



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**JUNE 7, 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

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

### **Absent**

Andrew P. Forsythe

Bradford Shea

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

### **Announcements**

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**Old Business:**

1. Applicant: Majed Shaibi  
Location: 14 Ballad Avenue  
Mon. Co. Tax No.: 074.06-1-1  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (129± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L

**Mr. 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 14 Ballad Avenue, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

**Motion Carried**

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

Regarding the application of Majed Shaibi for an area variance for a proposed 6.0-foot-high, closed-construction fence (129± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet and shall be of open construction.

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This parcel is located at 14 Ballard Avenue and is located in an R1-E (Single-Family Residential) Zoning District. The parcel is located on the southeast corner of Ballard Avenue and Maiden Lane and is approximately 80.0 feet wide and 150.0 feet in depth.

The applicant, Majed Shaibi, was before the Board of Zoning Appeals on May 3rd and stated his intent to construct a 6.0-foot-high, closed-construction fence in the front yard at its shown location. The applicant has lived at the property since August 2015 and would like to construct the fencing on the north and east side of the property and be approximately 4.0 feet from the existing public sidewalk on the Maiden Lane side. Currently, the applicant has an existing 6.0-foot-high vinyl fence in the rear yard of the property and is requesting to extend the fence in the front yard area. The reasoning for the extension of the fence is to provide a secure area for the applicant's five children to play. Although the property has a rear yard area, it is only 10 feet in depth from the house to the east property line. During the public discussion portion of the meeting, the Board heard the testimony of Janice Silano, 2038 Maiden Lane, regarding her concerns and opposition to the fence being located in the front yard area, notably, the "blinding effect" and glare that a white vinyl fence would produce as a result of sunlight reflecting from it and the impact a fence of this type would have on the cohesiveness of the neighborhood.

Also, at this meeting, the Board was in receipt of comments from John Freel, P.E., Associate Engineer from the Town's Department of Public Works. Mr. Freel reviewed the applicant's proposal and stated that the fence setback from the sidewalk was not adequate. Furthermore, Mr. Freel recommended that there should be at least an 8.0-foot setback for the fence from the sidewalk and that the applicant should sign a Hold Harmless Agreement with the Town. By locating the fence 8.0 feet from the sidewalk, it would allow for snow storage and would not have an impact on the fence. The Board also requested the Town's Traffic Advisory Committee ("TAC") to review the application to address any concerns, and asked the applicant to stake out where the proposed fence would be located as it relates to the sidewalk. As a result, the application was continued the meeting May 17th.

At the May 17th meeting, staff provided the minutes from the TAC. In their findings, the TAC concurred with the need for adequate room for snow storage and to prevent the compromising of sight distance during the winter. Also, staff provided photographs taken of a stakeout at the property, showing the proposed location of the fence. In the photographs, the stakes were approximately 4.0 feet from the existing sidewalk. The Board received written and photographic testimony from the owners of 2041 Maiden Lane, the property directly to the east of the applicant. In their letter, it was stated that they were not in opposition to a fence in the front yard, but that they would feel comfortable with at least a 12.0- to 16.0-foot setback of the fence from the sidewalk. Additionally, a photograph submitted shows the rear bumper of a dark blue pickup truck on the sidewalk with a tape measurement of 12.0 feet from the rear bumper to the vehicle cabin. A fence to be located 4.0 to 8.0 feet would not provide adequate sight distance for the neighbor to back out of their driveway. Furthermore, they stated concerns that they have regarding: drivers turning from Ballard Avenue onto Maiden Lane, and their ability to see oncoming traffic and pedestrians; concerns during the winter months when plow trucks and sidewalk plows create large snow banks along the fence and sidewalk; and the vision impairment it would cause for people driving, pedestrians walking, and to the plow truck drivers. Also, Ms. Silano of 2038 Maiden Lane was present to voice her already stated concerns regarding the application. Toward the end of discussion, the applicant stated he would move the location of the fence to be 8.0 feet from the sidewalk. By doing so, the applicant has addressed the concerns of the Town's Department of Public Works, but has not addressed the concerns of adjoining property to the east, 2041 Maiden Lane, or the concerns this Board has as it relates the impact on vehicle traffic and pedestrians. The Board voted to close and reserve the public hearing and to render a decision on June 7th.

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

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. An undesirable change will be produced in the character of the neighborhood. In this section of Maiden Lane (Harvest Drive to Long Pond Road), no residential property has a 6.0-foot-high, closed-construction fence in the front yard. Also, a fence to be located 4.0 to 8.0 feet from the public sidewalk could be detrimental to nearby properties, notably the property to the east, 2041 Maiden Lane, and their ability to be able to back out of their driveway. Also, a multi-color fence, as discussed in the public forum, could be viewed as undesirable to the neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance. The benefit of the applicant can be achieved by another method. The applicant could utilize plantings such as arborvitae or other form of shrubs and/or trees, which would not require a building permit and/or an approval by this Board. Also, it can be argued that a 4.0-foot-high, closed-construction fence would be able to provide security to the applicant in this area of the property.
3. Whether the variance is substantial. The variance overall would be considered substantial, because of the close location of the fence to a public sidewalk. During the public forum, the applicant submitted pictures of two (2) existing fences on Maiden Lane that were located in the front yard. However, those fences are located between 19.5± to 28.0± feet from the public sidewalk on Maiden Lane.
4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed variance would have adverse impact on the physical conditions in the neighborhood, notably the location of the fence to the sidewalk. A fence to be located 8.0 feet from the sidewalk could impact the safety of vehicle traffic and pedestrians walking on the sidewalk. Also, the fence would impact the neighboring property, 2041 Maiden Lane, the ability to view oncoming traffic and pedestrians while attempting to back out of their driveway, which may worsen during the winter months as a result of the buildup of snow.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. One can argue that request is a result of a self-created difficulty. Prior to purchasing the home, the applicant would have been aware of the limited size of the rear yard of the property.

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

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

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

**Motion Carried**  
**Application Denied**

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**New Business:**

1. Applicant: Bell Atlantic Mobile of Rochester, L.P. (d.b.a. Verizon Wireless)  
Location: 2419 Latta Road  
Mon. Co. Tax No.: 045.20-1-1.11  
Zoning District: R1-44 (Single-Family Residential)  
Request: a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (128 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. Sec. 211-56 A  
b) An area variance for the use of barbed wire (196± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in Section 211-49. Sec. 211-46 E

**On a motion by Mr. Bilsky and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of June 21, 2016 in order to give the applicant time to gather more information that the Board requested.**

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

**Motion Carried  
Application Continued Until  
Meeting of June 21, 2016**

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2. Applicant: Sandra Ranallo  
Location: 71 Shoreway Drive  
Mon. Co. Tax No.: 026.03-2-23  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed shed (8.0 feet x 10.0 feet; 80.0 square feet) to be located in the front yard of a waterfront lot with lot area less than 18,000 square feet, where accessory structures, including sheds, are permitted in rear yards only. Sec. 211-11 E (2) (a), Sec. 211-11 E (3)  
b) An area variance for an existing deck (189.0± square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 71 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).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

**Motion Carried**

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

Mr. Chairman, regarding the application of Sandra Ranallo, 71 Shoreway Drive, Sandra Ranallo appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed shed (8.0 feet x 10.0 feet; 80.0 square feet) to be located in the front yard of a waterfront lot with lot area less than 18,000 square feet, where accessory structures, including sheds, are permitted in rear yards only; and an area variance for an existing deck (189.0± square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only.

The findings of fact are as follows. This parcel is located at 71 Shoreway Drive. Ms. Ranallo states that she has lived in the home since October. Item "a," the proposed shed, is currently on the lot, pending approval, and it is there to provide extra storage for lawn accessories, outdoor items such as games and the shed, via a picture provided from her cell phone, will match the existing home in both color and siding. There will be no water, heat or electricity in the shed. It will be placed about two feet from the garage. Regarding item "b," the existing deck, the existing deck is to enjoy the outside area and view. The deck is made of concrete and would be a financial hardship to remove. It has standard deck lighting and from the picture it is not covered and there are no plans to cover or enclose it. There is no plan to place a hot tub or a grill on it. No one spoke opposing this request. A letter from a neighbor at 67 Shoreway was presented, and that neighbor had no objections or concerns.

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

1. That the applicant will obtain permits and meet all Town code and fire code.
2. And this approval is for the life of the shed and the deck.

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

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

**Motion Carried**  
**Application Approved**  
**With Conditions**

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3. Applicant: Marlands Shore Association, Inc  
Location: 123 Shoreway Drive  
Mon. Co. Tax No.: 026.03-2-9  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed shed (12.0 feet x 16.0 feet; 192.0 square feet) on a vacant lot, resulting in two (2) accessory structures to be located on a lot without a principal building, instead of the one (1) accessory structure (picnic shelter) granted by the Board of Zoning Appeals on April 3, 2001. Sec. 211-5 (Structure, Accessory)

**On a motion by Ms. Nigro and seconded by Mr. Bilsky, it was resolved to continue the public hearing on this application until the meeting of June 21, 2016 in order to give the applicant time to gather more information that the Board requested.**

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

**Motion Carried  
Application Continued Until  
Meeting of June 21, 2016**

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4. Applicant: Barry DeHond  
Location: 52 Albury Drive  
Mon. Co. Tax No.: 058.02-7-53  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed enclosed porch addition (13.8 feet x 15.3 feet; 211.1 square feet) to have a rear setback of 26.0± feet, instead of the 45.0 feet minimum required. Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 52 Albury Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9) & (12).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

**Motion Carried**

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

Mr. Chairman, regarding the application of Barry DeHond, 52 Albury Drive, Barry DeHond, Carol DeHond, and David Reuter appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed enclosed porch addition (13.8 feet x 15.3 feet; 211.1 square feet) to have a rear setback of 26.0± feet, instead of the 45.0 feet minimum required.

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WHEREAS the findings of fact are as follows. The home is currently located in an R1-E (Single-Family Residential) district. This evening, the DeHonds mentioned that they have owned the property for 17 years and as such, in order to enhance their lifestyle, the existing deck that is on the property is deteriorating and needs to be replaced, and if they were to use the deck due to high winds and insects in the evening it would make the use of the deck undesirable, so as such they are requesting a three-season room. Now this three-season room will be built basically in the same location as the existing deck; the existing deck will be removed. As far as utilities being run to the deck, only electricity. As far as utilities to the addition, it will be electricity. The finishes will match the house and the roofline will blend in with the primary structure. Once again, this deck has been in place for approximately 12 years and with the same dimensions as the proposed three-season room. They have discussed this project with the neighbors and have received no negative comments accordingly.

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 condition:

1. That all necessary building permits be obtained and all subsequent building codes be satisfied.

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

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

**Motion Carried**  
**Application Approved**  
**With Conditions**

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5. Applicant: Michael Neary  
Location: 320 Lowden Point Road  
Mon. Co. Tax No.: 026.18-1-23  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed principal structure addition (16.0 feet x 32.0 feet; 512.0 square feet) to have a rear setback of 31.0 feet, instead of the 39.0 feet minimum required. Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 320 Lowden Point Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9) & (12).)
2. According to SEQRA, Type II actions have been determined not to 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. Bilsky and duly put to a vote, which resulted as follows:**

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

**Motion Carried**

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

Mr. Chairman, regarding the application of Michael Neary, 320 Lowden Point Road, Michael Neary and his contractor, Marco Mattioli, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed principal structure addition (16.0 feet x 32.0 feet; 512.0 square feet) to have a rear setback of 31.0 feet, instead of the 39.0 feet minimum required.

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The findings of fact are as follows. This parcel is located at 320 Lowden Point Road. The proposed principal structure addition is to provide extra living space for the growing family. The living area will consist of a great room and a half bath. The exterior of the home and the siding will match the existing home as well as the color. This addition will be built on a concrete slab; it will have a crawl space. There is one remaining shed on the property, and the lot is a corner lot, which causes the placement of the addition to be a little bit difficult; therefore, the 31-foot setback is in line. They did bring it back to 16 feet after consideration to try to become more in line with code. Monroe County comments were received and there were no concerns. There is tree coverage to conceal this addition from neighbors' view because it is closer to the lot line. No one spoke opposing this request; no neighbors had concerns.

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

1. That the applicant will obtain all building permits and follow Town code.

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

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

**Motion Carried**  
**Application Approved**  
**With Conditions**

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6. Applicant: Richard Schiffhauer  
Location: 307 & 315 North Drive  
Mon. Co. Tax No.: 026.14-1-25 & 026.14-1-24  
Zoning District: R1-E (Single-Family Residential)  
Request: Following the combination of the aforementioned lots, the following variances for accessory structures:
- a) An area variance for total gross floor area of 1511.8± square feet in all accessory structures, instead of the 1000 square feet maximum permitted for lots with 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 in-ground pool (20.0 feet x 40.0 feet; 800.0 square feet) to be located in the side yard of a waterfront lot, where accessory structures, such as pools, are permitted in rear yard only. Sec. 211-11 E (3)

**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 307 & 315 North 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 not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

**Motion Carried**

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

Mr. Chairman, regarding the application of Richard Schiffhauer, 307 & 315 North Drive, Mr. Schiffhauer appeared before the Board of Zoning Appeals this evening, requesting an area variance for total gross floor area of 1511.8± square feet in all accessory structures, instead of the 1000 square feet maximum permitted for lots with lot area of 16,000 square feet to one (1) acre; and an area variance for a proposed in-ground pool (20.0 feet x 40.0 feet; 800.0 square feet) to be located in the side yard of a waterfront lot, where accessory structures, such as pools, are permitted in rear yard only, following the combination of the aforementioned lots.

The findings of fact are as follows. The applicant purchased both 307 and 315 North Drive in September 2015. The applicant lives at 315 North Drive and has made it his residence; the house at 307 North Drive has been torn down, but he kept the garage, which is in excellent condition. The applicant will use this garage for storage/cabana. There will be no living space within this cabana, but he is using it for storage of outdoor materials, which will be used not only around the pool, but along the outside area and lawn area. The applicant stated that it would be a financial hardship for him to remove the garage because he lacks any additional storage within his house. Before the applicant gets any necessary permits, he will have to have the lot combined. The applicant is aware of the Town of Greece pool policy, and they will follow it. Having an in-ground pool on waterfront property within the North Drive area is very common, since there are three other pools within the neighborhood.

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

1. That the applicant will have the lots combined prior to all permits being issued.
2. There will be only electricity service going to the garage/cabana, no water within the garage/cabana; the only utility will be electricity.
3. The applicant will meet all necessary Town codes.
4. The applicant will obtain all necessary permits.
5. And there will be no living space within the garage/cabana.

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

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

**Motion Carried**  
**Application Approved**  
**With Conditions**

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7. Applicant: Frank Momano  
Location: 358 South Drive  
Mon. Co. Tax No.: 026.18-4-23  
Zoning District: R1-E (Single-Family Residential)  
Request:
- a) An area variance for a proposed detached garage (12.0 feet x 20.0 feet; 240.0 square feet) to have a rear setback of 2.8 feet (measured from the south right-of-way line of South Drive), instead the 25.0 feet minimum required. Sec. 211-11 E (1), Table I
  - b) An area variance for a proposed detached garage (12.0 feet x 20.0 feet; 240.0 square feet) to have a (east) side setback of 0.23 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I
  - c) An area variance for a proposed detached garage (12.0 feet x 20.0 feet; 240.0 square feet) to have a proposed driveway length of 2.8 feet, instead of the 22.0 feet minimum required. Sec. 211-41 G
  - d) An area variance for a proposed lot coverage of 38.5%, instead of the 35.4% granted by the Board of Zoning Appeals on August 4, 1998. Sec 211-11 D (2), Table I
  - e) An area variance for an existing deck (93.0± square feet) to be located in the (west) side yard, where accessory structures, such as decks, are permitted only in a rear yard. Sec. 211-11 E (3)
  - f) An area variance for an existing 6.0-foot-high, closed-construction fence (47.0± linear feet) to be located on a deck in the front and side yard, where fences on decks are to be located only in a rear yard. Sec. 211-47 C (1)
  - g) An area variance for an existing 6.0-foot-high, closed-construction fence (23± linear feet) to be located on a deck, to have a (west) side setback of 1.0 to 5.9 feet, instead of the 6.0 feet minimum required. Sec. 211-47 C (2) Sec. 211-11 D (2), Table 1

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**On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of July 5, 2016 in order to give staff time to visit the site and for the applicant to review their options.**

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

**Motion Carried**  
**Application Continued Until**  
**Meeting of July 5, 2016**

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8. Applicant: Eastwest Energy Corporation  
Location: 1315 Maiden Lane  
Mon. Co. Tax No.: 074.07-8-5  
Zoning District: BR (Restricted Business)  
Request: An area variance for a proposed 15,000-gallon underground fuel storage tank, instead of the 10,000-gallon maximum permitted in non-residential zoning districts. Sec. 211-26 C (1) (a)

**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 1315 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 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.
9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.

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10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
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 SEQRA.
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 features and measures that were identified as practicable.

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

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

**Motion Carried**

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

Mr. Chairman, regarding the application of Eastwest Energy Corporation, 1315 Maiden Lane, Mr. Rex Cameron appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 15,000-gallon underground fuel storage tank, instead of the 10,000-gallon maximum permitted in non-residential zoning districts.

The findings of fact are as follows. Mr. Rex Cameron came before the Board this evening to testify that the existing tank is in need of repair and upgrade, and the plan was to dig it up in any case in order to effect these new repairs. Since they were digging it up, it seemed to make sense to replace it with a more environmentally compliant, more modern tank with better technology and also relocating the tank to an area outside of the current

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traffic pattern around this gas station. The applicant indicated that the old 15,000-gallon tank, which has been there since 1996, will be removed prior to installation of this new tank.

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 the old tank be removed prior to installation of the new tank.
2. That the applicant comply with all Town, State and Federal environmental and building code.

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

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

**Motion Carried**  
**Application Approved**  
**With Conditions**

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9. Applicant: Wegman’s Food Markets, Inc.  
Location: 3177 Latta Road  
Mon. Co. Tax No.: 045.03-3-13.101  
Zoning District: BG (General Business)  
Request: An area variance for a proposed second building-mounted sign (“Pharmacy”; 2.3 feet x 20.7 feet; 47.6 square feet), instead of the one (1) 300-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

**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 3177 Latta 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 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 Board of Zoning Appeals 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 SEQRA.
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 SEQRA.
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 features and measures that were identified as practicable.

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:**

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

**Motion Carried**

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

Mr. Chairman, with regard to the application of Wegman's Food Markets, Inc., 3177 Latta Road, Frank Cleere from Skylight Signs appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second building-mounted sign ("Pharmacy"; 2.3 feet x 20.7 feet; 47.6 square feet), instead of the one (1) 300-square-foot building-mounted sign permitted.

WHEREAS, on the main motion, the findings of facts are as follows. Mr. Frank Cleere from Skylight Signs appeared before the Board, representing Wegman's Food Markets, Inc.

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at 3177 Latta Road, seeking an area variance for a second building-mounted sign, and stated that Wegmans is going through a logo change. The "Food" and "Pharmacy" signs have already been removed so that the area could be power washed, filled and repaired. The sign will be LED lit and this pharmacy sign is typical for this business due to the logo change, and this request is consistent with other signage in the area. No one spoke opposing this request; therefore I move to approve the application.

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

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

**Motion Carried**  
**Application Approved**

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10. Applicant: Vanderstyne Toyota  
Location: 4374 West Ridge Road  
Mon. Co. Tax No.: 073.01-1-1.11  
Zoning District: BG (General Business)  
Request: An area variance for a proposed third building-mounted sign ("Service Reception"; 1.3 feet x 14.4 feet; 18.7 square feet), instead of the two (2) building-mounted signs with a total area of 112.5 square feet granted by the Board of Zoning Appeals on October 26, 1993. Sec. 211-52 B (2) (a) [1], Table VII

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 4374 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 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 Board of Zoning Appeals 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 SEQRA.
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 SEQRA.
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 features and measures that were identified as practicable.

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

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

**Motion Carried**

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

Mr. Chairman, with regard to the application of Vanderstynne Toyota, 4374 West Ridge Road, in a BG (General Business) district, Mr. Kirk Wright, representing Vanderstynne Toyota, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed third building-mounted sign ("Service Reception"; 1.3 feet x 14.4 feet; 18.7 square feet), instead of the two (2) building-mounted signs with a total area of 112.5 square feet granted by the Board of Zoning Appeals on October 26, 1993.

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WHEREAS, on the main motion, the findings of facts are as follows. Mr. Wright mentioned that the need for this sign is that the dealership is currently under construction and the service department will be relocating from what is now the west side of the building facing south to the West Ridge Road side, that the sign of "Service Reception" will be needed to identify the service bays so that if individuals are bringing automobiles or vehicles on the property they will know where to take them to be serviced. The sign will be an LED-type situation. They will be individual letters mounted on the wall, and this type of signage is consistent with other dealerships in the area. As such, I move to approve this application, with the condition that all permits first be obtained.

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

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

**Motion Carried**  
**Application Approved**  
**With Condition**

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

**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 3740 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(12).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

**Motion Carried**

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

Mr. Chairman, regarding the application of Vision Hyundai, 3740 West Ridge Road, their representative, Mr. Massimo Castelli, appeared before the Board of Zoning Appeals this evening, requesting an area variance for the temporary outdoor storage or display of goods, merchandise or materials (motor vehicles) in existing parking spaces, where said storage or

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display shall not impede the passage of pedestrians, fire lanes, driveways or any parking spaces.

WHEREAS, the findings of fact are as follows. This evening, Massimo Castelli from Vision Hyundai, Henrietta, also representing Bassett Realty, came before the Board of Zoning Appeals, requesting an area variance for the temporary outdoor storage or display of goods, merchandise or materials (motor vehicles). This is for a used car sale in existing parking spaces in Elmridge Center, where said storage or display shall not impede the passage of pedestrians, fire lanes, driveways or any parking spaces. The applicant did submit a site map of the location of this tent sale and has now been submitted to the staff. The applicant is planning on having a tent sale from July 21 through July 30. The hours of operation will be from 9:00 a.m. to 8:00 p.m., Monday through Saturday, and Sunday from 11:00 a.m. to 4:00 pm. This will be in the parking lot of the Elmridge Plaza in front of the former Tops supermarket, which is currently not being used. The applicant stated that they will be selling used cars, and they will be having approximately 120 cars for sale. The applicant also stated that they will have 10 employees and they will have a 40-foot x 30-foot tent. All necessary paperwork has been submitted to the Town and will be approved once the Board of Zoning Appeals approves this variance. There will be no portable buildings; they will have a tent. The applicant also stated that there will be a designated area for customer parking, and the applicant is also aware that no pedestrian travel or passages of pedestrians should be obstructed. The fire lanes will not be blocked, and also the driveways will not be blocked. The applicant also stated that there will be balloons only on the antennas of the vehicles and there will be no other materials besides normal signage to identify the tent sale event.

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. As requested by the applicant, this will be a one-time-only variance from July 21 through July 30, 2016.
2. The applicant will obtain all necessary permits and special event permits from the Town and meet all the requirements set forth by the Town.
3. As offered by the applicant and agreed to by the applicant, this variance will be relinquished at the conclusion of the sale on July 30th.
4. Also, we want a current letter from the land owner authorizing Hyundai to appear before the Board for this specific sale of July 21 through July 30th before permits are issued.

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

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

**Motion Carried**  
**Application Approved**  
**With Conditions**

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12. Applicant: Morgan Ridgecrest, LLC  
Location: 1946 & 1960 West Ridge Road  
Mon. Co. Tax No.: 074.15-11-27 & 074.16-2-22  
Zoning District: BR (Restricted Business)  
Request: a) An area variance for a proposed lot coverage of 20.8%, instead of the 15% maximum permitted. Sec. 211-17 B (4), Table III  
b) An area variance for a second (west side) building-mounted sign ("Qdoba Mexican Eats"; 2.8 feet x 12.5 feet; 31 square feet), instead of the one (1) 44-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
c) An area variance for a third (north side) building-mounted sign ("Qdoba"; 3.8 feet x 6.3 feet; 23.9 square feet), instead of the one (1) 44-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

**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 1946 & 1960 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 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.

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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 Board of Zoning Appeals 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 SEQRA.
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 SEQRA.
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 features and measures that were identified as practicable.

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

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

**Motion Carried**

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

Mr. Chairman, with regard to the application of Morgan Ridgecrest, LLC, 1946 & 1960 West Ridge Road, their representative, Mr. Michael Montalto, appeared before the Board of

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Zoning Appeals this evening, requesting an area variance for a proposed lot coverage of 20.8%, instead of the 15% maximum permitted; an area variance for a second (west side) building-mounted sign ("Qdoba Mexican Eats"; 2.8 feet x 12.5 feet; 31 square feet), instead of the one (1) 44-square-foot building-mounted sign permitted; and an area variance for a third (north side) building-mounted sign ("Qdoba"; 3.8 feet x 6.3 feet; 23.9 square feet), instead of the one (1) 44-square-foot building-mounted sign permitted.

WHEREAS, on the main motion, the findings of facts are as follows. Regarding the application of Morgan Ridgecrest, LLC located at 1946 & 1960 West Ridge Road, they are requesting a lot coverage variance and for two additional building mounted signs for a restaurant called "Qdoba."

The applicant is proposing to build a new outparcel building to be called "Qdoba," a 3000-square-foot outparcel building. The resulting lot coverage of this outparcel, as well as some additional building renovations proposed by this applicant, caused the current lot coverage of 20.5% to be increased to 20.8%. It is this Board member's opinion that this is a very minor impact on the overall lot coverage for that particular parcel. The applicant indicates that he is compliant with building space requirements. He plans restriping and reconfiguration of the entire parking lot to accomplish this. The applicant has also asked for a second west side building-mounted sign, "Qdoba Mexican Eats," at approximately 31 square feet, and a third north side building-mounted sign simply stating "Qdoba" at 23.9 square feet. The signs identified as "Qdoba" for this application will be lit internally and externally. Two signs are internally lit and one is externally lit with a wall wash light. It is this Board member's opinion that this signage is consistent with the signage in and around that area and this will complement the needs of the proposed business, "Qdoba" Restaurant, in attracting traffic and potential customers to this site. Therefore, I move to approve this application as submitted, with the following conditions:

1. That they comply with all building code requirements.
2. That the architectural treatment is consistent and finished on all four sides of the building, subject to approval of the Planning Board.

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

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

**Motion Carried**  
**Application Approved**  
**With Conditions**

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**ADJOURNMENT:** 10:40 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: June 21, 2016**

J:\John Agenda Assignments\2016\Agenda 0607 2016.doc