



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

JANUARY 2, 2019

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Christopher A. Schiano, Esq., Deputy Town Attorney

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

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New Business:

1. Applicant: McDonald's USA, LLC
Location: 729 Long Pond Road (AKA 3177 Latta Road)
Mon. Co. Tax No.: 045.03-3-13.101
Zoning District: BG (General Business)
Request: The following variances are requested for building-mounted signage, listed as sign S9 on the applicant's "Site & Building Signage Summary" for the redeveloped restaurant:
- a) An area variance for a proposed second (south side) building-mounted sign (Sign S9; "McDonald's"; 32.9 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
- The following variances are requested for menu/order/preview board signage, listed as signs S4, S5 & S6 on the applicant's "Site & Building Signage Summary" for the redeveloped restaurant:
- b) An area variance for a proposed menu order-board sign (Sign S4; 13.0 square feet) to have a height of 8.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
- c) An area variance for a proposed second menu order-board sign (Sign S5; 40.1± square feet), instead of the one (1) 44.0-square-foot menu order board granted by the Board of Zoning Appeals on January 18, 2005, and for said sign to have a height of 11.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
- d) An area variance for a proposed third menu order-board sign (Sign S5; 40.1± square feet), instead of the one (1) 44.0-square-foot menu order board granted by the Board of Zoning Appeals on January 18, 2005, and for said sign to have a height of 11.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
- e) n area variance for a proposed fourth menu order-board sign (Sign S6; 29.6± square feet), instead of the one (1) 44.0-square-foot menu order board granted by the Board of Zoning Appeals on January 18, 2005, and for said sign to have a height of 8.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
- f) An area variance for a proposed fifth menu order-board sign (Sign S6; 29.6± square feet), instead of the one (1) 44.0-square-foot menu order board granted by the Board of Zoning Appeals on January 18, 2005, and for said sign to have a height of 8.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]

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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 729 Long Pond Road (AKA 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 and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.

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12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of McDonald's USA, LLC, 729 Long Pond Road (AKA 3177 Latta Road), in a BG (General Business) district, Mr. Randy Bebout of T.Y. Lin International appeared before the Board of Zoning Appeals on behalf of McDonald's USA, LLC, requesting variances "a" thru "f," as noted on this evening's agenda.

WHEREAS, the findings of fact are as follows. This evening Randy Bebout, once again of T.Y. Lin International, mentioned relative to additional signage and menu boards that the signage on the south side of the building would be beneficial for northbound traffic on Long Pond Road to better identify the location as a McDonalds. In addition, the additional menu boards are required as they will be digital boards, replacing existing boards, and that the menu boards being requested will make the drive-through operation more efficient and faster, thereby possibly shortening queue lines, and that also the additional boards are similar with

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other fast food locations in the area. As such, I move to approve this application, with the following conditions:

1. That all necessary building permits be obtained.
2. And building codes be satisfied.

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

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

Motion Carried
Application Approved
With Conditions

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2. Applicant: McDonald's USA, LLC
Location: 3781 West Ridge Road
Mon. Co. Tax No.: 073.04-2-7
Zoning District: BG (General Business)
Request: The following variances are requested for building-mounted signage, listed as sign S9 on the applicant's "Site & Building Signage Summary" for the redeveloped restaurant:
- a) An area variance for a proposed second (north side) building-mounted sign (Sign S9; "arch logo"; 14.0 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
 - b) An area variance for a proposed third (east side) building-mounted sign (Sign S9; "arch logo"; 14.0 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
 - c) An area variance for a proposed fourth (west side) building-mounted sign (Sign S9; "arch logo"; 14.0 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
- The following variances are requested for menu/order/preview board signage, listed as signs S4, S5 & S6 on the applicant's "Site & Building Signage Summary" for the redeveloped restaurant:
- d) An area variance for a proposed menu order-board sign (Sign S4; 16.4± square feet) to have a height of 8.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
 - e) An area variance for a proposed second menu order-board sign (Sign S5; 40.1± square feet), instead of the one (1) 44.0-square-foot menu order board granted by the Board of Zoning Appeals on January 18, 2005, and for said sign to have a height of 11.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
 - f) An area variance for a proposed third menu order-board sign (Sign S6; 29.4± square feet), instead of the one (1) 44.0-square-foot menu order board granted by the Board of Zoning Appeals on January 18, 2005, and for said sign to have a height of 8.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]

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 3781 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:

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3. 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.
4. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
5. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
6. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
8. 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.
9. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
10. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
11. The Environmental Analysis examined the relevant issues associated with the Proposal.
12. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
13. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
14. 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.
15. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.

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16. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
17. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
18. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of McDonald's USA, LLC, 3781 West Ridge Road, Randy Bebout of T.Y. Lin International appeared before the Board of Zoning Appeals on behalf of McDonald's USA, LLC, requesting numerous variances, "a" thru "f," as mentioned above on this evening's agenda.

WHEREAS, the findings of fact are as follows. This evening, once again, Randy Bebout of T.Y. Lin International representing McDonalds of 3781 West Ridge Road requesting numerous variances for signage and message boarding for the McDonalds located at 3781 West Ridge Road. This restaurant is approximately 600 feet east of the intersection of North Greece Road and West Ridge Road in the Town of Greece. This proposed project involves a remodel of an existing McDonalds restaurant, consisting of the following improvements: remodeling the exterior façade; they will also be adding brand walls on the east, west, and north side of it; they are looking for new building signage; interior improvements; new interior dining room décor packages; new drive thru signage; and exterior ADA improvements for parking and sidewalks. This section of where the McDonalds is located is on a section of West Ridge Road that is an extremely busy highway with multiple lanes. The reason for the improved signage and message boarding is for branding and once again to identify the McDonalds and to make it easier for customers to find the restaurant. The applicant is looking for on each of the north, east, and west side of the building to add the brand wall, and by adding the brand walls they are going to be looking to add the McDonald's logo, the yellow golden arches and once again this will help with visibility of the customers. Also, with this,

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they are looking to add a proposed new menu board option. The new menu board sign, this is to allow customers, prior to ordering their food, to have an opportunity to look at the pre-menu, then will go to the next digital message board, which will have the menu on it and then the last item will be where the speaker system will be, and it will also have a menu board item. These three signs are there to make the drive-through operation more efficient, it will move customers in a timely manner, hopefully to avoid any traffic congestion or backups that may occur in the parking lot. These backups, if they occur in the parking lot, could affect the traffic on West Ridge Road, as we stated earlier, this is a busy section of West Ridge Road, and if we could avoid any traffic congestion in parking lots and move customers along it would be safety not only to customers, but to other residents within the Town. This project is similar to other projects that are going on within the Town regarding restaurants and signs; the signs and message boarding are very similar to other restaurants in this Town.

I move to approve this application, with the condition that the applicant obtain any necessary permits by the Town.

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

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

Motion Carried
Application Approved
With Condition

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3. Applicant: Wilmorite Management Group, LLC
Location: Greece Ridge Center Drive
Mon. Co. Tax No.: 074.19-1-6
Zoning District: BG (General Business)
Request: a) An area variance for a proposed fifth freestanding sign ("Target" with Logo; 10.0 feet x 10.0 feet; 100.0 square feet) at a business center, instead of the four (4) freestanding signs granted by the Board of Zoning Appeals on November 12, 2013. Sec. 211-52 B (1) (a) [2]
b) An area variance for a proposed freestanding sign (100.0 square feet) to have a height of 40.0 feet, instead of the 20.0 feet maximum required. Sec. 211-52 B (1) (c)
c) An area variance for a proposed freestanding sign (100.0 square feet) to have a setback of 0.0 feet (measured from the south right-of-way line of West Ridge Road), instead of the 15.0 feet minimum required. Sec. 211-52 B (1) (b) [1]

On a motion by Mr. Wechsler and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of January 15, 2019 in order to give the applicant time to review their options.

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

**Motion Carried
Application Continued Until
Meeting of January 15, 2019**

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Modification to Neighborhood Notification:

1. Applicant: Planet Fitness
Location: 3760 Dewey Avenue
Mon. Co. Tax No.: 060.10-1-16.11
Zoning District: BG (General Business)
Request: An area variance for a proposed building-mounted sign (5.0 feet x 37.2 feet; 186.0 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted for a business which does not face a street. Sec. 211-52 B (2) (c) [2]

The staff has recommended a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this recommendation is the large size of the entire parcel and the many properties which would be included in the notification but which are not near the parcel where the use will be located.

On a motion by Mr. Jensen and seconded by Mr. Wechsler, it was resolved to amend the Neighborhood Notification for the proposed building mounted sign relative to Planet Fitness, relying on the Town staff's judgment for fulfillment of the zoning ordinance and this Board's intent for adequate neighborhood notification, which in this case should be the parcels near the proposed site location, which would be parcels fronting Dewey Avenue, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed sign relative to the Planet Fitness site.

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

**Motion Carried
Request Granted**

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2. Applicant: Maiden, LLC
Location: 3507 Mount Read Boulevard
Mon. Co. Tax No.: 075.05-2-3.111
Zoning District: BR (Restricted Business)
Request: The following area variances for signs relative to Burger King:
- a) An area variance for a proposed third freestanding sign (6.0 feet x 10.0 feet; 60.0 square feet, including decorative support area) for a business center, instead of the two (2) freestanding signs approved by the Board of Zoning Appeals on May 17, 2011. Sec. 211-52 B (1) (d), Table VI
 - b) An area variance for a proposed second (north side) building-mounted sign (Burger King logo; oval shaped; 28.3 square feet), instead of the one (1) 35-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
 - c) An area variance for a proposed third (south side) building-mounted sign (Burger King logo; oval shaped; 28.3 square feet), instead of the one (1) 35-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
 - d) An area variance for a proposed fourth (south side) building-mounted sign ("Flame Grilling Since 1954"; 1.3 feet x 20.3; 26.4 square feet), instead of the one (1) 35-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
 - e) An area variance for five (5) proposed freestanding directional sign to contain the Burger King logo, where logos shall not be included in any informational or directional sign. Sec. 211-52 B (3) (b) [3]
 - f) An area variance for a proposed menu order-board sign with a sign area of 27.4 square feet (2.8 feet x 9.8 feet) to be located in an area visible from Mount Read Boulevard, instead of the 20.0 square feet maximum permitted and where permitted menu boards shall not be visible from a public street; and for said sign to have a height of 10.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
 - g) An area variance for a proposed second menu order-board sign with a sign area of 45.0 square feet (6.5 feet x 6.9 feet) to be located in an area visible from Mount Read Boulevard, instead of the one (1) 20-square-foot menu board permitted and where permitted menu boards shall not be visible from a public street; and for said sign to have a height of 7.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
 - h) An area variance for a proposed third menu order-board sign with a sign area of 45.0 square feet (6.5 feet x 6.9 feet) to be located in an area visible from Mount Read Boulevard, instead of the one (1) 20-square-foot menu board permitted and where permitted menu boards shall not be visible from a public street; and for said sign to have a height of 7.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]

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The staff has recommended a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this recommendation is the large size of the entire parcel and the many properties which would be included in the notification but which are not near the parcel where the use will be located.

On a motion by Mr. Shea and seconded by Ms. Nigro, it was resolved to amend the Neighborhood Notification for the proposed signs relative to Burger King, relying on the Town staff's judgment for fulfillment of the zoning ordinance and this Board's intent for adequate neighborhood notification, which in this case should be the parcels near the proposed site location, which would be parcels on Mount Read Boulevard, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed signs relative to the Burger King site.

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

Motion Carried
Request Granted

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ADJOURNMENT: 8:00 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: Tuesday, January 15, 2019