



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

FEBRUARY 7, 2023

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

Sharon M. Quataert

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, AICP, Planner

Jon Mead, Staff Advisor to the Zoning Board

Maryjo Santoli, Planning & Zoning Board Secretary

Absent

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

Continued: Bruce Darling, 267 & 279 Lake Shore Drive to
February 21, 2023.

Announcements

*Chairman Meilutis and the Zoning Board welcomed Jon Mead to
the Board.*

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

PUBLIC HEARINGS

Old Business

1. Applicant: Home Pride Builders and Developers, Inc.
Address: 4 Ruddy Duck Lane (Private)
Mon. Co. Tax No.: 088.04-2-94
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing principal building (under construction; single-family home) to have a front (east) setback of 35.7 feet (measured from the centerline of Ruddy Duck Lane), instead of the 60.0 feet minimum required. § 211-11 D (2), Table I
b) An area variance for an existing principal building (under construction; single-family home) to have a rear (west) setback of 45.2 feet, instead of the 50.0 minimum required. § 211-11 D (2), Table I

On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to close the public hearing on this application and reserve decision until the meeting of February 21, 2023.

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

**Motion Carried
Application Closed and Decision Reserved
Until the Meeting of February 21, 2023**

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

2. Applicant: Bruce Darling
Address: 267 & 279 Lake Shore Drive
Mon. Co. Tax No.: 017.06-2-21 & 017.06-2-20
Zoning District: R1-E (Single-Family Residential)
Request: The following area variances are required:

267 Lake Shore Drive

a) An area variance to have farm animals (19-20 Chickens) on a single-family residential premises, where said animals are only permitted to be kept on a farm. § 211-33 B & § 211-33 D

b) An area variance for an existing garage (8.5 feet x 24.5 feet; 208.3 square feet) resulting in two (2) accessory structures on a lot without a principal structure, instead of the one (1) accessory structure previously granted by the Board of Zoning Appeals on June 15, 2010. § 211-5 (Structure, Accessory), §211-11 B

279 Lake Shore Drive

a) An area variance for an existing shed (10.0 feet x 12.0 feet; 120.0 square feet) located on a lot without a principal structure. § 211-5 (Structure, Accessory), §211-11 B

On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of February 21, 2023 per the request of the applicant.

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

**Motion Carried
Application Continued Until
Meeting of February 21, 2023**

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

3. Applicant: Villa of Hope
Address: 3300 Dewey Avenue
Mon. Co. Tax No.: 060.73-1-17, 060.64-3-16.1, & 060.73-1-18
Zoning District: R1-10 (Single-Family Residential)
Request: An area variance for a proposed fourth freestanding sign (3.0 feet x 5.0 feet; 15.0 square feet), instead of the three (3) freestanding signs granted by the Board of Zoning Appeals on December 7, 2021. § 211- 56 A (2)

Ms. Quataert 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 3300 Dewey Avenue, for a variance, 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

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

recommendations and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Villa of Hope, 3300 Dewey Avenue, in a R1-10 (Single-Family Residential) zoning district, the applicant's representative, Ned Eddins from Crystal City Signs, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed fourth freestanding sign (3.0 feet x 5.0 feet; 15.0 square

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

feet), instead of the three (3) freestanding signs granted by the Board of Zoning Appeals on December 7, 2021.

WHEREAS, the findings of fact are as follows. This parcel is located at 3300 Dewey Avenue known as the Villa of Hope. The applicant has stated that the sign will be unlit, that it will be reflective of the Villa's colors and it is for the purposes of a new entrance for direction. The sign will be 3.0 ft. x 5 ft.; 15 sq. ft. and will not be lit. As such, I move to approve this application with the following conditions:

1. There will be no ground lighting and be no lighting whatsoever on the sign.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

4. Applicant: West Herr
Address: 4422, 4432, & 4400 West Ridge Road
Mon. Co. Tax No.: 073.01-1-15, 073.01-1-16, & 073.01-1-1.21
Zoning District: BG (General Business)
Request: A special use permit to operate a motor vehicle dealership (28,000± square feet) and for the outdoor storage or display of motor vehicles. § 211-5, § 211-17 C (3) (b) [5], & § 211-17 C (3) (b) [6]

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 4422, 4432, and 4400 West Ridge Road, for a special use permit, 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.

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

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

WHEREAS, regarding the application of West Herr, located at 4422, 4432 and 4400 West Ridge Road, zoning district is BG (General Business), their representative, Joshua Saxton from Passero Associates and Jim Mulka from West Herr, appeared before the board of Zoning Appeals requesting a special use permit to operate a motor vehicle dealership (28,000± square feet) and for the outdoor storage or display of motor vehicles.

WHEREAS: The findings of fact are as follows: This parcel is located at 4422, 4432, and 4400 West Ridge Road, it is zoned BG (General Business). The property will be home to West Herr Automotive, which is both a sales dealership and a service station. It is a non-body shop, as far as the service side of the business, they will be doing auto repairs only. With the information provided by the representative from West Herr, the applicant stated that the hours of business are Monday through Saturday. Monday through Friday the hours are from 7:30 AM to 7:00 PM and on Saturday the business will be open from 7:30 AM to 5:00 PM. At any given time, there will be up to 75 employees maximum on site. Deliveries of vehicles for repair will be brought at any hour (outside of business hours), they will be kept out of site in a designated area in the rear of the building via a security drop off lock box accessible site if it is after hours. There will be no unloading of new vehicles from or on West Ridge Road. New vehicles will be dropped off during business hours and that will be restricted to being delivered onto the site and not from or on Ridge Road. There will be no storage of any junk cars outside. There will be no painting or collision work done on site and oil and tire removal will be taken during business hours. Anything off the parts truck that would come prior to opening would be dropped at the parts only door in a secured facility.

Based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by West Herr for a special use permit to operate a motor vehicle dealership and for the outdoor storage or display of motor vehicles, on property located at 4422, 4432, and 4400 West Ridge Road, in a BG (General Business) zoning district, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this motor vehicle dealership and outdoor storage or display of motor vehicles in conformity with all details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The Applicant shall comply with all requirements of the Code of the Town of Greece, New York, Chapter 211, the town's zoning ordinance, or any variance granted therefrom. Failure to comply with these requirements may be grounds for revocation of this special use permit.
3. The maximum occupancy in this motor vehicle dealership shall be the limit established by the town's Fire Marshal pursuant to the Building Codes of New York State.
4. The Applicant shall comply with all requirements of the town's staff relative to local laws, ordinances, codes, rules, and regulations, and the Building Codes of New York State. Failure to comply with these requirements may be grounds for revocation of this special use permit.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
7. Upon the sale or other transfer of controlling interest in this motor vehicle dealership to any person or entity other than West Herr, its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
8. There will be no storage of any junk cars outside.
9. There will be no painting or collision work on site.
10. There will be no unloading of new vehicles from or on Ridge Road and new vehicles will be dropped off during business hours. There will be no car drop offs on West Ridge Road at all, new or used.
11. Oil and tire removal will be taken during business hours.
12. This approval is subject to any Planning Board approvals, fire marshal and building code compliance.
13. Subject to U.S. Army Corp. of Engineers and NYSDEC conditions and approvals, actually, any governmental agency.
14. There will be no idling of trucks while waiting for hours of operation to open.
15. Anything off the parts truck that would come prior to opening would be dropped at the parts only door in a secured facility.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

PUBLIC HEARINGS

New Business

1. Applicant: Alejandro Duran
Address: 281 Stafford Way
Mon. Co. Tax No.: 073.02-5-12
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to have farm animals (11 chickens) on a single-family residential premises, where said animals are only permitted to be kept on a farm. § 211-33 B & § 211-33 D

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 March 7, 2023.

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

**Motion Carried
Application Continued Until
Meeting of March 7, 2023**

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

SPECIAL ZONING TOPICS

Old Business

None

New Business

None

BOARD OF ZONING APPEALS MINUTES
February 7, 2023

ADJOURNMENT: 8:15 P.M.

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____

Date: _____

Albert F. Meilutis, Chairman

NEXT MEETING: Tuesday, February 21, 2023