



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**JANUARY 21, 2020**

**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

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

**Absent**

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

**Decorum Policy**

**Announcements**

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**Old Business:**

1. Applicant: James Henning  
Location: 193 Orchard Creek Lane  
Mon. Co. Tax No.: 059.07-1-17  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed principle structure addition, (20.0 feet x 27.0 feet; 540.0 square feet attached garage), to have a front setback of approximately 30.0 feet instead of the 42.4 feet minimum, established by the neighborhood average. Section 211-11 D(1)(b); Section 211-11 D(2), Table I  
b) An area variance for a proposed principle structure addition, (20.0 feet x 27.0 feet; 540.0 square feet attached garage), to have a rear setback of approximately 25.0 feet instead of the 36.0 feet minimum required. Section 211-11 D(2), Table I

**On a motion by Mr. Shea and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of February 4, 2020 to give the applicant time to review his options.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</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>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
Meeting of February 4, 2020**

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**New Business:**

1. Applicant: David A. Cushman  
Location: 115 Jefreelind Drive  
Mon. Co. Tax No.: 059.08-3-40  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed three-season room to have a rear setback of 22.0 feet instead of the 34.5 minimum required. Section 211-11 D(2), Table I

**Ms. Andreano 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 115 Jefreelind 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 Proposal, the Town Board determined that the Proposal 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 Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (2), (11), (13), (16) & (17).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Town Board relative to the Proposal.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</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>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of David Cushman, 115 Jefreelind Drive, Mr. and Mrs. Cushman appeared before the Board of Zoning Appeals, requesting an area variance for a proposed three-season room to have a rear setback of 22.0 feet instead of the 34.5 minimum required. Section 211-11 D(2), Table I

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WHEREAS, the findings of fact are as follows. Mr. and Mrs. Cushman have come before the board this evening, they have owned this property for 25 years and have come before the board tonight to request an area variance for a proposed three-season room to have a rear setback of 22.0 feet instead of the 34.5 minimum required. Mr. and Mrs. Cushman have explained that due to the shape of the property; the format for which setbacks are calculated and the footprint of the home, where there is really no other location to put the three-season room, the need for the rear setback relief is warranted. Also, we have heard testimony that the aesthetics of the addition are going to match the house and be aesthetically pleasing. There is only one neighbor remotely close by, who has not mentioned any issues with this project. I find that the plans that you have are aesthetically pleasing, it looks like a very nice project and I do not find that this is going to have any negative detriment on the neighborhood or to the neighbors.

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 that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application with the condition that the applicant obtains the proper building permits.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</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>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

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2. Applicant: Mary Anne Nichols  
Location: 101 Belmont Road  
Mon. Co. Tax No.: 046.20-10-11  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed accessory structure (approximately 30.0 feet x 36.0 feet; 1080.0 square feet, one-story detached garage), resulting in a total gross floor area of 1276.0 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots up to 16,000 square feet in area. Section 211-11 E (1), Table I  
b) An area variance for a proposed accessory structure, (approximately 30.0 feet x 36.0 feet; 1080.0 square feet, one-story detached garage), to be partially located in a front yard, where accessory structures, including detached garages, are permitted in rear yards only. Section 211-11 E (3)  
c) An area variance for a proposed accessory structure (approximately 30.0 feet x 36.0 feet; 1080.0 square feet, one-story detached garage), to have an overall height of 18.6 feet, instead of the 17.0 feet maximum permitted. Section 211-11 E (1), Table 1

**On a motion by Mr. Hartwig and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of March 3, 2020 to give the applicant time to review his options.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</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>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
Meeting of March 3, 2020**

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3. Applicant: Michael Fabian  
Location: 47 Torrey Pines Drive  
Mon. Co. Tax No.: 043.03-3-41  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed accessory structure (approximately 22.0 feet x 24.0 feet; 816.0 square feet, two-story detached garage), resulting in a total gross floor area of 1402.8 square feet in all accessory structures, where 1250.0 square feet is the maximum gross floor area permitted for lots over one acre in area. Section 211-11 E (1), Table I  
b) An area variance for a proposed accessory structure (approximately 22.0 feet x 24.0 feet; 816.0 square feet, two-story detached garage), to have an overall height of 18.1 feet, instead of the 17.0 feet maximum permitted. Section 211-11 E (1), Table 1

**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 February 4, 2020 to give the applicant time to review his options.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</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>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
Meeting of February 4, 2020**

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4. Applicant: McDonald's  
Location: 3781 West Ridge Road  
Mon. Co. Tax No.: 073.04-2-7  
Zoning District: BG (General Business)  
Request: a) An area variance for a proposed fourth menu order-board sign (Sign S4; 16.4± square feet), (instead of the three (3) menu boards granted by the Board of Zoning Appeals on January 2, 2019), and to have a height of 8.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]  
b) An area variance for a proposed fifth menu order-board sign (Sign S5; 40.0 ± square feet), (instead of the three (3) menu order boards permitted and granted by the Board of Zoning Appeals on January 2, 2019), 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]  
c) An area variance for a proposed sixth menu order-board sign (Sign S6; 29.5± square feet), (instead of the three (3) menu order boards permitted and granted by the Board of Zoning Appeals on January 2, 2019), 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. Wechsler offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3781 West Ridge Road, for variances, 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

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

NOW, THEREFORE, be it

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



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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</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>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of McDonald's, 3781 West Ridge Road, in a BG (General Business) district, Mr. Randy Bebout from TYLIN, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed fourth menu order-board sign (Sign S4; 16.4± square feet), (instead of the three (3) menu boards granted by the Board of Zoning Appeals on January 2, 2019), and to have a height of 8.5± feet, instead of the 6.0 feet maximum permitted, an area variance for a proposed fifth menu order-board sign (Sign S5; 4.0± square feet), (instead of the three (3) menu order boards permitted and granted by the Board of Zoning Appeals on January 2, 2019), and for said sign to have a height of 11.5± feet, instead of the 6.0 feet maximum permitted and an area variance for a proposed sixth menu order-board sign (Sign S6; 29.5± square feet), (instead of the three (3) menu order boards permitted and granted by the Board of Zoning Appeals on January 2, 2019), and for said sign to have a height of 8.5± feet, instead of the 6.0 feet maximum permitted.

WHEREAS, the findings of fact are as follows. This evening Randy Bebout of TYLIN International appeared before this board on behalf of McDonald's USA, LLC and owner operator of 3781 West Ridge Road in a BG (General Business) district. Tonight he is requesting an area variance from a continuation of previous variances approved on January 2, 2019. He is asking for tonight for Item "a" variance, being for a fourth menu board sign, 16.4 or less square feet and it will have a height of 8.5 ft. instead of 6 ft. maximum permitted.

Item "b", an area variance for a fifth menu order-board sign of 4.0 sq. ft., and for said sign to have a height of 11.5± feet, instead of the 6.0 feet and this sign. Note that S5, will not exceed 4.0 square feet and not 40.0 square feet as was written for this variance.

Item "c", an area variance for a proposed sixth menu order-board sign (Sign S6; 29.5± square feet), and for said sign to have a height of 8.5± feet, instead of the 6.0 feet maximum permitted.

The reason for the variances is to continue the renovations of this property and to add a second drive-thru lane making it two "side by side" drive thru lanes, which is consistent with two of the other locations in this area. This will eliminate the stacking of cars and make the drive-thru operations more sufficient. Basically, the additional signs here are a duplication of the existing lane signage for menu boards that was previously considered and approved for the existing lane.

At this point, I move to approve the application and request a condition upon the approval of a minor improvement plan through the Planning Board.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</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>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

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**NEIGHBORHOOD NOTIFICATION MODIFICATION:**

1. Applicant: Dollar Tree  
Location: 3870 Dewey Avenue  
Mon. Co. Tax No.: 060.10-1-16.1  
Zoning District: BG (General Business)  
Request: An area variance for a proposed second sign (6.25 square feet), instead of the one (1) 42.0 square foot sign permitted. Section 211-52 B(2)(a)[1]

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

**On a motion by Ms. Andreano and seconded by Mr. Wechsler, it was resolved to amend the Neighborhood Notification for the proposed second sign (6.25 square feet), instead of the one (1) 42.0 square foot sign permitted, relative to the Dollar Tree at 3870 Dewey Avenue, 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 directly across the street from the site fronting Dewey Avenue, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed sign relative to the Dollar Tree site.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</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>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Request Granted**

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**ADJOURNMENT: 8:35 PM**

**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, February 4, 2020**

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