



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**JUNE 6, 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

Thomas F. Hartwig

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

Randy T. Jensen

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

#### **Announcements**

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**Old Business:**

1. Applicant: Mike Vargas  
Location: 321 Manitou Beach Road  
Mon. Co. Tax No.: 017.04-2-6  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for two (2) proposed single-story additions (780.0 square feet each; 1560.0 square feet total) to have a (south) front setback of 60.4 feet (measured from the north right-of-way line of Manitou Beach Road), instead of the 67.7± feet minimum required as established by the neighborhood average. Sec. 211-11 D (2), Table I  
b) An area variance for a proposed single-story addition (15.0 feet x 52.0 feet; 780.0 square feet) to have a (east) side setback of 7.5 feet, instead of the 10.0 feet minimum required. Sec. 211-11 D (2), Table I  
c) An area variance for a proposed attached garage addition (15.0 feet x 52.0 feet; 780.0 square feet) to have a (west) side setback of 8.2 feet, instead of the 10.0 feet minimum required. Sec. 211-11 D (2), Table I  
d) An area variance for existing and proposed accessory structures which result in a total gross floor area of 1248.2± 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

**On a motion by Ms. Nigro and seconded by Mr. Hartwig, it was resolved to close the public hearing on this application and reserve decision until the meeting of June 20, 2017.**

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

**Motion Carried  
Hearing Closed and Decision Reserved  
Until the Meeting of June 20, 2017**

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2. Applicant: Liberty Dental Arts  
Location: 2745 West Ridge Road  
Mon. Co. Tax No.: 074.13-3-45  
Zoning District: BP-2 (Professional Office)  
Request: a) An area variance for a proposed second (north side) building-mounted sign (12.9± square feet), instead of the one (1) 23.0-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

**On a motion by Mr. Meilutis and seconded by Mr. Hartwig, it was resolved to close the public hearing on this application and reserve decision until the meeting of June 20, 2017.**

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

**Motion Carried  
Hearing Closed and Decision Reserved  
Until the Meeting of June 20, 2017**

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3. 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. Shea and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of June 20, 2017, per the request of the applicant.**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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 June 20, 2017**

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**New Business:**

1. Applicant: Albert DeSalvo  
Location: 91 Flynnwood Drive  
Mon. Co. Tax No.: 045.01-2-27  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (113± linear feet) to be located in a front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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**Mr. Hartwig then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Albert DeSalvo, 91 Flynnwood Drive, in an R1-E (Single-Family Residential) district, Mr. DeSalvo appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-

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construction fence (113± linear feet) to be located in a front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. As Mr. DeSalvo has stated, he lives on a corner lot. The fence in question will be towards the rear of the house, which even though it is on a corner is technically or appears to be his side and rear yard. The reason why he would need a fence at this time is he has lived at the property for about a year and he has a toddler and dog. There is also a pool in the back yard, so he would need a fence of this nature for security purposes and privacy as he is using the back yard. It will be constructed out of pressure-treated wood and will be stained, and Mr. DeSalvo has talked to his neighbors and there have been no negative comments.

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 a permit must first be obtained for the fence.
2. And the approval is for the life of the fence.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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2. Applicant: Danielle DiPrima  
Location: 180 Hampton Boulevard  
Mon. Co. Tax No.: 046.20-8-21  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (142± linear feet) to be located in a front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

**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 180 Hampton Boulevard, 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:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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**Mr. Shea then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Danielle DiPrima, 180 Hampton Boulevard, Ms. DiPrima appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (142± linear feet) to be located in a front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

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WHEREAS, the findings of fact are as follows. This parcel is located at 180 Hampton Boulevard at the corner of Adeline Road and is located in an R1-E (Single-Family Residential) district. The applicant, Danielle DiPrima, appeared before the Board this evening and stated that she has lived at this residence for eight years. Ms. DiPrima is proposing a 6.0-foot-high, closed-construction stockade fence (142± linear feet) to be located in a front yard of a corner lot. The need for the fence is to provide safety and security for her family since her home is on a corner lot. Ms. DiPrima did speak to some of her neighbors. She plans on removing an existing chain-link fence along Adeline Road that will duplicate the purpose of the proposed six-foot fence. No one at tonight's meeting spoke in favor or opposed 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 building permits.
2. This approval is for the life of the fence.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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3. Applicant: Mohamed Kabba  
Location: 302 Ledgewood Drive  
Mon. Co. Tax No.: 075.09-7-3  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (110± linear feet) to be located in a front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

**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 July 18, 2017, per the request of the applicant.**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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 July 18, 2017**

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4. Applicant: Jeffrey Jarvie  
Location: 69 Lowden Point Road  
Mon. Co. Tax No.: 026.15-4-22  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed in-ground pool (14.0 feet x 24.0 feet; 336.0 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as pools, are permitted only in rear yards. Sec. 211-11 E (3)  
b) An area variance for a proposed in-ground pool (14.0 feet x 24.0 feet; 336.0 square feet) to have a (south) side setback of 4.0 feet, instead of the 6.0 feet minimum required. 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 69 Lowden Point 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:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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**Mr. Shea then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Jeffrey Jarvie, 69 Lowden Point Road, Mr. Jarvie appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed in-ground pool (14.0 feet x 24.0 feet; 336.0 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as pools, are permitted only in rear yards and an area variance for a proposed in-ground pool (14.0 feet x 24.0 feet; 336.0 square feet) to have a (south) side setback of 4.0 feet, instead of the 6.0 feet minimum required.

WHEREAS, the findings of fact are as follows. Mr. Jarvie has lived at this address for about 11 years, and he mentioned that he would prefer to keep the pool with the variance at four feet as opposed to six feet because it disrupts his visibility. No other persons came to the Board tonight to speak in favor or to oppose this application. The applicant testified that he is familiar with the Town of Greece swimming pool regulations and he understands those regulations.

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 permits for the pool will be obtained from the Town and from any state and federal regulators, including all pool requirements.
2. That the applicant signs a Hold Harmless agreement.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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5. Applicant: William Nicora  
Location: 98 Valley Crest Road  
Mon. Co. Tax No.: 060.49-3-3  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for an existing deck (under construction) (7.0 feet x 19.0 feet; 133.0 square feet) located in the front yard, where accessory structures, such as decks, are permitted only in rear yards. Sec. 211-11 E (3)

**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 98 Valley Crest 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:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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 William Nicora, 98 Valley Crest Road, Mr. Nicora and his son-in-law appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing deck (under construction) (7.0 feet x 19.0 feet; 133.0 square feet) located in the front yard, where accessory structures, such as decks, are permitted only in rear yards.

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WHEREAS, the findings of fact are as follows. This parcel is located at 98 Valley Crest Road and is approximately 226 feet deep x 75 feet wide and lies within an R1-E (Single-Family Residential) district. Mr. Nicora states that he has lived at the residence for seven months and they state that the existing deck is made of a Trex-type material and has existing front porch lighting. The deck is used for leisure to relax, enjoy the neighbors and the outdoor living area. No neighbors appeared tonight to speak out on this application. The owner, Mr. Nicora, did state that it would be a financial hardship to remove this deck.

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 this approval is for the life of the deck.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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 Condition**

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6. Applicant: Joy Barlow  
Location: 4280 Dewey Avenue  
Mon. Co. Tax No.: 046.19-7-41  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for an existing shed (8.0 feet x 10.0 feet; 80 square feet) located in the (north) side yard, where accessory structures, such as sheds, are permitted only in rear yards. Sec. 211-11 E (3)  
b) An area variance for an existing shed (8.0 feet x 10.0 feet; 80.0 square feet) to have a (north) side setback of 1.0± feet, instead of the 4.0 feet minimum required. 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 4280 Dewey 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 Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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**Mr. Shea then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Joy Barlow, 4280 Dewey Avenue, Ms. Barlow appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing shed (8.0 feet x 10.0 feet; 80 square feet) located in the (north) side yard, where accessory structures, such as sheds, are permitted only in rear yards; and an area variance for an existing shed (8.0 feet x 10.0 feet; 80.0 square feet) to have a (north) side setback of 1.0± feet, instead of the 4.0 feet minimum required.

WHEREAS, the findings of fact are as follows. The parcel is located at 4280 Dewey Avenue in an R1-E (Single-Family Residential) neighborhood. The applicant, Joy Barlow, appeared before the Board of Zoning Appeals this evening and said that she has lived at this address for about 14 years and she is requesting two area variances: one for the shed, an existing shed (8.0 feet x 10.0 feet; 80 square feet) located in the (north) side yard, and to remain there; and also the area variance to have the existing shed (8.0 feet x 10.0 feet; 80.0 square feet) to have a (north) side setback of 1.0± feet, instead of the 4.0 feet minimum required. Her reasons for these variances is so that she could complete the sale of her home. The applicant plans to sell her home and needs approval for these two variances before she proceeds. Ms. Barlow also mentioned that it is not practical to move the shed to the back yard in order to comply with the Town code. For the Board's information, past applicants like this have been approved by the Board. No one appeared at tonight's meeting in favor or opposed to 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 condition that the approval is for the life of the shed.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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 Condition**

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7. Applicant: Lori MacGregor  
Location: 314 Carmas Drive  
Mon. Co. Tax No.: 089.10-2-98  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (20± linear feet) to be located in a front yard of a corner lot, where fences in a front yard 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 (60± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-47 A (1)

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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 Lori MacGregor, 314 Carmas Drive, Ms. MacGregor and her attorney, Dennis Annechino, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (20± linear feet) to be located in a front yard of a corner lot, where fences in a front yard 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 (60± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. The parcel is located at 314 Carmas Drive, is a corner lot at Carmas and Old Well and is approximately 140 feet wide x 145 feet deep and lies within an R1-E (Single-Family Residential) district. This evening, Ms. MacGregor along with her attorney, Dennis Annechino, have spoken and Ms. MacGregor states that she has lived at this address for 17 years. The reason for the six-foot fencing is due to a burglary that she had two years ago, which will help her maintain privacy for that, as well as a neighbor security camera, and it will provide security and general welfare for her due to the burglary. The parcel is on a corner lot and placement can be difficult. This placement is what would be normally considered the rear of the yard. They are unsure of the length of the fence, but they are looking to come within three feet of the sidewalk. The fence will be constructed of vinyl material and will be beige in color and placed southwest corner to northwest corner. Ms. MacGregor spoke to her neighbors and found no opposition. One neighbor, Deb Ciccone, at 304 Carmas, spoke in agreement to this. Ms. MacGregor did agree to sign a Hold Harmless agreement with the Town.

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 will obtain Town permits.
2. The approval is for the life of the fence.
3. And the applicant will enter into a Hold Harmless agreement with the Town.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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8. Applicant: JAPM Plaza, LLC (JoAnn Fabrics)  
Location: 3042 West Ridge Road  
Mon. Co. Tax No.: 074.01-1-4.1  
Zoning District: BG (General Business)  
Request: a) An area variance for a proposed (south side) building-mounted sign ("JoAnn"; 12.0 feet x 38.0 feet; 456.0 square feet), instead of the 279.0 square feet granted by the Board of Zoning Appeals on December 10, 1996. Sec. 211-52 B (2) (a) [1]  
b) An area variance for a proposed second (south side) building-mounted sign ("Décor"; 15.8 square feet), instead of the one (1) 200.0-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
c) An area variance for a proposed third (south side) building-mounted sign ("Fabric"; 17.5 square feet), instead of the one (1) 200.0-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
d) An area variance for a proposed fourth (south side) building-mounted sign ("Craft"; 18.6 square feet), instead of the one (1) 200.0-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
e) An area variance for a proposed fifth (south side) building-mounted sign ("Yarn"; 17.2 square feet), instead of the one (1) 200.0-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

**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 3042 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 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,

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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.
8. 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 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

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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**Mr. Hartwig then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of JAPM Plaza, LLC (JoAnne Fabrics), 3042 West Ridge Road, in a General Business district, Mr. Kirk Wright from Sign Lighting Services, their representative, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed (south side) building-mounted sign ("JoAnn"; 12.0 feet x 38.0 feet; 456.0 square feet), instead of the 279.0 square feet granted by the Board of Zoning Appeals on December 10, 1996; an area variance for a proposed second (south side) building-mounted sign ("Décor"; 15.8 square feet), instead of the one (1) 200.0-square-foot building-mounted sign permitted; an area variance for a proposed third (south side) building-mounted sign ("Fabric"; 17.5 square feet), instead of the one (1) 200.0-square-foot building-mounted sign permitted; an area variance for a proposed fourth (south side) building-mounted sign ("Craft"; 18.6 square feet), instead of the one (1) 200.0-square-foot building-mounted sign permitted; and an area variance for a proposed fifth (south side) building-mounted sign ("Yarn"; 17.2 square feet), instead of the one (1) 200.0-square-foot building-mounted sign permitted.

WHEREAS, the findings of fact are as follows. This evening, Kirk Wright from Sign Lighting Services and Dave Greibel from JoAnne Fabric Stores, the corporate representative, appeared before this Board to discuss the aforementioned variances. The need that is causing this sign change is that the property is being renovated and that there is a corporate rebranding in process. JoAnne Fabrics has been located at this location for approximately 18 years and apparently the clientele that shop at this store has changed where further identification is needed on the outside of the building to further identify the product that is being sold inside. The letters will be individual letters as far as the small signs, which are contained in variances "b," "c," "d," and "e," those will be stud-mounted individual letters and will not be illuminated. As far as the main "JoAnne" fabric sign as mentioned in variance "a," those letters will be flush-mounted channel letters, not on a raceway, backlighted with LED illumination, and the letters that spell out "JoAnne" on the sign will be approximately 115 square feet. The hours of illumination of the JoAnne fabric sign will continue until two hours after their nightly closings, then the sign would be turned off. Diana Craddock, who lives at 51 Flower Dale Drive, also appeared before the Board to discuss her concern about the hours of illumination; with the concession of the two hours after closing, that satisfies her concern. There was also further discussion relative to a previous variance that was granted for this property back on December 10, 1996 for approximately 279 square feet. The Board has discussed this previous variance and is willing to approve this five-variance package, providing

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that the owner of the property does relinquish the previous square footage. So as such, I move to approve these variances with the following conditions:

1. That all permits be obtained from the Town.
2. That the letters for each sign be no larger than the plans that were submitted with the variance package and that no further signage be placed upon the building after these five (5) signs are installed.
3. The approval of these five (5) signs is contingent upon the property owner, JAPM Plaza, LLC, giving their authorization to relinquish the previous variance for a 279-square-foot, building-mounted sign that was granted by this Board on December 10, 1996.
4. Item "a" has been modified to not exceed 115.2 square feet, instead of the 456 square feet as advertised, per the applicant's drawings, which show that the letters that spell out "JoAnne" do not exceed 115.2 square feet.
5. This Board is approving five (5) building-mounted signs not to exceed 184.3 square feet in total sign area, which is contingent on the property owner relinquishing a previous variance, as mentioned in condition #3 of this evening's approval.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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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**Modification to Neighborhood Notification:**

1. Applicant: Fig IV (Dorsey Gardens Apartments)  
Location: 4000 Mount Read Boulevard (aka 180 Whitehall Drive)  
Mon. Co. Tax No.: 060.13-6-2  
Zoning District: RMH (Multiple-Family Residential)  
Request:
  - a) An area variance for a proposed second freestanding identification sign (v-shaped; 20.0 square feet each panel; 40.0 square feet total), for a multiple-family dwelling development, instead of the one (1) 24.5-square-foot freestanding sign granted by the Board of Zoning Appeals on December 28, 1982. Sec. 211-52 A, Sec. 211-52 A (3) (c)
  - b) An area variance for a proposed freestanding identification sign to have a height of 5.5± 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 parcel where the sign will be placed.

**On a motion by Mr. Hartwig and seconded by Mr. Shea, it was resolved to amend the neighborhood notification for the proposed building-mounted signs for FIG IV (Dorsey Gardens Apartments), at 4000 Mount Read Boulevard (aka 180 Whitehall Drive), 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 adjoining parcels on Mount Read Boulevard and parcels directly across from the site on Mount Read Boulevard, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed building-mounted sign.**

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

**Motion Carried  
Modification Request Granted**

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**ADJOURNMENT:** 8:50

**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:** June 20, 2017