



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**FEBRUARY 5, 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

Linda Andreano

Thomas F. Hartwig

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

**Absent**

Randy T. Jensen

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

**Decorum Policy**

**Announcements**

Chairmen Meilutis welcomed Linda Andreano to the Board of Zoning Appeals

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**Old Business:**

1. Applicant: Wilma Bloss  
Location: 260 Arlidge Drive (a.k.a 151 El Rancho Drive)  
Mon. Co. Tax No.: 075.10-8-8  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance to allow four (4) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Sec. 211-30 A

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 260 Arlidge Drive (a.k.a. 151 El Rancho 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 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.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Abstain</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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. Nigro then offered the following resolution and moved its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals relative to Wilma Bloss, regarding the property at 260 Arlidge Drive (a.k.a. 151 El Rancho Drive), requesting an area variance to allow four (4) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit.

Mr. Chairman, with regard to the application of Wilma Bloss (the "Applicant") of 260 Arlidge Drive (a.k.a. 151 El Rancho Drive) (the "Property"), the Applicant appeared before this Board on November 27, 2018 to request an area variance to allow four (4) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Before I begin with the findings of fact, I would like to provide a little background information regarding this application. On August 17, 2010, this Board approved an area variance to allow six (6) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Furthermore, the Board conditioned said approval for the life of the six (6) dogs and that shall not extend to any other dogs and that the "applicant shall agree to send in a letter every year certifying that these six (6) dogs are the six (6) dogs that they have, that were approved, and just keep doing that every year until there are only three dogs left."

WHEREAS, the findings of fact are as follows. The property is a curvilinear lot and is approximately 13,350± square feet or 0.31± acres. On November 27th, the Applicant appeared before this Board for the aforementioned variance. The Applicant has resided at the Property since 2004 and is accompanied by her sister and adult son, Frank Bloss. The reasoning for having to appear before the Board was due to a call that was put into the Town's Animal Control staff regarding a dog being loose. It was then determined that number of dogs on the Property were in excess of three (3) and at least one (1) of those dogs, Taz, which was born in 2018 was not part of the approval granted by this Board in 2010. It was testified that the dogs are able to roam freely throughout the house and when they are outdoors, they are contained to a fenced-in area of the deck to the rear of the house. Furthermore, Taz belongs to the Applicant's son, Frank. The names, breed, sex, and birth year of each dog on the Property is as follows:

1. Taz, an unneutered pit bull mix male, born in 2018.
2. Toby, a neutered pug male, born in 2011.
3. Behr, a neutered pug male, born in 2008.
4. Willie, a neutered terrier male, born in 2007.

As mentioned previously, Taz was not part of the 2010 approval and there was discussion regarding that approval and the conditions associated with it. The Applicant testified that she was in violation of that approval, most notably the submitting of a letter yearly providing the number/status of the dogs on the Property. The Board voted to continue the public hearing on this application until January 15, 2019 to give the Applicant time to review their options and to potentially find an alternative home for a dog.

On January 15, 2019, the Applicant and her son, Frank, reappeared before the Board. During that meeting, a letter was submitted, which was written by Rebecca Thomas, LCSW, Primary Therapist-Lead Adult Outpatient Clinic, for the Rochester Mental Health Center, and is in support of Mr. Bloss "pursuing a request for an emotional support animal(s) to reside with him in his residence." Furthermore, in the letter, Ms. Thomas stated that "Frank Bloss is an ongoing client" and is "currently engaged in individual psychotherapy" with Ms. Thomas and that "Frank Bloss request permission to maintain an emotional support animal(s) to support and enhance his ongoing treatment." While the Board is sympathetic toward Mr. Bloss's ailments, it should be noted that the Town's Zoning Ordinance does not differentiate

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the rationale or reason for having a dog (e.g., companionship, comfort, health, working/service dog, support, etc.), just the overall number. Furthermore, there was discussion in finding an alternative home for one (1) of the dogs, which necessarily does not have to be Taz, which is the one taken care of by Mr. Bloss. Any one (1) of the other three (3) dogs could be relocated, and an approval would not be needed by this Board, because they would comply with the Zoning Ordinance. The Board closed the public hearing and reserved decision until the meeting of February 5th, which is this evening.

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. This Board evaluates these types of applications on a case-by-case basis. After careful thought to all the data presented and listening to all the testimony pertaining to this application, it is my belief that the continued harboring of these four (4) dogs at this location would indeed change the character of the neighborhood and would be a detriment to nearby properties. Since 2010, this Property has contained more than three (3) dogs, and if the Board was to approve this variance, this approval would be for nearly 15 years or more. Furthermore, in 2010 and in this application, there were instances in which dogs were able to become loose, and that can be detrimental to nearby properties or members of the public in passing.
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 Applicant could find an alternative home for any one of the dogs and approval from this Board would not be required.
3. Whether the variance is substantial. The variance overall would be considered substantial, especially when you take into consideration the fact that this Property would have and has had more than three (3) dogs since at least 2010. If the Board was to approve this application, the variance would be in effect at least another two to five years, meaning that more than three (3) dogs would be residing at this Property for nearly 15 years. Furthermore, I cannot recall another property in the Town of Greece in which this Board has approved two (2) separate applications for a property to have more than three (3) dogs.
4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district. It can be argued that there is an adverse effect or impact on the conditions in the neighborhood. In the 2010 approval for this Property, it was mentioned that a dog got loose and a dog becoming loose on the Property was what made Animal Control aware of more than three (3) dogs residing at the Property.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. It could be argued that this difficulty was self-created, because the Applicant was aware of the Town's Zoning Ordinance requirement of no more than three (3) dogs a Property. As mentioned previously, the Applicant has appeared before this Board in 2010 requesting to have more than three (3) dogs on the Property and was unable to abide by the conditions associated with that approval.

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Therefore, based on the aforementioned findings of fact, I move to deny this application.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Abstain</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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 Denied**

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2. 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 February 19, 2019 per the request of the applicant.**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</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 19, 2019**

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3. 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]

**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 3760 Dewey 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 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.

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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 Ms. Nigro 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>Absent</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. Hartwig then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Planet Fitness, 3760 Dewey Avenue, in a BG (General Business) district, Mr. Mike Bonanno from Skylight Signs appeared before the Board of Zoning Appeals this evening, on behalf of Planet Fitness, requesting 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.

WHEREAS, the findings of fact are as follows. This evening Mike Bonanno reviewed the sign in question. He mentioned that the sign would be constructed with individual letters that will be placed on the building, and each individual letter will be illuminated. Discussion then centered on the size of the sign. Currently there is a sign that is encompassing 130 square feet, where, due to a rebranding, they were looking at a 186-square-foot sign; however, that 130 square-foot sign was a result of a sign that would be facing toward Dewey Avenue. As this sign is facing inward toward the lot, code is calling for 50 square feet, which is 80 square feet less than the existing sign. As such, Mr. Bonanno has agreed to construct the new sign with the rebranding in the existing 130-square feet that the current sign encompasses. Just for clarification, the 130 square feet was permitted due to the fact that it was an endcap building. Since then, McDonalds was constructed and they are now actually only permitted 50 square feet, so at 130 we are significantly more than what is permitted by code. As such, I move to approve this application, with the following conditions:

1. That all building and signage permits be obtained.
2. That the applicant has agreed that the square footage being requested is being reduced from 186 square feet to 130 square feet.

**Seconded by Ms. Nigro 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>Absent</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 Conditions**

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4. Applicant: Liquor Box  
Location: 3670 Mount Read Boulevard  
Mon. Co. Tax No.: 060.17-4-11.1  
Zoning District: BR (Restricted Business)  
Request: An area variance for a proposed second (south side) building-mounted sign ("Wines & Spirits"; 2.0 feet x 22.7 feet; 45.4 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3670 Mount Read Boulevard, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "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.

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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. 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>Absent</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. Shea then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Liquor Box, 3670 Mount Read Boulevard, in a BR (Restricted Business) district, Mr. Mike Bonanno, from Skylight Signs, and Ms. McDonald, the owner, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second (south side) building-mounted sign ("Wines & Spirits"; 2.0 feet x 22.7 feet; 45.4 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted.

WHEREAS, the findings of fact are as follows. This evening Mr. Mike Bonanno and Ms. McDonald, the owner, appeared before the Board of Zoning Appeals for the Liquor Box retail store, applying for an area variance for a proposed second (south side) building-mounted sign ("Wines & Spirits"; 2.0 feet x 22.7 feet; 45.4 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. The need for this sign is currently there will be allowed a same size sign in the front facing west on the building and this sign will be on the south side to be visible from any traffic going northbound on Mount Read Boulevard. There are no other exterior signs on the entire building. The outdoor signage will be illuminated at business hours plus about two hours after closing. The applicant had testified that he thought he was a permitted 70-square-foot sign; the code allows 50 square feet on the building. The applicant testified that he would reduce that sign to 45 square feet. The previous approval granted by this Board, on October 9, 1990, was for two signs up to 60 square feet in total. That variance is no longer applicable with the closing of Blockbuster Video; those conditions no longer exist. The building is permitted one 50-square-foot sign. The applicant has agreed to reduce that one 50-square-foot to 45 square feet, and the second sign will not exceed 45 square feet. No one at tonight's meeting spoke in favor or opposed this application. Based on the information above, I move to approve this application, with the following conditions:

1. That all signage permits be obtained from the Town.
2. That this approval is for the life of the existing tenant business.

**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>Absent</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 Conditions**

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**New Business:**

1. Applicant: Vladimir Dzivilsky  
Location: 89 Straub Road  
Mon. Co. Tax No.: 089.05-9-3  
Zoning District: R1-E (Single-Family Residential)  
Request:
  - a) An area variance for a proposed attached garage (22.0 feet x 22.0 feet; 484.0 square feet), resulting in a total gross floor area of 2868± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), Table I
  - b) An area variance for the total gross floor area of all existing and proposed accessory structures on the premises (2868± square feet) exceeding the total area of the principal structure (1872± square feet) on the premises. Sec. 211-11 E (1), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 89 Straub 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 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.

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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>Absent</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. Shea then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Vladimir Dzivulsky, 89 Straub Road, Mr. Dzivulsky and his son, Igor, appeared before the Board of Zoning Appeals, requesting an area variance for a proposed attached garage (22.0 feet x 22.0 feet; 484.0 square feet), resulting in a total gross floor area of 2868± square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots with a lot area of 16,000 square feet to one (1) acre; and an area variance for the total gross floor area of all existing and proposed accessory structures on the premises (2868± square feet) exceeding the total area of the principal structure (1872± square feet) on the premises.

WHEREAS, the findings of fact are as follows. This parcel is located at 89 Straub Road in an R1-E (Single-Family Residential) neighborhood. The applicant, Mr. Dzivulsky, and his son, Igor, stated that although he hasn't lived here up to this point, they will be moving in shortly. The property contains a large, 85-year-old barn in the rear part of the property, which currently is considered not usable and not safe by the Town. The applicant has agreed to complete those open permits in order to make the barn safe for storage and use. The applicant stated that the old barn will remain usable for storage and other accessories. The proposed garage will be used for one car plus storage of yard equipment as needed. It will contain electrical outlets for lighting inside and outside. There will be no commercial use of the garage, as agreed by the applicant, and no commercial use of the barn as well. They spoke to their neighbors and no one had any negative comments. The applicant has agreed to random inspections, and if this barn is to be demolished, it cannot be replaced.

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 following conditions:

1. That the applicant obtain all necessary Town permits for the proposed garage.
2. That the proposed garage and barn not be used for any commercial use.
3. That the applicant agreed to periodic inspections as such for the barn and the garage.
4. The approval is for the life of the barn, meaning that if it was to be demolished/removed for reasons other than what is beyond the control of the owner, it cannot be rebuilt.

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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>Absent</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 Conditions**

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2. Applicant: Northgate Gospel Fellowship, Inc.  
Location: 240 McGuire Road  
Mon. Co. Tax No.: 060.06-1-56  
Zoning District: R1-12 (Single-Family Residential)  
Request: An area variance for a proposed building-mounted sign ("Northgate Bible Church"; 4.0 feet x 9.5 feet; 38.0 square feet), where none (0) are permitted in a residential district. Sec.211-52 A

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 240 McGuire 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.

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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. Shea 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>Absent</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. Nigro then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Northgate Gospel Fellowship, Inc., 240 McGuire Road, Mr. Robert Bussy from Northgate Gospel Fellowship appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed building-mounted sign ("Northgate Bible Church"; 4.0 feet x 9.5 feet; 38.0 square feet), where none (0) are permitted in a residential district.

WHEREAS, the findings of facts are as follows. Robert Bussy, from Northgate Gospel Fellowship, Inc., appeared before the Board, seeking an area variance for a proposed building-mounted sign located on the south side of the building, where this sign will sit on the side of the building, at 175 feet from the road. The applicant has been at this location since 1965 and provides religious services for the community. The applicant wants to replace the original lettering, which is worn, and states the sign is directional as it sits 175 feet from the road. With this in mind, it is important that people who are unfamiliar with its location are able to find it easily. It would suggest that it also benefits neighbors, as people who are unable to find this location will not be turning around in residential driveways. The sign will be made out of white plastic formed letters and will be stud silicone, mounted flush to the brick wall. The sign will not be lit. Of note, this Board has granted signage in residential areas in the past and no one spoke opposing this application. I move to approve this request, with the following conditions:

1. The applicant will obtain necessary permits.
2. And this approval is for the life of the existing occupant.

**Seconded by Mr. Shea 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>Absent</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 Conditions**

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3. Applicant: Muy Hamburger Partners, LLC  
Location: 3190 Latta Road (a.k.a. 649-665 Long Pond Road)  
Mon. Co. Tax No.: 045.03-1-4.111  
Zoning District: BR (Restricted Business)  
Request: The following area variances for signs relative to Wendy's:
- a) An area variance for a proposed (south side) building-mounted sign ("Wendy's" with logo; 56.4 square feet), instead of the instead of the 26 square feet maximum permitted. Sec. 211-52 B (2) (a), Table VII
  - b) An area variance for a proposed second (west side) building-mounted sign "(Wendy's"; 29.3 square feet), instead of the one (1) 26-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - c) An area variance for a proposed third (east side) building-mounted sign (Wendy's logo; 29.3 square feet), instead of the one (1) 26-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - d) An area variance for a proposed fourth (north side) building-mounted sign ("Wendy's"; 29.3 square feet), instead of the one (1) 26-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - e) An area variance for a proposed menu order-board sign (13.2 square feet) to be to have a height of 6.2± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
  - f) An area variance for a proposed second menu order-board sign (13.2 square feet) instead of the one (1) 20-square-foot menu board permitted; and for said sign to have a height of 6.2± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
  - g) An area variance for a proposed third menu order-board sign (55.9 square feet), instead of the one (1) 20-square-foot menu board permitted; and for said sign to have a height of 7.2± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
  - h) An area variance for a proposed fourth menu order-board sign (55.9 square feet), instead of the one (1) 20-square-foot menu board permitted; and for said sign to have a height of 7.2± 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 3190 Latta Road (a.k.a. 649-665 Long Pond Road), as outlined above; and

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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.
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.

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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:**

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Abstain</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:**

Mr. Chairman, regarding the application of Muy Hamburger Partners, LLC, 3190 Latta Road (a.k.a. 649-665 Long Pond Road) in a BR (Restricted Business) district, Mr. Ken Bracker appeared before the Board of Zoning Appeals on behalf of Muy Hamburger Partners, LLC this evening, requesting variances for four building-mounted signs listed as items "a" through "d," and for four menu order board signs listed as items "e" through "h."

WHEREAS, the findings of fact are as follows. Again, this evening, Ken Bracker appeared on behalf of Muy Hamburger Partners, discussing the variance for specific signage at Wendy's restaurant at that location. There are four building-mounted signs, and they are listed as items "a" through "d." These signs include a Wendy's logo and the sign with the name "Wendy's" on these locations. It was discussed in the findings of fact that these signs are necessary for the advertising and are standard with the new Wendy's locations in the area. It was brought up that signs were needed on all four sides of the building, based upon the fact that this is located in a plaza and not in the residential area, and the fourth sign on the north side of the building, although there may not be a need for that now, there may be

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a need in the future, based upon the expectations of tenants in that area, so this was all discussed.

Regarding the items pertaining to "e," "f," "g," and "h," these are four menu order-board signs and these also are standard at the new Wendy's locations. The reason for the need is because they will now have a double drive-through, which uses the signs more efficiently, and there will also be pre-sell menu boards used at the Wendy's locations. These are standard-size signs and for consistency purposes, and also will make the drive-through more efficient and have less backup of traffic in the area. With regard to the lighting and the time of lighting, it is assumed that the signs will be lit during the business hours. Based upon the findings of fact, I move to approve this application, with the condition that the applicant apply for all necessary building and signage permits.

**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>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Abstain</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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4. Applicant: LiL Ridgecrest, LLC  
Location: 1978 West Ridge Road, and 24, 32, 44, and 52 Newton Road  
Mon. Co. Tax No.: 074.15-11-01, 074.15-11-02, 074.15-11-03, 074.15-11-04, 074.15-11-05, 074.15-11-27  
Zoning District: BR (Restricted Business)  
Request: a) An area variance for a proposed building (3,500± square feet) to have a (west) corner setback of 22.1 feet (measured from the east right-of-way line of Newton Road), instead of the 25.0 feet minimum required. Sec. 211-17 B (4), Table III  
b) An area variance for a proposed driveway and parking area to be located 12.6 feet to 19.9 feet from the east right-of-way line of Newton Road, instead of the 20.0 feet minimum required. Sec. 211-17 B (4), Table III  
c) An area variance for a proposed 4.0±-foot-high, closed-construction fence (decorative wall) to be located in the front and corner yard, where fences in a front and corner yard shall be of open construction. Sec 211-46L

**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 1978 West Ridge Road and 24, 32, 44, and 52 Newton 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.

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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 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. 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>Absent</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. Hartwig then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of LiL Ridgecrest, LLC, 1978 West Ridge Road, and 24, 32, 44, and 52 Newton Road, in a BR (Restricted Business) district, Michael Montalto, from Costich Engineering, representing LiL Ridgecrest, LLC, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed building (3,500± square feet) to have a (west) corner setback of 22.1 feet (measured from the east right-of-way line of Newton Road), instead of the 25.0 feet minimum required; an area variance for a proposed driveway and parking area to be located 12.6 feet to 19.9 feet from the east right-of-way line of Newton Road, instead of the 20.0 feet minimum required; and an area variance for a proposed 4.0±-foot-high, closed-construction fence (decorative wall) to be located in the front and corner yard, where fences in a front and corner yard shall be of open construction.

WHEREAS, the findings of fact are as follows. Relative to area variance "a" for the 22.1 ft. setback, this is due to a result of a decorative column for an awning that is going to be placed on the west and south sides of the building and that this column would also be necessary for the structural support of this awning. Variance "b," pertaining to the 12.6 ft. to 19.9 ft. setback for the parking area, this is required as to have necessary parking for retail patrons to this facility, as the lower lots will be used primarily with employees. Variance "c," an area variance for a proposed 4.0±-foot-high, closed-construction fence, it actually will be a 3-foot-high fence; however, it will be decorative and is in place for safety and protection purposes and it is consistent with similar projects in the area, mainly walls around the Chick-fil-A location and the Panera Bread location, also on West Ridge Road. Therefore, I move to approve this application, with the following conditions:

1. That all building permits and necessary governmental permits be obtained.
2. And that this approval is subject to Planning Board approval.

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**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>Absent</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 Conditions**

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BOARD OF ZONING APPEALS MINUTES  
February 5, 2019

**ADJOURNMENT:** 8:46 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 19, 2019