the "Applicant") of 21 Fireweed Trail, the Applicant appeared before the Board of Zoning Appeals to request the following area variances:

- a) An area variance for a proposed attached garage addition (10.0 feet x 22.3 feet 223.0 square feet to have a (south) side setback of 6.9 feet, instead of the 9.2 feet minimum required.
- b) An area variance for a proposed detached garage (16.0 feet x 24.0 feet; 384.0 square feet) to have a (west) rear setback of 18.2± feet, instead of the 30.0 feet minimum required for a through lot.
- c) An area variance for existing and proposed accessory structures which result in a gross floor area of 1102.1± square feet, instead of the 1000 square feet maximum gross floor area permitted for accessory structures on lots with a lot area of 16,000 square feet to one (1) acre.

WHEREAS, the findings of fact are as follows. This parcel is located at 21 Fireweed Trail and is located in an R1-E (Single-Family Residential) district. The parcel is 199.59 feet deep, 92.5 feet wide, and the total area is approximately 18,463 square feet, or 0.42± acres.

On March 7th, the Applicant appeared before this Board to request the aforementioned area variances. The Applicant has lived at the property for nearly nine years. The purpose of the addition and freestanding garage is to store lawnmower, tools, snowblower, and other equipment/materials. The existing shed in the rear yard would be removed and the new garage would be constructed in close proximity. The garage addition would be on the south side of the existing garage and would be located in an area that is currently asphalt. Both the addition and the new, detached garage would be of wood construction, and the exteriors would be similar to the house. Also at said meeting, the Board heard testimony from Cindy and Ronald Slater of 29 Fireweed Trail, who voiced concern regarding the attached garage addition setback and the impact that it would have on their property. As a result, the Board voted to continue the public hearing until the meeting of March 21, 2017 in order to give the applicant time to review his options.

On March 21st, the Applicant reappeared before the Board. During that meeting, the Applicant stated that he considered making adjustments to the layout to improve certain variances, but stated that those would not be beneficial to him. As it relates to the 384 square feet for the garage, the setback from the rear property line could not be increased due to the presence of landscaping surrounding the existing shed, which would be removed. Also, as it relates to the garage addition, the size could not be reduced, which would also increase the setback variance (that being item "a") because it would be used for cabinets and storage of tools. Also, it was stated that storage in the garage addition would be for items which are

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currently not owned by the Applicant, specifically motorcycles for his wife and brother-in-law. In addition, in the future, the proposed 384-square-foot garage would have an electric service installed to the structure for the purpose of creating a workshop. The Board then voted to close the public hearing and render a decision at the April 4th Board meeting.

In making its determination, the Board of Zoning Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. In making such determination the Board shall also consider the following:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. An undesirable change in the neighborhood would occur by the granting of these area variances. No property on Fireweed Trail has been granted approvals for accessory structure square footage by this Board. Also, the proposed rear setback of 18 feet for the detached garage would be closer than any existing property/structure located on the east side of Manitou Road and between Baneberry Way and Buttonwood Drive.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance. Another method is feasible. The Applicant can adjust the proposed layout in a way in which certain variances, if any, would not be required.
3. Whether the variance is substantial. The variances would be considered substantial. As state previously, no property on Fireweed Trail has an overall accessory structure square footage similar to what the Applicant is requesting. Also, no property in this area has a structure 18.2± feet from the Manitou Road right-of-way.
4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The variances would have an adverse impact on the neighborhood, notably the presence of a detached garage 18.2± feet from the east right-of-way line of Manitou Road. As stated previously, the garage would be closer than any existing property/structure located on the east side of Manitou Road and located between Baneberry Way and Buttonwood Drive.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. The difficulty being self-created is not germane to this particular application.

Based on the aforementioned information, I move to deny this application.

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

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

Motion Carried
Application Denied

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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

On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of April 18, 2017, per the request of the applicant.

VOTE:	Mr. Bilsky	Absent	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 April 18, 2017

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3. 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. Hartwig and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of May 16, 2017, per the request of the applicant.

VOTE:	Mr. Bilsky	Absent	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 May 16, 2017**

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New Business:

1. Applicant: Michael Hall
Location: 408 Crosby Lane
Mon. Co. Tax No.: 045.01-5-89
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) A special use permit for an existing in-law apartment (779± square feet). Sec. 211-11 (C) (2) (e)
 - b) An area variance for an existing in-law apartment with a total gross floor area of 779± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which such in-law apartment is located). Sec. 211-11 C (2) (e) [2]
 - c) An area variance for an existing one-story addition (696± square feet) with a (north) rear setback of 43.0± feet, instead of the 48.4 feet minimum required. Sec. 211-11 D (2), Table I

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 408 Crosby 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) & (13).)
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.

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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

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

Mr. Chairman, regarding the application of Michael Hall, 408 Crosby Lane, Mr. Hall appeared before the Board of Zoning Appeals this evening, requesting a special use permit for an existing in-law apartment (779± square feet); an area variance for an existing in-law apartment with a total gross floor area of 779± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which such in-law apartment is located); and an area variance for an existing one-story addition (696± square feet) with a (north) rear setback of 43.0± feet, instead of the 48.4 feet minimum required.

The findings of fact are as follows. This parcel is located at 408 Crosby Lane, and is located in an R1-E (Single-Family Residential) District. The parcel is approximately 171 feet x 75 feet and it contains a one-story, single-family dwelling. The in-law is placed where the garage once was. The applicant, Michael Hall, appeared before the Board this evening and has stated that he has lived at this residence for the past year with his parents, Giovanna and Toby Hall, who all own this property. Mr. Hall had remodeled the in-law apartment for his mom and dad due to the fact that his father lost his job, and he is bringing them into their home. Mr. Hall did not realize that he needed a special use permit. The size of this addition is approximately 779 square feet. This is not overly obtrusive or unreasonable, and staff has informed the Board that there have been past in-laws that have been granted variances for square footage being over the permitted maximum. It will contain a kitchen area, a living/dining room area, bedroom, and bathroom. There will be a common area between the in-law apartment and the principal residence, a separate entrance from the front porch, as well as outside from the back bedroom. The in-law addition was remodeled with a permit, but the inspector noticed that the existing one-story addition required a variance due to the north (rear) setback. The siding matches the existing home. There will be no separation of utilities. The proposed in-law will not cause any traffic problems within the neighborhood, nor will parking be an issue. The existing driveway is wide enough for the additional cars to be parked side by side and at least two deep. The addition was permitted; however, the inspector noticed that the rear bedroom addition required a variance and since this is an existing structure it would be a financial hardship for the applicant to meet the required minimum. There is a door that leads to the bedroom from the washer/dryer area into the back bedroom of the in-law. Additionally, no neighbors spoke opposing this request.

In going through the in-law apartment requirements for a special use permit:

1. The in-law apartment may be occupied only by members of the family unit occupying the main part of the dwelling or by in-laws of the member of the family unit. As stated by the applicant, it is occupied by his mom and dad.
2. The floor area of the in-law apartment shall not exceed 30% of the gross floor area, exclusive of attached garage, of the one-family dwelling in which such apartment is

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located, or 600 square feet, whichever is less. Actually it does exceed, but they are requesting an area variance at this time, which I do not feel is excessive.

3. Occupancy of the apartment shall be non-transferrable to subsequent owners. A new owner of the premises shall have to apply to the Board of Zoning Appeals for a special use permit to continue the in-law apartment use.
4. In-law apartment use shall be able to have a separate means of ingress and egress, but must also have an internal access point connecting the two. There is a separate entrance to the property from both the rear of the bedroom and the front of the living area to the outside front porch and there is internal access through the hallway of the home.
5. If an in-law apartment becomes vacant, the family occupying the main part of the dwelling shall have full use and occupancy of the in-law apartment as if it were an integral part of the dwelling without further permitting of the town. The applicant understands that, should the in-law no longer be used by an in-law, it shall be used as a portion of the principal dwelling and not be a rental property.
6. Regarding exterior appearance, if an in-law apartment is located in or attached to the principal dwelling, the design of the unit and its entry shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residence. This is built to blend in with the existing dwelling.
7. Any residence containing an in-law apartment shall be considered a single-family residence.
8. The in-law apartment shall meet the standards of Title 19NYCRR, the building code of New York State, for habitable space.

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. This is non-transferable to subsequent owners.
2. The applicant must notify the Town every year who resides in the in-law apartment.

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

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2. Applicant: Sam Gears
Location: 189 Carlisle Street
Mon. Co. Tax No.: 075.72-1-7
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing 4.0-foot-high, closed-construction fence (90± linear feet) located in a front yard of a corner lot, where fences in a front yard shall be of open construction. Sec. 211-46 L

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 April 18, 2017 in order to give staff time to re-advertise the legal notice.

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 April 18, 2017**

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3. Applicant: Roberta Majka
Location: 810 Beach Avenue
Mon. Co. Tax No.: 046.02-2-34
Zoning District: R1-12 (Single-Family Residential)
Request: An area variance for a proposed deck (653± square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 163± feet (measured from the north right-of-way line of Beach Avenue), instead of the 145.0± feet maximum established by the neighborhood average. Sec. 211-11 E (3), 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 810 Beach Avenue, 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 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. Jensen 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. Shea then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of Roberta Majka, 810 Beach Avenue, Ms. Majka appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (653± square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 163± feet (measured from the north right-of-way line of Beach Avenue), instead of the 145.0± feet maximum established by the neighborhood average.

WHEREAS, the findings of fact are as follows. Roberta Majka came before the Board and stated that she has owned this property for about 13 years and now wants to enhance the outdoor enjoyment for herself and her family. For lakefront properties, it is acceptable/common to allow for accessory structures like decks to be located on the lake/water side of the home. Regarding the proposed deck's front setback of 163 feet measured from Beach Avenue; I know from the aerial view of the property that the applicant's home has a further setback from Beach Avenue than the neighbors; therefore, the proposed deck normally would be further back from Beach Avenue than the neighbors. 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 obtain all necessary Town building permits.
2. That the applicant cannot build in the coastal erosion hazard zone.

Seconded by Mr. Jensen 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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4. Applicant: Lynn Frisbee
Location: 35 Fourth Avenue
Mon. Co. Tax No.: 026.30-1-24
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed house addition (10.0 feet x 20.0 feet; 200.0 square feet) to have a (west) side setback of 3.1 feet, instead of the 8.3 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for a proposed house addition (10.0 feet x 20.0 feet; 200.0 square feet) to have a (south) rear setback of 14.5± feet, instead of the 30.0 feet minimum required. Sec. 211-11 D (2), Table I
c) An area variance for a proposed lot coverage of 35.6%, instead of the 30.4% granted by the Board of Zoning Appeals on June 7, 2011. Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 35 Fourth Avenue, 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.

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

Mr. Chairman, regarding the application of Lynn Frisbee, 35 Fourth Avenue, in an R1-E (Single-Family Residential) district, Ms. Frisbee appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed house addition (10.0 feet x 20.0 feet; 200.0 square feet) to have a (west) side setback of 3.1 feet, instead of the 8.3 feet minimum required; an area variance for a proposed house addition (10.0 feet x 20.0 feet; 200.0 square feet) to have a (south) rear setback of 14.5± feet, instead of the 30.0 feet minimum required; and an area variance for a proposed lot coverage of 35.6%, instead of the 30.4% granted by the Board of Zoning Appeals on June 7, 2011.

WHEREAS, the findings of fact are as follows. This evening, Ms. Frisbee mentioned that she has owned the property for approximately six years, and at this time, as she is widowed, she is looking to start a previous business that she had before. The business is allowed in this district, as it would be classified as a minor home occupation; it would be in the nature of catering business, primarily with desserts. As far as advertising goes, she would just be advertising her business through electronic mode, namely Facebook and she would not use any addresses whatsoever to designate the location of her business. There will be no employees; it will just be herself. Her hours of operation will be Tuesdays through Saturdays, from 8:00 a.m. to 4:00 p.m., and there will be no deliveries to the house as she will procure the supplies that she needs through stores off-property. There will be pickups, but no more than one person at a time, so there will be no burden upon the parking in the area. There will be no signage placed upon the premises that will designate her property as the location for that catering business.

The structure would be looking for a 3.1-foot west side setback, which is pretty much in line with the existing home that was built in 1972, creating that setback for an existence of 45 years. As far as the south side setback of 14.5 feet, Ms. Frisbee mentioned that the addition could not be rotated 90 degrees as there are existing windows in a primary structure that would be covered and also a koi pond that would be destroyed or would be no longer in existence. The 35.6 % lot coverage, even though it may be a little high for the neighborhood, is still consistent, as other lot coverages were as high as 34.3%. The exterior finishes will match the primary structure and the roofline will be connected in such a manner that the roof to the addition will be the same height or lesser height than the primary structure. As far as utilities to be run to the addition, it will be electricity, water, and gas. She has spoken to her neighbors, and she did mention that they did not express any concerns; however, a letter was read into the record from a resident at 88 Braddock Road, mentioning that any water drainage off this addition must be confined to the property at 35 Fourth Avenue.

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

1. That all building permits must be obtained, and all local building codes must be satisfied.
2. That no water runoff caused by the addition can go on any other properties.

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Seconded by Mr. Jensen 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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5. Applicant: Vision Hyundai
Location: 3740 West Ridge Road
Mon. Co. Tax No.: 073.02-1-72.2
Zoning District: BG (General Business)
Request: An area variance for the temporary outdoor storage or display of goods, merchandise or materials (motor vehicles) in existing parking spaces, where said storage or display shall not impede the passage of pedestrians, fire lanes, driveways or any parking spaces. Sec. 211-25 B (2)

On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of April 18, 2017 in order to give staff time to re-advertise this application as a special use permit and also to modify the neighborhood notification, relying on the Town staff's judgment for fulfillment of the zoning ordinance and this Board's intent for adequate neighborhood notification, which in this case should be the parcels fronting West Ridge Road, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed outdoor storage or display of motor vehicles.

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 April 18, 2017**

BOARD OF ZONING APPEALS MINUTES
April 4, 2017

Modification to Neighborhood Notification:

1. Applicant: Apple Latta II, LLC
Location: 2453 Latta Road (Orchard View Senior Apartments)
Mon. Co. Tax No.: 045.19-2-3.11
Zoning District: RMS (Multiple-Family Residential – Senior Citizen)
Request: a) An area variance for a proposed freestanding entrance identification sign (3.5 feet x 8.0 feet; 28.0 square feet), including decorative wall support, for a multiple-family dwelling development, where the maximum permitted sign area is 20 square feet. Sec. 211-52 A (3) (c)
b) An area variance for a proposed freestanding entrance identification sign to have a height of 3.5± feet, where the highest side of said sign shall not exceed 3.0 feet above the ground. Sec. 211-52 A (3) (d)

The staff has recommended a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this recommendation is the large size of the entire parcel and the many properties which would be included in the notification but which are not near the entrance of the parcel where the sign will be placed.

On a motion by Mr. Forsythe and seconded by Ms. Nigro, it was resolved to amend the Neighborhood Notification for the proposed freestanding entrance identification sign for Orchard View Senior Apartments, relying on the Town staff's judgment for fulfillment of the zoning ordinance and this Board's intent for adequate neighborhood notification, which in this case should be the parcels fronting Latta Road, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed freestanding entrance identification sign.

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

**Motion Carried
Modification Request Granted**

BOARD OF ZONING APPEALS MINUTES
April 4, 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: _____

Albert F. Meilutis, Chairman

NEXT MEETING: April 18, 2017