



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**FEBRUARY 20, 2018**

**Work Session Began: 6:30 p.m.**

**Meeting Began: 7:00p.m.**

**Place: Community Conference Room, Greece Town Hall**

### **Present**

Albert F. Meilutis, Chairman

Andrew P. Forsythe

Thomas F. Hartwig

Randy T. Jensen

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**

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

### **Announcements**

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**Old Business:**

1. Applicant: Robert Minnick  
Location: 1430 Edgemere Drive  
Mon. Co. Tax No.: 035.09-1-15  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed deck (1163± square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 153.0± feet (measured from the north right-of-way line of Crescent Beach Road, aka Old Edgemere Drive) instead of the 118.5± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I  
b) An area variance for a proposed deck (1163± square feet) to have a (east) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I  
c) An area variance for a proposed deck (1163± square feet) to have a (west) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I  
d) An area variance for proposed lot coverage of 56±%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

**On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of March 6, 2018 per the request of the applicant.**

<b>VOTE:</b>	<b>Mr. Forsythe</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 6, 2018**

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2. Applicant: 4320 West Ridge, LLC  
Location: 4232-4350 West Ridge Road  
Mon. Co. Tax No.: 073.01-1-3, 073.01-1-4, 073.01-1-5, 073.01-1-6, 073.01-1-7,  
073.01-1-21, 073.01-2-63, 073.01-2-64.111, 073.01-2-64.12,  
073.01-2-68.1 (part)  
Zoning District: BG (General Business)  
Request: a) A special use permit to operate a motor vehicle service  
station. Sec. 211-17 C (3) (b) [2], Sec. 211-35  
b) A special use permit to operate a gasoline dispensing station.  
Sec. 211-17 C (3) (b) [1], Sec. 211-34  
c) An area variance for a proposed gasoline dispensing canopy  
to have an area of 5640 square feet, instead of the 1500 square  
maximum permitted. Sec. 211-34 C

**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 June 19, 2018 per the request of the applicant.**

<b>VOTE:</b>	<b>Mr. Forsythe</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 June 19, 2018**

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**New Business:**

1. Applicant: Starbucks  
Location: 100 Center Place Drive  
Mon. Co. Tax No.: 074.20-1-13.1  
Zoning District: BR (Restricted Business)  
Request:
  - a) An area variance for a proposed second (east side) building-mounted sign (Starbucks' Logo; oval shaped; 25.0 square feet), instead of the 16.0 square feet granted by the Board of Zoning Appeals on November 14, 2006. Sec. 211-52 B (2) (a) [1]
  - b) An area variance for a proposed freestanding directional sign (1.3 feet x 2.6 feet; 3.4 square feet) to contain the Starbucks logo, where logos shall not be included in any informational or directional sign. Sec. 211-52 B (3) (b) [3]

**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 100 Center Place 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.

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

<b>VOTE:</b>	<b>Mr. Forsythe</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:**

Mr. Chairman, regarding the application of Starbucks, 100 Center Place Drive, Jay Hurzy, of Sign and Lighting Services, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second (east side) building-mounted sign (Starbucks' Logo; oval shaped; 25.0 square feet), instead of the 16.0 square feet granted by the Board of Zoning Appeals on November 14, 2006; and an area variance for a proposed freestanding directional sign (1.3 feet x 2.6 feet; 3.4 square feet) to contain the Starbucks logo, where logos shall not be included in any informational or directional sign.

WHEREAS, the findings of fact are as follows. This applicant is Starbucks at 100 Center Place Drive and appearing in front of this board on behalf of Starbucks is Mr. Jay Hurzy from Sign & Lighting Services. He was requesting the following two items: 1) An area variance for a proposed second (east side) building-mounted sign (Starbucks' Logo; oval shaped; 25.0 square feet), instead of the 16.0 square feet granted by the Board of Zoning Appeals on November 14, 2006; and 2) an area variance for a proposed freestanding directional sign (1.3 feet x 2.6 feet; 3.4 square feet) to contain the Starbucks logo, where logos shall not be included in any informational or directional sign. The applicant has agreed to withdraw item "b," and the reason for item "a" is basically the visibility of the larger sign and due to some of the changes in the sign packaging from the company.

At this point, I move to approve this action, with the following conditions:

1. That item "b" is withdrawn.
2. That the sign cannot be lit, as previously agreed upon, between midnight and when they open at 5:00 a.m.
3. The applicant and the property owner relinquish the variance that was previously granted for the 16.0-square-foot sign on November 14, 2006.

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

<b>VOTE:</b>	<b>Mr. Forsythe</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 Conditions**

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2. Applicant: Vision Hyundai  
Location: 3740 West Ridge Road  
Mon. Co. Tax No.: 073.02-1-72.2  
Zoning District: BG (General Business)  
Request: A special use permit for the temporary sale of new and used cars and trucks; and for the temporary outdoor storage or display of motor vehicles. Sec. 211-17 C (3) (b) [3], Sec. 211-17 C (3) (b) [4]

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3740 West Ridge Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes 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>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</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>		

**Motion Carried**

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

Mr. Chairman, regarding the application of Vision Hyundai, 3740 West Ridge Road, Jerry Yannatone from Vision Hyundai, 2525 West Henrietta Road, appeared before the Board of Zoning Appeals this evening, requesting a special use permit for the temporary sale of new and used cars and trucks; and for the temporary outdoor storage or display of motor vehicles.

WHEREAS, the findings of fact are as follows. This evening, Jerry Yannatone from Vision Hyundai, Henrietta, 2525 West Henrietta Road, came before the Board of Zoning Appeals, requesting a special use permit for the temporary sale of new and used cars and trucks, and for the temporary outdoor storage or display of motor vehicles. This is for a used car sale in existing parking spaces in Elmridge Center, where said storage or display shall not impede the passage of pedestrians, fire lanes, driveways, or any parking spaces. The applicant did submit a site map of the location of this tent sale, and has now been submitted to the staff. The applicant is planning on having a tent sale on two different dates within five months; the first one will be from May 11th through May 19th, and the second one will be from September 20th through September 29th. The hours of operation will be from 9:00 a.m. to 7:00 p.m., Monday through Friday; Saturday, from 9:00 am to 6:00 p.m.; and Sunday from 9:00 a.m. to 5:00 p.m. This will be in the parking lot of Elmridge Plaza, in front of the former Tops supermarket, which is currently not being used. The applicant stated that they will be selling used cars, and they will be having approximately 100 cars for sale. The applicant also stated that they will have 10 employees and they will have a 30-foot x 40-foot tent. All necessary paperwork has been submitted to the Town, and will be approved once the Board of Zoning Appeals approves this special use permit. There will be no portable buildings; they will have a tent. The applicant also stated that there will be a designated area for customer parking, and the applicant is also aware that no pedestrian travel or passages of pedestrians should be obstructed. The fire lanes will not be blocked, and also the driveways will not be blocked. The applicant also stated that there will be balloons only on the antennas of the vehicles, and there will be no other materials besides normal signage to identify the tent sale area. This will include no hot air/cloud balloons, no outdoor sound systems, no exterior lighting other than the lighting of the car area in September to help customers shop through the car areas. Also, the applicant has DMV approval for this sale.

Therefore, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Section 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), I move to approve this special use permit request submitted by Vision Hyundai for a special use permit for the temporary sale of new and used cars and trucks; and for the temporary outdoor storage or display of motor vehicles, subject to the following conditions:

1. The Applicant shall operate this temporary sale of new and used cars and trucks, and for the temporary outdoor storage or display of motor vehicles in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, 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 maximum occupancies in this temporary sale of new and used cars and trucks, and for the temporary outdoor storage or display of motor vehicles shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York

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State Uniform Fire Prevention and Building Code. Failure to comply with such requirements may be grounds for revocation of this special use permit.

4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
7. Upon the sale or other transfer of controlling interest in this temporary sale of new and used cars and trucks, and for the temporary outdoor storage or display of motor vehicles to any persons or entity other than Vision Hyundai, 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. This will be a special use permit that will be in place from this approval date to October 1, 2018.
9. The applicant will obtain all necessary permits and special event permits from the Town and meet all requirements set forth by the Town.

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

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>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>		

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

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3. Applicant: Bill Gray's, Inc.  
Location: 1161 North Greece Road  
Mon. Co. Tax No.: 073.01-2-26.22  
Zoning District: BR (Restricted Business)  
Request: a) An area variance for a proposed second (east side) building-mounted sign ("Abbott's"; 4.2 feet x 9.1 feet; 32.8 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
b) An area variance for a proposed third (east side) building-mounted sign ("Bill Gray's Tap Room"; 3.0 feet x 12.0 feet; 36.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
c) An area variance for a proposed fourth (south side) building-mounted sign ("Bill Gray's"; 4.0 feet x 16.0 feet; 64.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
d) An area variance for a proposed fifth (south side) building-mounted sign ("Abbott's"; 5.0 feet x 11.0 feet; 55.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
e) An area variance for a proposed sixth (south side) building-mounted sign ("Bill Gray's Tap Room"; 4.0 feet x 10.0 feet; 40.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
f) An area variance for a proposed seventh (west side) building-mounted sign ("Bill Gray's" and "Bill Gray's Tap Room"; 4.0 feet x 12.0 feet; 48.0 square feet), instead of the one (1) 156-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

**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 6, 2018 in order to give staff time to re-advertise changes discussed and proposed by the applicant.**

<b>VOTE:</b>	<b>Mr. Forsythe</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 6, 2018**

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**ADJOURNMENT:** 7:55 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: March 6, 2018**