



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

JANUARY 6, 2015

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 (left meeting at 7:40)

Thomas Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Frankenberger, Administrative Advisor

Mary Jo Santoli, Zoning Board Secretary

Absent

Additions, Deletions and Continuances to the Agenda

Announcements

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OLD BUSINESS:

1. Applicant: Louis D. Tomassetti
Location: 2933 Edgemere Drive
Mon. Co. Tax No.: 026.10-1-27
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet) to be located in a front yard on a waterfront lot, where accessory structures, including sheds, are permitted in rear yards only and prohibited on waterfront lots less than 18,000 square feet in area. Sec. 211-11 E (2)(a) & Sec. 211-11 E (3)
b) An area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet) to have a proposed (west) side setback of 0.0 feet, instead of the 4.0 feet minimum required. Sec. 211-11 E(1), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2933 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes a Type II action under SEQR. (SEQR Regulations, §617.5(c)(10) & (12).)
2. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Louis Tomassetti, residing at 2933 Edgemere Drive; Mr. Tomassetti is requesting an area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet) to be located in a front yard on a waterfront lot, where accessory structures, including sheds, are permitted in rear yards only and prohibited on waterfront lots less than 18,000 square feet in area; and an area variance for a proposed shed (10.0 feet x 20.0 feet; 200.0 square feet) to have a proposed (west) side setback of 0.0 feet, instead of the 4.0 feet minimum required.

WHEREAS, the findings of fact are as follows: Mr. Tomassetti, who lives at this address, 2933 Edgemere Drive, for 15 years is proposing to construct a 10-foot x 20-foot shed to replace an 8-foot x 10-foot shed now located in the northwest corner.

WHEREAS, any additional structures are prohibited on waterfront lots less than 18,000 square feet in area, and this lot is approximately 17,000 square feet; also, that same structure needs to be at least 4 feet in from the lot line, per the zoning code. The reason for the shed is to store outdoor lawn equipment and furniture that cannot be easily stored in the garage. There will be no utilities installed in the shed at this time. Also, there were no neighbors present that were against the 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 SEQR, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That the applicant shall obtain all necessary Town permits;
2. That the applicant shall comply with all New York State Building Codes;
3. The shed shall not contain any utilities; and
4. This approval is for the life of the new shed only.

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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	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried
Application Approved
With Conditions

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NEW BUSINESS:

1. Applicant: Ben-Fall Development LLC
Location: 2 Hatton Place (aka 33 Putney Place)
Mon. Co. Tax No.: 058.01-3-64
Zoning District: R1-44 (Single-Family Residential)
Request: An area variance for a proposed dwelling to have a rear setback of 38.2 feet, instead of the 50.0 feet minimum required. Sec. 211-11 E (1), Table I & Sec. 211-59.1 (2)(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 2 Hatton Place (aka 33 Putney Place), 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes a Type II action under SEQR. (SEQR Regulations, §617.5(c)(9), (12) & (13).)
2. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

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

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	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Ben-Fall Development LLC, 2 Hatton Place (aka 33 Putney Place), Mr. Fallone appeared before the Board of Zoning Appeals this

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evening, requesting an area variance for a proposed dwelling to have a rear setback of 38.2 feet, instead of the 50.0 feet minimum required.

WHEREAS, the findings of fact are as follows: This parcel, 2 Hatton Place, is a corner lot and fronts both Hatton Place and Putney Place. It is approximately 200 feet wide x 140 feet deep and lies within an R1-44 (Single-Family Residential) Zoning District. The proposed dwelling footprint for this parcel makes it somewhat difficult for the proposed house to fall within the setback boundaries, which are very long and narrow. The proposed dwelling size, however, is consistent with the existing homes in this area. Should the applicant stay within the setback boundaries, they would not be able to have the home footprint as being proposed; instead they would be left with a box-type home, having very little architectural design. Considerations have been made to better fit this lot, they have omitted certain aspects of the original plans—an enclosed porch and a deck, I believe. In discussions with staff, it was stated that no matter how the home was placed on this parcel, some kind of variance would become necessary, with this particular footprint, be it a front setback or rear setback. It should be noted that one neighbor was here to speak in opposition, with a concern about drainage.

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 SEQR, requiring no further action by this Board, I move to approve this application with the following condition: That the house is set as shown on proposed plot plan presented this evening.

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	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried
Application Approved
With Condition

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2. Applicant: Daytona Partners XVI, LLC
Location: 3595 Mount Read Boulevard
Mon. Co. Tax No.: 060.17-3-7.1
Zoning District: BG (General Business)
Request: An area variance for a proposed (east side) building-mounted sign, with a sign area of 60.0 square feet, instead of the 35.0 square feet permitted. Sec. 211-52 B (2)(a)[1], & Sec. 211-52 B (2)(c)[1], Table VII

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3595 Mount Read Boulevard, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes an Unlisted action under SEQR.
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 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 an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. 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.
6. The Board of Zoning Appeals has carefully considered information, recommendations, and comments that 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.
7. The Board of Zoning Appeals has carefully considered information, recommendations, and comments that 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.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

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9. The Town Board has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQR.
11. 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 SEQR.
12. 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.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQR, 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. Jensen and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, with regard to the application of Daytona Partners XVI, LLC, 3595 Mount Read Boulevard, their representative, Joshua Futerman, appeared before the Board of Zoning Appeals this evening for the request of an area variance for a proposed (east side) building-mounted sign, with a sign area of 60.0 square feet, instead of the 35.0 square feet permitted.

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WHEREAS, on the main motion, the findings of facts are as follows: Mr. Futerman mentioned that they are going through a store renovation and as such new up-to-date signage that is more consistent and representative of the new corporate identity is desired for the advertisement of the location. The sign that is going to be placed is approximately 60 square feet, which would be the same size as the existing sign that would be removed. The sign would be consistent in the backlit nature, as the existing sign; it would be completely re-lamped so that it would be illuminated at night. The existing sign was placed up well over 10 years ago, without a variance, and has been on the store for that period of time. Mr. Futerman also mentioned that the sign really cannot be made any less in size due to it being a pre-fabricated sign; it is a stock sign that would be coming that way from the manufacturer. As such, I move to approve this application, with the condition that all building permits be obtained.

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

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

Motion Carried
Application Approved
With Condition

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3. Applicant: Christina Breen-Hale
Location: 3093 West Ridge Road
Mon. Co. Tax No.: 074.13-3-25
Zoning District: BR (Restricted Business)
Request: a) An area variance for an existing (north side) building-mounted sign (4.3 feet x 10.8 feet) totaling 46.8 square feet, instead of the one 36.6 square feet building-mounted sign permitted. Sec. 211-52 B(2)(a)[1] & Sec. 211-52 B(2)(c)[1], Table VII
b) An area variance for a proposed second (east side) building-mounted (awning) sign (upper awning area text and logo 5.5 square feet; lower awning area text area 18.0 square feet; north side text and logo 1.5 square feet; and south side text and logo 1.5 square feet), having a total awning sign area of 26.5 square feet, instead of the one (1) 36.6 square feet building-mounted sign permitted. Sec. 211-52 B(2)(a)[1] & Sec. 211-52 B(2)(c)[1], Table VII

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 3093 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes an Unlisted action under SEQR.
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 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 an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. 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.
6. The Board of Zoning Appeals has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from various involved and interested

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agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.

7. The Board of Zoning Appeals has carefully considered information, recommendations, and comments that 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.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Town Board has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQR.
11. 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 SEQR.
12. 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.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQR, 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. Hartwig and duly put to a vote, which resulted as follows:

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

Motion Carried

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

Mr. Chairman, with regard to the application of Christina Breen-Hale, 3093 West Ridge Road, their representative, Mike Mammano from Clinton Signs, appeared before the Board of Zoning Appeals this evening for the request of an area variance for an existing (north side) building-mounted sign (4.3 feet x 10.8 feet) totaling 46.8 square feet, instead of the one 36.6 square foot building-mounted sign permitted; and an area variance for a proposed second (east side) building-mounted (awning) sign (upper awning area text and logo 5.5 square feet; lower awning area text area 18.0 square feet; north side text and logo 1.5 square feet; and south side text and logo 1.5 square feet), having a total awning sign area of 26.5 square feet, instead of the one (1) 36.6 square-foot building-mounted sign permitted.

WHEREAS, on the main motion, the findings of fact are as follows: Mr. Mammano is representing the applicant this evening and has made decisions. This evening, Mike Mammano from Clinton Signs, did testify regarding the applicant. Regarding item "A," the area variance for an existing (north side) building-mounted sign, State Farm is currently changing the requirements for signage. There was an original, white "State Farm" sign panel, in front of an illuminated sign. The existing sign will remain, will be there, will stay, and all they are putting in is a new plastic piece over it to be illuminated. This is preexisting and had been permitted, but never had obtained a variance for the additional size. The "State Farm Insurance" is plastic letters, not illuminated. The only thing that will be illuminated will be the "State Farm," and it is currently what is on-site right now. Item "B," an area variance for a proposed second (east side) building-mounted (awning), currently, there are two awnings over windows on the east side of the building. Both of those existing awnings had not obtained any permits and did not obtain any variances. Both of those signs do have logos on them, and the applicant has requested to remove those two awnings and place one awning over both windows, along with a portion of the building that has no windows. The applicant has agreed to remove, or not to include, the lower awning area text of approximately 18 square feet. The north side text and logo of approximately 1.5 square feet and the south side text and logo of 1.5 square feet that now make up this sign would also be omitted. The text and logo area of 5.5 square feet, which would include the upper awning area of text, this would include, per the drawings submitted by the applicant and by Mr. Mammano, just the words "State Farm" along with the logo, the three circles; this would be the only thing on the sign, again eliminating all other writings on the bottom of the awning and on both ends of the awnings. The reason for the awning on the building is to help customers find the business along the West Ridge Road corridor. If you are traveling westerly on West Ridge Road or you are going through the adjacent parking lot, it will make it easier for customers to find the "State Farm" business even though this will not be able to be seen by customers proceeding in the eastbound lane; the "A" portion of the request will

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help customers find the parking area for it. I move to approve the application, with the changes to be with the following conditions:

1. That the applicant shall remove—eliminate—all banners currently on the building, and that there shall be no banners in the future.
2. That the awning shall not be illuminated.
3. That there shall be no other signage on the property for this agency, no other type of advertising on the property for this agency.
4. If the signs need to be replaced in the future, the replacement signs shall be identical to those that they are replacing.
5. This variance is granted only for the "State Farm" operation that is owned by Christina Breen-Hale.
6. Regarding Item "B" of the variance, as agreed to by the applicant's representative and as described in the findings of fact, the only words or symbols on the east side awning shall be the two words, "State Farm," and the three-circle logo, which has no words in or on it.

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

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

Motion Carried
Application Approved
With Conditions

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4. Applicant: Whirlwind Properties, LLC
Location: 99 Ling Road
Mon. Co. Tax No.: 046.02-3-14.1
Zoning District: IL (Light Industrial)
Request: An area variance for a proposed addition (107.0 feet x 125.0 feet; 13,375 square feet) to an existing industrial building to have an (east) side setback of 70.0 feet, instead of the 100.0 feet minimum required. Sec. 211-18 A(4), Table IV

On a motion by Mr. Forsythe and seconded by Mr. Bilsky, it was resolved to continue the public hearing on this application until the meeting of January 20, 2015, per the request of the applicant, due to this application needing to be re-advertised.

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

**Motion Carried
Application Continued Until
Meeting of January 20, 2015**

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5. Applicant: Wholesale Autowerks
Location: 1762 Manitou Road
Mon. Co. Tax No.: 073.01-3-4
Zoning District: BG (General Business)
Request: A waiver of the requirements for a special use permit to operate an existing motor vehicle service station in accordance with the regulations established in Sec. 211-35. Sec. 211-17 C(3)(b)[2]; Sec. 211-17 C(4) & Sec. 211-35

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 1762 Manitou 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 "SEQR Regulations") (collectively, "SEQR"), and that the application constitutes a Type II action under SEQR. (SEQR Regulations, §617.5(c)(1), (2) & (26).)
2. According to SEQR, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQR.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Wholesale Autowerks, 1762 Manitou Road, Mr. Joseph Keable appeared before the Board of Zoning Appeals this evening, requesting a waiver of the requirements for a special use permit to operate an existing motor vehicle service station in accordance with the regulations established in Sec. 211-35.

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WHEREAS, on the main motion, Mr. Keable appeared before the Board for a waiver requirements for a new special use permit for a business called "Wholesale Autowerks" located at 1762 Manitou Road.

In summary, the Applicant's proposal is to operate a motor vehicle service station in accordance with Town regulations, consistent with the business that was there previously, known as "Underground Auto Body," essentially performing doll-up, touch-up, some minor paint work; there is no major automotive repair, collision work or that type of thing expected on this site. The proposed hours of availability to customers are: Mondays through Fridays, 8:00 a.m. to 6:00 p.m. Vehicular access for the Premises is via an unsignalized driveway at Manitou Road (Monroe County Route 208, a two-lane urban minor arterial).

The Proposal is in substantial conformity with the previous operator's description of the nature, duration, and intensity of the operation.

Based on the Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the previous motor vehicle service operation: (a) did not adversely affect the orderly pattern of development in the area; (b) was in harmony with nearby uses; (c) did not alter the essential character of the nearby neighborhood, nor were they detrimental to the residents thereof; (d) the previous application did not create a hazard to health, safety, or to the general welfare; (e) it was not detrimental to the flow of traffic; and (f) did not place an excessive burden on public improvements, facilities, services, or utilities.

Access to the Premises and the size and shape of the Premises are virtually unchanged from the previous owner and are adequate for the Proposal.

Having considered the Proposal and all additional information that may be relevant to this Proposal, it is in the public interest to grant the requested waiver of the requirements to obtain a new special use permit.

NOW THEREFORE, be it

RESOLVED that, 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 Mr. Joseph R. Keable (the "Applicant") for a waiver of the requirements for a special use permit to operate a motor vehicle service station, to be known as Wholesale Autowerks, on property located at 1762 Manitou Road, in a BG (General Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this motor vehicle service station 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 discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The maximum occupancies in this motor vehicle service station 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 and all applicable requirements for

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the installation/maintenance of a grease trap and or disposal of waste materials from this operation. 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 designees, successors, and assigns.
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 motor vehicle service station to any person or entity other than Joseph R. Keable, his wholly owned subsidiaries, or his franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
January 6, 2015

ADJOURNMENT: 8:25

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: Tuesday – January 20, 2015

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