



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

OCTOBER 3, 2017

Work Session Began: 6:30 p.m.

Meeting Began: 7:00p.m.

Place: Community Conference Room, Greece Town Hall

Present

Albert F. Meilutis, Chairman

Andrew P. Forsythe

Thomas F. Hartwig

Randy T. Jensen

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Cathleen A. Nigro

Additions, Deletions and Continuances to the Agenda

Announcements

Chairman Meilutis welcomed Councilman Brett Granville of the 2nd Ward and Girl Scout Troop 60191, who then opened the meeting with the Pledge of Allegiance.

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

Old Business

None

New Business:

1. Applicant: John Pascoe
Location: 483 Fox Meadow Road
Mon. Co. Tax No.: 089.05-5-17
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed deck (110± square feet) to be located in a front yard, where accessory structures, such as decks, are permitted only in rear yards. Sec. 211-11 E (3)

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 483 Fox Meadow 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 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. Wechsler and duly put to a vote, which resulted as follows:

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

Motion Carried

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

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

Mr. Chairman, regarding the application of John Pascoe, 483 Fox Meadow Road, Mr. Pascoe appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (110± square feet) to be located in a front yard, where accessory structures, such as decks, are permitted only in rear yards.

WHEREAS, the findings of fact are as follows. This parcel is located at 483 Fox Meadow Road and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Mr. John Pascoe, appeared before the Board this evening and stated that he has lived there at the residence for approximately 30 years. Mr. Pascoe is proposing 110± square feet of deck to be located in the front of his home, whereas such accessory structures are permitted only in the rear yard. The need for this deck is several: first of all, the current concrete decks are crumbling; his wife wants to be able to go from one door to the other (side door to the front door) because of her medical restrictions, without any hindrance. The proposed deck will be constructed of pressure-treated wood and there will be no further electrical connections and will not be covered as such. Mr. Howard Stillman at 473 Fox Meadow Road appeared tonight in favor of this proposal.

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 applicant obtains all necessary Town permits.

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

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

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

2. Applicant: David Turner
Location: 176 Edgemere Drive
Mon. Co. Tax No.: 035.20-1-4
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (pavilion; 13.5 feet x 18.0 feet; 243.0 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as pavilions, are permitted in rear yards only. Sec. 211-11 E (3), Figure 5

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 176 Edgemere 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 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:

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

Motion Carried

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

Mr. Chairman, regarding the application of David Turner, 176 Edgemere Drive, Mr. Turner and Mr. Randy Peacock, who is the designer and the architect of the project, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (pavilion; 13.5 feet x 18.0 feet; 243.0 square feet) to be located in the

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

front yard of a waterfront lot, where accessory structures, such as pavilions, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. The applicant has lived at this location for approximately nine years. The reason for this garden pavilion is due to the windstorm earlier in the spring. It affected a Norway maple; this tree needed to be taken down. This tree provided, while it was up, shade in the back yard and also by having shade in the back yard it enhanced the waterfront experience for the resident. With the tree being gone, the applicant would like to continue having shade in the back yard to once again enhance the waterfront. This type of pavilion that the applicant is requesting is a metal-type pavilion, has steel frames, and it is a movable structure, and at its peak it is 13 feet 6 inches. The main frame is made of steel, and the reason for the main frame steel is to withstand the weather and the winds off the lake. The main frame will also be bolted and be able to be moved and also there will be wood coverage over the steel frame. Also, with this, this will also match the existing home. The applicant also has talked to the neighbors on both the east and west side and they both verbally supported this plan. With this, the applicant has also agreed to have normal lighting underneath the pavilion. This lighting will shine down directly; it will not affect any of the neighbors. The applicant also stated that there will be no types of fire pits, or any outdoor fire underneath this pavilion.

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. Due to the fact that this building or pavilion is in an erosion zone, the applicant has agreed to make this a movable pavilion to meet the requirements.
2. With that, the applicant has agreed as part of the agreement with the Town to sign a Hold Harmless agreement with the Town regarding the erosion plan.
3. The applicant will obtain all necessary permits.
4. The applicant has also agreed that there will be no cooking or any open flames underneath this pavilion.
5. There will be no lighting that will affect any of the neighbors on either the east or west side of the residence.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

3. Applicant: David Georgiev
Location: 952 Britton Road
Mon. Co. Tax No.: 060.48-1-36
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing deck (120± square feet) located in the front yard of a corner lot, where accessory structures, such as decks, are permitted only in rear yards. Sec. 211-11 E (3), Sec. 211 A, Figure IV
b) An area variance for an existing deck (120± square feet) to have a front (south) setback of 43.2± feet (measured from the centerline of Britton Road), instead of the 80.0 feet minimum required. Sec. 211-11 E (1), Table I, Sec. 211-11 D (2), Table I
c) An area variance for an existing deck (120± square feet) to have a front (west) setback of 4.5± feet (measured from the east right-of-way line of Tait Avenue), instead of the 30.0 feet minimum required. Sec. 211-11 E (1), Table I, Sec. 211-11 D (2), Table I

Mr. Wechsler 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 952 Britton 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) & (12).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

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

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

Motion Carried

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

Mr. Chairman, regarding the application of David Georgiev, 952 Britton Road, in an R1-E (Single-Family Residential) district, Mr. Nikola Gjorgievski (cousin and husband of the property owners) appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing deck (120± square feet) located in the front yard of a corner lot, where accessory structures, such as decks, are permitted only in rear yards; an area variance for an existing deck (120± square feet) to have a front (south) setback of 43.2± feet (measured from the centerline of Britton Road), instead of the 80.0 feet minimum required; and an area variance for an existing deck (120± square feet) to have a front (west) setback of 4.5± feet (measured from the east right-of-way line of Tait Avenue), instead of the 30.0 feet minimum required.

WHEREAS, the findings of fact are as follows. Mr. Gjorgievski has resided on the property for five years. He has stated that the existing entryway was more of a front entryway than a deck, and he is using the deck to replace a crumbling structure, which would have been considered a safety hazard; it was concrete. On behalf of his improvements to the property, a Vince Dibenedetto of 966 Britton Road spoke, stating that it was a major improvement, and this Board received a letter from Mr. Demarest of 951 Britton Road, saying that he was very satisfied and felt that—this was a quote—“this was a vast improvement on the existing structure.”

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 applicant applies for all necessary permits.

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

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

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

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

4. Applicant: Jeanette McCorry
Location: 311 Forest Glen Drive
Mon. Co. Tax No.: 044.02-3-34
Zoning District: R1-E (Single-Family Residential)
Request: A special use permit for a proposed in-law apartment (497± square feet). Sec. 211-11 (C) (2) (e)

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 311 Forest Glen 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)(9) & (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.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Jeanette McCorry, 311 Forest Glen Drive, in an R1-E (Single-Family Residential) district, Ms. McCorry, along with Sue McCorry, appeared before the Board of Zoning Appeals this evening, requesting a special use permit for a proposed in-law apartment (497± square feet).

The findings of fact are as follows. Jeanette McCorry mentioned that she has owned the property for approximately three months and that the size of her house is approximately

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

2400 square feet. She needs or is requesting an in-law apartment for her mother to occupy. Her mother, Sue McCorry, sold her house here. Her other home is in North Carolina; as such, she needs to reside at this location. The in-law apartment will be incorporated with some existing space that is currently in the house, along with an addition that will be totaling this 497 square feet. The addition to be constructed, the roofline will be consistent with the existing roof peak and rooflines of the house, and the outside finishes will be matching the house so that this addition will appear to be an integral part of the structure. There will be no separate metering for this in-law apartment; the existing electrical service will furnish and supply the in-law apartment. There will be sufficient parking for Sue McCorry's automobile on-site. In discussion about the floor plan there were doors that would lead to the exterior from the kitchen area and also entry can be gained through the garage; however, there was no allowance made for an internal connection from the in-law apartment to the main structure. With further discussion, Jeanette and Susan McCorry said that they will revise the plan to make this internal connection possible. In further discussions, they are aware of the situation where the occupancy shall be non-transferrable to subsequent owners. There also were no negative comments received from neighbors concerning this project.

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 previously, the in-law apartment will be inhabited by Ms. McCorry's mother, Sue McCorry.
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 located, or 600 square feet, whichever is less. The proposed in-law apartment is 497 square feet in area, which is both less than 30% of the gross floor area of the house and that 600-square-foot requirement.
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. The approval of this application would be conditioned that the special use permit is not transferrable to subsequent owners and the applicant is aware of this.
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. In this case the in-law apartment has ingress and egress to the exterior, but plans did not show internal access from the existing house; however, the applicants have stated that they will develop a floor plan to incorporate this access point.
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 apartment 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. The applicants have stated that the addition to be built, the siding will match the existing structure, as the roofline to the addition will be tied into the existing house roof so that the in-law apartment would not be recognizable from the exterior.
7. Any residence containing an in-law apartment shall be considered a single-family residence.

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

8. The in-law apartment shall meet the standards of Title 19NYCRR, the building code of New York State, for habitable space. The construction of the in-law apartment will require a permit from the Building Department and would be required to comply with New York State building codes.

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 building permits and Town approvals.
2. The proposed in-law apartment shall not exceed 497± square feet in size, exclusive of the additional area needed to incorporate an internal door and passageway for an internal connection of the house to the in-law apartment.
3. The special use permit for the in-law apartment is not transferable to subsequent owners of the property.
4. If the in-law apartment were to become vacant, it would be treated as an integral part of the rest of the family home and shall not be rented.
5. The applicants shall submit documentation to the Town annually, which verifies that Sue McCorry is residing in the in-law apartment.
6. And plans must be developed by the applicant, incorporating an internal doorway connecting the house to the in-law apartment, which then in turn must be approved by the Town's Building Department prior to the issuance of any building permit.

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

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

**Motion Carried
Application Approved
With Conditions**

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

5. Applicant: John DiPasquale
Location: 97 Long Pond Road
Mon. Co. Tax No.: 034.02-1-28
Zoning District: R1-44 (Single-Family Residential)
Request: a) An area variance for a proposed in-ground pool (18.0 feet x 36.0 feet; 648.0 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 (18.0 feet x 36.0 feet; 648.0 square feet) to be located 5.0± feet from an existing second-story deck, instead of the 10.0 feet minimum required for a structure from water's edge. Sec. 114.12.1 B (2)

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 97 Long Pond Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes 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 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. Forsythe	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Absent	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

Mr. Chairman, regarding the application of John DiPasquale, 97 Long Pond Road, Mr. DiPasquale appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed in-ground pool (18.0 feet x 36.0 feet; 648.0 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 (18.0 feet x 36.0 feet; 648.0 square feet) to be located 5.0± feet from an existing second-story deck, instead of the 10.0 feet minimum required for a structure from water's edge.

WHEREAS, the findings of fact are as follows. The applicant has lived in this location for approximately 10 years. Also, within this section of Long Pond Road, he has been a longtime resident in this area along with several other family members, for approximately 70 years. In-ground pools and aboveground pools have been approved in this section of Long Pond Road, due to these lots being extremely long and narrow. Pools are common, and we have approved these pools on waterfront properties in the past. Regarding the second-story deck, it is approximately five feet away; this will be off the master bedroom. The applicant has agreed that part of one of the conditions is to provide an upper lock on the door to ensure the safety of individuals gaining access to the existing deck and using it to utilize the pool. The applicant has several small children, four small children, and wants to look at the safety of this pool. The applicant has extensive experience in construction and plumbing, and he is going to do the project himself, along with family and friends, all tradesman. The applicant has also agreed to hold the Town harmless regarding this project. This pool will be two feet above grade, six feet in the deep end, and will have a retaining wall around the pool. The applicant has also been in contact with the DEC and this Town has received correspondence with the DEC that there is no permit necessary. The applicant has also met with the Town, reviewed the plan, and has gone over the drainage and safety concerns regarding the Greece Swimming Pool Law, and he is aware of it and will meet all conditions necessary. The applicant stated that there was no other place that this pool can be placed on due to wires and other things within the property and the size of the lot. The reason for this pool is the fact that with small children it is something to do and to enhance the waterfront experience on Long Pond.

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. The applicant will obtain all necessary permits along with Town approvals.
2. The applicant will provide a drainage plan to the Town as it relates to FEMA floodplain.
3. As agreed to by the applicant, he will sign a general Hold Harmless agreement with the Town of Greece.
4. The applicant has also agreed to provide an upper level lock on the door to the deck from the master bedroom.

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

6. Applicant: Robert Bellis
Location: 211 Salmon Creek Drive
Mon. Co. Tax. No.: 017.04-3-27
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed covered porch addition (12.0 feet x 19.0 feet; 228.0 square feet) to have a front setback of approximately 105 feet (measured from the south right-of-way line of Salmon Creek Drive), instead of the 90 feet maximum established by the neighborhood average. Sec. 211-11 D (1), Sec. 211-11 D (2), Table I

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 211 Salmon Creek 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) & (12).)
2. According to SEQRA, Type II actions have been determined to not have a significant 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:

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

Motion Carried

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

Mr. Chairman, regarding the application of Robert Bellis, 211 Salmon Creek Drive, Mr. Phillip Hart, from Patio Enclosures, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed covered porch addition (12.0 feet x 19.0 feet;

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

228.0 square feet) to have a front setback of approximately 105 feet (measured from the south right-of-way line of Salmon Creek Drive), instead of the 90 feet maximum established by the neighborhood average.

WHEREAS, the findings of fact are as follows. Mr. Phillip Hart, from Patio Enclosures, appeared before this Board this evening on behalf of Mr. Robert Bellis, stating that Mr. Bellis has lived at the residence for at least five years. Mr. Hart stated they plan on doing an enclosed porch over the existing deck. The existing deck was approved and given an area variance back in August of 2012, which was verified by the Board. It is going to consist of an unheated covered enclosure being performed by Patio Enclosures. There will be electrical outlets in the floor as well as a ceiling fan; there are four outlets, ceiling fan and some flood lights. The structure will be both glass and screen to make it weathertight.

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 obtains all necessary permits.

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

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

Motion Carried
Application Approved
With Condition

Modification to Neighborhood Notification:

1. Applicant: Greece Ridge LLC
Location: 140 Greece Ridge Center Drive
Mon. Co. Tax No.: 074.18-4-7.113
Zoning District: BG (General Business)
Request: The following area variances for signs relative to Ruby-Gordon Furniture & Mattresses:
a) An area variance for a second (north side) building-mounted sign ("Furniture & Mattresses"; 3.5 feet x 66.8 feet; 233.8 square feet), instead of the 133.0 square feet granted to Circuit City by the Board of Zoning Appeals on July 25, 1995. Sec. 211-52 B (2) (a) [1]
b) An area variance for a proposed third (east side) building-mounted sign ("Ruby Gordon Home"; 8.1 feet x 22.0 feet; 178.2 square feet), instead of the 133.0 square feet granted to Circuit City by the Board of Zoning Appeals on July 25, 1995. Sec. 211-52 B (2) (a) [1]

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. Forsythe and seconded by Mr. Wechsler, it was resolved to amend the Neighborhood Notification for the proposed second and third building-mounted signs for Ruby Gordon, 140 Greece Ridge Center 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 parcels across from the proposed sign location on Apollo Drive and parcels fronting West Ridge Road, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed building-mounted signs.

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

**Motion Carried
Request Granted**

BOARD OF ZONING APPEALS MINUTES
October 3, 2017

ADJOURNMENT: 8:10 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: October 17, 2017