



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

NOVEMBER 1, 2016

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present

Albert F. Meilutis, Chairman

Robert J. Bilsky

Andrew P. Forsythe

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

Randy T. Jensen

Additions, Deletions and Continuances to the Agenda

Announcements

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Old Business:

1. 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. Bilsky and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of December 20, 2016 per the request of the applicant.

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

**Motion Carried
Application Continued Until
Meeting of December 20, 2016**

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2. Applicant: Gatti Enterprises, LLC
Location: 441 & 447 Elmgrove Road
Mon. Co. Tax No.: 088.03-1-12.131
Zoning District: IG (General Industrial)
Request: a) An area variance for a proposed principal building addition (14,600± square feet) to have a front setback of 116.0± feet (measured from the centerline line of Elmgrove Road), instead of 150.0 feet minimum required. Sec. 211-18 B (4), Table IV
b) An area variance for a proposed parking area to be located 6.0 feet to 49.9 feet from the western right-of-way line of Elmgrove Road, instead of the 50.0 feet minimum required. Sec. 211-18 B (4), Table IV

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 441 & 447 Elmgrove 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, 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

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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 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 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.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Gatti Enterprises, LLC, 441 & 447 Elmgrove Road, Mr. Richard Girualo, representing Gatti Enterprises, LLC, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed principal building addition (14,600± square feet) to have a front setback of 116.0± feet (measured from the centerline line of Elmgrove Road), instead of 150.0 feet minimum required and an area variance for a proposed parking area to be located 6.0 feet to 49.9 feet from the western right-of-way line of Elmgrove Road, instead of the 50.0 feet minimum required.

The findings of fact are as follows. This applicant was before the Board on October 18th, but had to be delayed because of waiting County approval. The property is located in an IG (General Industrial) zoning district. As mentioned by Mr. Girualo, the reason for the variance is to expand the business and to accommodate more equipment inside the storage facilities and align the building addition with the existing building and that the additional parking spaces are due to the business's growth. He also agreed to change the parking setback from 6 feet to 33 feet from the right-of-way line, and by doing so would eliminate 3 parking spaces. No one appeared before the Board this evening 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, I move to approve this application, with the following conditions:

1. That approval also be obtained from the Planning Board.
2. That the applicant first obtain all necessary Town permits.
3. That all Town building and Fire codes are satisfied.
4. And that the parking setback be no closer than 33 feet from the right-of-way.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Melvin Smith
Location: 116 Jade Creek Drive
Mon. Co. Tax No.: 044.02-3-22
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed detached garage (30.0 feet x 40.0 feet; 1200.0 square feet), resulting in a total gross floor area of 1722.6± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), Table I
b) An area variance for a proposed detached garage (30.0 feet x 40.0 feet; 1200.0 square feet) to have a (north) side setback of 7.9 feet, instead of the 10.0 feet minimum required. Sec. 211-11 E (1), 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 116 Jade 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 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. Forsythe and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Absent
	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 Melvin Smith, 116 Jade Creek Drive, Mr. Smith appeared before the Board of Zoning Appeals on October 18th and this evening, requesting an area variance for a proposed detached garage (30.0 feet x 40.0 feet; 1200.0 square feet), resulting in a total gross floor area of 1722.6± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre; and an area variance for a proposed detached garage (30.0 feet x 40.0 feet; 1200.0 square feet) to have a (north) side setback of 7.9 feet, instead of the 10.0 feet minimum required.

The findings of fact are as follows. On October 18, 2016 Melvin Smith who resides at 116 Jade Creek Drive in a R1-E (Single Family) zoning district, appeared before this Board to request the following variances: An area variance for a proposed detached garage (30.0 feet x 40.0 feet; 1200.0 square feet), resulting in a total gross floor area of 1722.6± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre and an area variance for a proposed detached garage (30.0 feet x 40.0 feet; 1200.0 square feet) to have a (north) side setback of 7.9 feet, instead of the 10.0 feet minimum required. Mr. Smith stated that he has owned this property for approximately six months. He is a retired Navy captain and mentioned that he suffers from post-traumatic stress disorder ("PTSD"). He is requesting the proposed garage for several reasons. He collects automobiles and as therapy for the PTSD and for a hobby he works on them. He owns four vehicles, and as such is experiencing a parking hardship since they are currently being placed in his driveway; consequently, the garage would alleviate this parking problem. In addition, since the vehicles would then be located in the proposed garage and he would also be able to work on them there and not in the driveway, therefore the appearance of the property would be improved.

Discussion continued concerning the size of the proposed garage. Mr. Smith requested a 1,200-square-foot structure (30 feet x 40 feet); however, there is no comparable structure of this size in the area. Consequently, Mr. Smith offered and agreed to reduce the size of the proposed garage to 768 square feet (24 feet x 32 feet). As a result of this reduction, there will be no need for variance "b," as the north side setback of the garage will then be within code. As such, Mr. Smith withdrew his request for that variance.

Mr. Smith stated that the proposed garage would be a pole barn structure on a concrete foundation, its height would be less than 17 feet at the peak, and the finishes, roofing and siding would match the house on the property. Electric and gas services would be run to the proposed garage and the current driveway would be extended to it for access. Mr. Smith also stated that he would be doing the construction himself.

Mr. Smith mentioned that the proposed garage would not be used for any commercial purposes and that any repair work done in it would only be on his vehicles or possibly other family members' cars.

To ensure its continual noncommercial use, Mr. Smith agreed to periodic future inspections of the proposed garage by Town of Greece personnel.

A letter was read into the record from Chris and Mike Pryor who reside at 107 Jade Creek Drive, expressing their concern over the size of the proposed garage; however, this letter was written before Mr. Smith agree to reduce its size.

Sam Sciabbarra of 115 Jade Creek Drive also spoke about concerns relative to the size of the proposed garage. He brought to the attention of Mr. Smith that there is a subdivision restriction limiting the size of structures of this nature to 150 square feet. In response, Mr.

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Smith mentioned that he was unaware of this restriction. Even though the restriction has no bearing on this Board's decision, this application was continued to November 1 in order to give Mr. Smith sufficient time to review and consider its ramifications.

This evening, November 1st, Mr. Smith reappeared before the Board and submitted a letter that has been signed by 12 residents within the Field Stone Estates subdivision that support and approve the construction of this garage. Mr. Smith also understands that any action relative to this restriction could be brought forward even though this Board has granted approval, and has decided to proceed with it anyways. And if there is an approval, it does not supersede the subdivision restrictions.

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. All Building permits must be obtained and all applicable building codes satisfied.
2. That the proposed garage will be no larger than 768 square feet, with dimensions of 24 feet x 32 feet.
3. That the applicant agrees to withdraw variance "b."
4. The applicant agrees to periodic inspections of the proposed garage by Town of Greece personnel.
5. That any approval by this Board can be superseded by a third party action (a subdivision restriction), which the applicant is aware of and has agreed to.

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

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

Motion Carried
Application Approved
With Conditions

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4. Applicant: 3839 West Ridge Road, LLC
Location: 3839 West Ridge Road
Mon. Co. Tax No.: 073.04-2-2
Zoning District: BG (General Business)
Request: An area variance for a proposed freestanding sign ("Verizon"; 3.08 feet x 6.5 feet; 20.0 square feet) to have to have a setback of 0.0 feet (measured from the south right-of-way line of West Ridge Road), instead of the 15.0 feet minimum required. Sec. 211-52 B (1) (b) [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 3839 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, 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.

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8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that 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 offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Verizon Wireless, 3839 West Ridge Road, LLC, Mr. Louis Fico appeared before the Board of Zoning Appeals on October 18th requesting an area variance for a proposed freestanding sign ("Verizon"; 3.08 feet x 6.5 feet; 20.0 square feet) to have a setback of 0.0 feet (measured from the south right-of-way line of West Ridge Road), instead of the 15.0 feet minimum required.

The findings of fact are as follows. Mr. Fico is seeking an area variance for a proposed freestanding sign located on the north side of the property on West Ridge Road. The sign will be made of aluminum and plastic, it will be LED-illuminated and mounted on an existing metal post that is currently located on the northwest corner of the property. This is a new business located on a small lot; the lot size was decreased due to the widening of West Ridge Road. This reduction in total area makes it difficult to come within the 15-foot minimum required. Other applicants have been affected by the widening of West Ridge Road as well. The sign's placement is important since the building's location on this corner lot makes it difficult for customers to locate the store when coming from the east. In order to comply, the sign would have to be moved to an area that contains a septic system and this would cause a financial hardship to relocate said system. County comments were received, with no concerns, and no one appeared to oppose this request on either October 18th or this evening.

Therefore, I move to approve this request, with the condition that the applicant will obtain all permits.

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

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

Motion Carried
Application Approved
With Condition

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New Business:

1. Applicant: Timothy Kernan
Location: 103 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-14
Zoning District: R1-E (Single-Family Residential)
Request:
 - a) An area variance for a proposed single-story enclosed porch (12.0 feet x 24.1 feet; 289.2 square feet) to have a front setback of 84.8± feet (measured from the south right-of-way line of Shoreway Drive), instead of the 73.5± feet maximum established by the neighborhood average. Sec. 211-11 D (2), Table I, Sec. 211-11 D (1) (b)
 - b) An area variance for a proposed shed (7.0 feet x 7.0 feet; 49.0 square feet) to be located in a waterfront yard, where accessory structures, such as sheds, are permitted only in rear yards. Sec. 211-11 E (3)
 - c) An area variance for a proposed hot tub (7.0 feet x 7.0 feet; 49.0 square feet) to be located in a waterfront yard, where accessory structures, such as hot tubs, are permitted only in rear yards. Sec. 211-11 E (3)
 - d) An area variance for an existing deck (15.9 feet x 20.1 feet; 319.6 square feet) located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards. Sec. 211-11 E (3)

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Timothy Kernan, 103 Shoreway Drive, an R1-E (Single-Family Residential) zoning district, Mr. Kernan appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed single-story enclosed porch (12.0 feet x 24.1 feet; 289.2 square feet) to have a front setback of 84.8± feet (measured from the south right-of-way line of Shoreway Drive), instead of the 73.5± feet maximum established by the neighborhood average; an area variance for a proposed shed (7.0 feet x 7.0 feet; 49.0 square feet) to be located in a waterfront yard, where accessory structures, such as sheds, are permitted only in rear yards; an area variance for a proposed hot tub (7.0 feet x 7.0 feet; 49.0 square feet) to be located in a waterfront yard, where accessory structures, such as hot tubs, are permitted only in rear yards; and an area variance for an existing deck (15.9 feet x 20.1 feet; 319.6 square feet) located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards.

The findings of fact are as follows. Mr. Kernan stated that he has owned this property for 18 years, and at this time the need for this enclosed porch is to modernize his house and to enhance his lifestyle. This enclosed porch will be a three-season room and electric service will be run to it; he mentioned that the finishes of this proposed porch will match the existing finishes of his house. It will be placed on a concrete patio that is already in existence for its foundation. In addition, relative to the storage sheds and the hot tub, since it is a waterfront yard, the rear yard is actually the front yard and the front yard is the rear yard, and traditionally items of this nature are on the water side of the houses. The need for the storage shed is to house equipment for the hot tub, lawn furniture, and lawn equipment. The hot tub will be located on the concrete patio and electric service will be available to it through the proposed garage. As far as the deck is concerned, it has been in place for over 18 years because it was there before Mr. Kernan purchased his house. In addition, there was correspondence from Ronald Fess, who resides at 99 Shoreway Drive, and Theodore Mooney, who resides at 107 Shoreway Drive, both dated October 21, 2016, mentioning their support for this project.

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 building permits first be obtained.
2. And that all Town building codes must be satisfied.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: Josh Paine
Location: 114 Morning Glory Lane
Mon. Co. Tax No.: 058.03-6-66
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing shed (8.0 feet x 12.0 feet; 96.0 square feet) located in the front yard of a corner lot, where accessory structures, such as sheds, 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 114 Morning Glory 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)(10).)
2. According to SEQRA, Type II actions have been determined to not have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Josh Paine, 114 Morning Glory Lane, Mr. Paine appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing shed (8.0 feet x 12.0 feet; 96.0 square feet) located in the front yard of a corner lot, where accessory structures, such as sheds, are permitted only in rear yards.

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The findings of fact are as follows. Mr. Paine, who has lived at 114 Morning Glory Lane for three years, appeared before the Board this evening to obtain approval for an existing shed (8 feet x 12 feet, 96 square feet) located in the front yard of a corner lot, where accessory structures, such as sheds, are permitted only in rear yards. The property is located in an R1-E (Single-Family Residential) zoning district. As mentioned, Mr. Paine has had this shed before and he is simply getting a variance for it now. No one appeared before the Board to speak either in favor or against 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 applicant obtains all the necessary building permits.

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

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

Motion Carried
Application Approved
With Condition

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3. Applicant: Susan Cole
Location: 540 Ripplewood Drive
Mon. Co. Tax No.: 046.19-4-24
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing 6.0-foot-high, closed-construction fence (38.5± linear feet) located in the front yard, where fences in front yards shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

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 540 Ripplewood 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. Hartwig and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, regarding the application of Susan Cole, 540 Ripplewood Drive, Ms. Cole appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing 6.0-foot-high, closed-construction fence (38.5± linear feet) located in the front yard, where fences in front yards shall not exceed 4.0 feet in height and shall be of open construction.

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The findings of fact are as follows. Ms. Cole came before this Board along with Joe Valeria and stated that back in September they erected this 6-foot fence, which is set back on the east side of the residence approximately 46 feet from south right-of-way line of Latta Road. The purpose of the fence was to allow for some privacy, as well as trying to reduce some of the noise, and some security for their four small puppies. Additionally, Mr. Hector Rivera, residing at 530 Ripplewood Drive, appeared before this Board and stated that he was in favor of the fence and had no issue or problem with it. The fence, as I mentioned earlier, was constructed in September and the cost and the financial hardship to take the fence down right now would be astronomical for Ms. Cole; it is really not feasible at this time.

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 the necessary building permits.
2. And that the installed fence meets with all Town and code requirements.

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

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

Motion Carried
Application Approved
With Conditions

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4. Applicant: Sunscape Farms
Location: 1510 & 1532 Maiden Lane
Mon. Co. Tax No.: 059.19-3-1.1 & 059.19-3-26
Zoning District: R1-18 (Single-Family Residential)
Request: Relief from Condition #1 of the special use permit granted by the Board of Zoning Appeals on May 5, 2015, which limited the farm market operation from the months of May to November each year. Sec. 211-11 C (2) (d), Sec. 211-60 A

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 1510 & 1532 Maiden 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 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, 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.

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8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that 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 offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Sunscape Farms, 1510 & 1532 Maiden Lane, Mr. Savage appeared before the Board of Zoning Appeals this evening requesting Relief from Condition #1 of the special use permit granted by the Board of Zoning Appeals on May 5, 2015, which limited the farm market operation from the months of May to November each year.

The findings of fact are as follows. Nathan Savage, the owner of Sunscape Farms, appeared before the Board this evening seeking a special use permit to extend through December to allow for Christmas tree sales. Mr. Savage states that the property will operate in the same manner and is currently opened May through November. He is asking to be opened a month longer through December to accommodate the Christmas tree season. The hours during that time will be weekdays 12:00 noon to 7:00 p.m., weekends 9:00 a.m. to 6:00 p.m.; during that time there will be approximately six employees. The trees will be sold in the same area as plants and flowers are currently sold—adjacent to the farm stand, in front of the greenhouse. Existing lights will be used and possibly decorative Christmas lighting. Weather permitting, they will continue to sell produce, such as broccoli, apples, potatoes, onions, etc. The trees will be grown by New York State farmers, with the majority of them grown in Webster New York. They will be delivered by a 16-foot box truck during normal business hours. They plan to close for the season on December 22nd and reopen in May. There will be no outdoor music played to disrupt neighbors, and additionally no neighbors spoke to express concerns.

No special use permit shall be granted by the Board of Zoning Appeals unless and until the applicant has demonstrated to the satisfaction of the Board that:

1. Access to the site and the size of the site are adequate for the proposed use.
2. The proposed use will not adversely affect the orderly pattern of development in the area.
3. The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
4. The proposed use will not create a hazard to health, safety or the general welfare.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

Therefore, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Section 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by Nathan Savage for a special use permit to operate a farm market, to be known as Sunscape Farms, on property located at 1510 & 1532 Maiden Lane, in an R1-18 (Single-Family Residential) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this farm market in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole

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- discretion and judgment and without hearing, shall the determine resolution of such conflict.
2. The maximum occupancies in this farm shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
 3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code. Failure to comply with such requirements may be grounds for revocation of this special use permit.
 4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
 5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
 6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding authority.
 7. Upon the sale or other transfer of controlling interest in this farm market to any persons or entity other than Mr. Nathan Savage or Sunscape Farms, his wholly owned subsidiaries, or his franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
 8. Deliveries shall be made within normal business hours.
 9. If additional, permanent outdoor lighting is required, the applicant shall return for approval.
 10. The applicant shall comply with the Town's Fire Marshal requirements.
 11. This approval extends the operating season through December 22nd of each year.
 12. All other terms and conditions of this Board's previous special use permit approval shall continue to apply.

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

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

**Motion Carried
Application Approved
With Conditions**

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5. Applicant: Jean Whitney
Location: 341 Longridge Avenue (aka 215 Dorsey Road)
Mon. Co. Tax No.: 060.63-3-1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing deck (9.5 feet x 12.4 feet; 117.8 square feet) located in the side yard of a corner lot, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a (east) side setback of 2.1± feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I

On a motion by Mr. Shea and seconded by Mr. Bilsky, it was resolved to close the public hearing on this application and reserve decision until the meeting of November 15, 2016.

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

**Motion Carried
Application Continued Until
Meeting of November 15, 2016**

BOARD OF ZONING APPEALS MINUTES
November 1, 2016

6. Applicant: Daniel Leach
Location: 216 Lake Shore Drive
Mon. Co. Tax No.: 017.06-1-35
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed deck (8.0 feet x 20.0 feet; 160.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards. Sec. 211-11 E (3)
b) An area variance for a proposed second-story deck (8.0 feet x 10.0 feet; 80.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards. Sec. 211-11 E (3)

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 216 Lake Shore 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 Ms. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried

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November 1, 2016

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

Mr. Chairman, regarding the application of Daniel Leach, 216 Lake shore Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Leach appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (8.0 feet x 20.0 feet; 160.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards; and an area variance for a proposed second-story deck (8.0 feet x 10.0 feet; 80.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards.

The findings of fact are as follows. Mr. Leach has mentioned that he has owned this property for approximately a year and the need for this deck is that he wants to improve the house and enhance his lifestyle. As far as the location on this side of the house, it is typical that decks are placed on the waterfront side of the property. The decks will be constructed of pressure-treated lumber. The utilities run to the deck will be electric in nature, but just for one additional light for the second-story deck. Access for the second-story deck will only be through the second floor or second story of the primary structure, namely the house. There will be no hot tubs or grills permanently installed on these decks, and he has spoken to his neighbor about this project and there are no concerns or problems from his neighbor.

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 be obtained and applicable Town codes be satisfied.
2. And that there will be no grills or hot tubs placed upon these decks.

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

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

Motion Carried
Application Approved
With Conditions

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November 1, 2016

7. Applicant: Garland Beasley
Location: 245 Talon Run
Mon. Co. Tax No.: 033.04-1-30
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 8.0-foot-high, closed-construction fence (80.0± linear feet) to be located in the rear yard, where fences in rear yards shall not exceed 6.0 feet in height. Sec. 211-47

On a motion by Mr. Bilsky and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of November 15, 2016 in order to give the applicant time to gather more information that the Board requested.

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

**Motion Carried
Application Continued Until
Meeting of November 15, 2016**

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8. Applicant: Jo Anne Rushlow
Location: 2634 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-27
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a existing covered porch addition (6.0 feet x 14.0 feet; 84.0 square feet) to a principal structure (currently under re-construction) to have a front setback of 72.0± feet (measured from the north right-of-way line of Old Edgemere Drive), instead of the 64.8± feet maximum established by the neighborhood average. Sec. 211-11 D (2), Table I, Sec. 211-11 D (1) (b)

Mr. Bilsky 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 2634 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) & (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. Hartwig and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, regarding the application of Jo Anne Rushlow, 2634 Edgemere Drive, Ms. Rushlow appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing covered porch addition (6.0 feet x 14.0 feet; 84.0 square feet) to a principal structure (currently under re-construction) to have a front setback of 72.0± feet (measured from the north right-of-way line of Old Edgemere Drive), instead of the 64.8± feet maximum established by the neighborhood average.

The findings of fact are as follows. Ms. Rushlow came before the Board this evening to indicate that the purpose of this porch is to add to her personal enjoyment of her property in viewing the lake. The porch is only six feet deep and, in my opinion, the overall variance being requested is minimal and there is no other alternative for this individual to seek.

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 comply with all building code requirements for the Town of Greece.

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

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

Motion Carried
Application Approved
With Condition

MODIFICATION TO NEIGHBORHOOD NOTIFICATION:

1. Applicant: The Home Depot
Location: 1250 West Ridge Road
Mon. Co. Tax No.: 075.17-2-22.1
Zoning District: BG (General Business)
Request: A special use permit for the rental of motor vehicles (box trucks), including related service facilities. Sec. 211-17 C (3) (b) (3)

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, of which this site is but one part, and the many properties which would be included in the notification but which are not near the subject of the special use permit.

On a motion by Mr. Bilsky and seconded by Mr. Shea, it was resolved to amend the Neighborhood Notification for a special use permit for the rental of motor vehicles (box trucks) including related service facilities, to be located on the parcel submitted by The Home Depot, relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be just the parcels on West Ridge Road directly across the street on the south side and residents on Thorpe Crescent, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed special use permit.

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

**Motion Carried
Request Granted**

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ADJOURNMENT: 9:15 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: November 15, 2016