



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

APRIL 4, 2023

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Sharon M. Quataert

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Jon Mead, Staff Advisor to the Zoning Board

Maryjo Santoli, Planning & Zoning Board Secretary

Absent

Additions, Deletions and Continuances to the Agenda

Closed & Reserved: Alejandro Duran, 281 Stafford Way and Bruce Darling, 267 & 279 Lake Shore Drive

Decorum Policy

Announcements

OFFICE OF PLANNING & ZONING

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PUBLIC HEARINGS

Old Business-TBD

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

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 281 Stafford Way, for a variance, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence

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from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

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Mr. Chairman, with regard to the application of Alejandro Duran (the "Applicant") of 281 Stafford Way (the "Property"), the Applicant appeared before this Board on February 21 to request an area variance to allow 11 chickens to be kept on a residential lot of 0.3 acres, where such use is only allowable on a residential property of 10 acres or more.

The findings of fact are as follows:

The applicant first appeared before this Board at a hearing on February 7, 2023.

The applicant stated that he has lived at the address for 1 year, and that he was unaware that chickens are not allowed by right. The chickens are for eggs (not for meat). The applicant initially had a rooster, which led to a noise complaint. The applicant has since gotten rid of the rooster, and now has only 11 hens. The property is 0.3 acres, and is surrounded by residential homes in close quarters, including a lot containing townhouses abutting the rear yard. The accessory structure related to the use consists of a shed, which functions as the coop, and an enclosed run. A portion of the shed extends into the Town's drainage easement, but is covered by a license agreement with the previous owner from 1999. The enclosed run is located entirely in the drainage easement. The board asked the applicant about waste runoff from the run in the case of rain. The applicant stated that the sand under the run area provides drainage to prevent runoff.

Prior to the public hearing, Town staff received comments from residents, and the following is a summary of their concerns and comments:

Richard and Bernadette Vacchetto at 239 Stafford Way: concerns about the effect on the character of the neighborhood.

Charley Hannon of 297 Stafford Way: concerns about the noise and potential contamination from waste.

Linda and Fred Ruffalo of 305 Stafford way: concerns about the character of the neighborhood.

Fredrick Garwood of 245 Stafford Way: concerns related to smell and potential attraction of predators, as well as the residential character of the neighborhood.

Daniel Angarano of 11 King Arthurs Court: concerns about attracting predators, smell, noise, and neighborhood character.

Virgil Lombardi of 253 Stafford Way: concerns about attracting pests and predators.

During the public hearing, the Board received comments from Mr. Tom Kolankiewicz of 10 King Arthurs Court. Mr. Kolankiewicz is opposed to the application, stating concerns about visual and noise impacts on the neighborhood, in addition to the potential to attract predators to the area. He indicated that he had spoken to other neighbors who were also opposed to the variance, but didn't indicate their names or addresses.

The Board concluded the public hearing of February 7th by continuing the application to the meeting of March 7th, in order to give the applicant time to make a plan to address the board's concerns.

At the meeting of March 7, the applicant was not in attendance, but one neighbor provided public comment. Ian Stahl, the property manager of Richland Townhomes, which abut the applicant's property to the south, spoke on behalf of the 8 tenants of the townhomes, who all cited concerns about the smell and noise of the chickens. Mr. Stahl also noted in an email to the Town that several interested individuals chose not to rent a vacant town home because of concerns about the chickens. The Board concluded the public hearing of March 7th by continuing the application to the meeting of March 21st.

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The applicant again appeared before the Board on March 21st, at which time the applicant offered to remove the chickens and take down the coop to bring his property into conformance with the Code. He requested the Board grant him time to remove and relocate the chickens, due to the difficulty of transporting them in winter conditions. The Board concluded the public hearing of March 21st by closing the hearing and reserving decision for this meeting, April 4, 2023.

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 chickens would change the character of the neighborhood and would have a negative effect on nearby properties. The noise, smell, and possibility of attracting predators and pests affect the neighboring properties directly.
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 benefit to the applicant of owning chickens can be achieved without the need of an area variance if the applicant purchases or secures the use of a property of 10 acres or more in the Town. Likewise, the benefit could be achieved with less land if the adjoining neighbors were in support of the application, as the board has granted such area variances in the past.
3. Whether the variance is substantial: While the board has granted area variances for farm animals in the past, it has never granted one for so many chickens on such a small lot. The variance requested is substantial.
4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district: The coop is located in a drainage easement granted to the Town. This is in addition to the concerns raised about predators, pests attracted by chicken feed and potential contamination from the feces. The largest potential for physical impact is the smell of chickens. Even when very well taken care of, chickens on a lot of this size create smells perceptible to adjoining neighbors.
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: The difficulty was self-created. The Town Code is clear on the conditions necessary for a resident to have farm animals. The applicant was not aware of the Town Code when he built the coop and the chickens, and is willing to remove the coop and chickens to bring his property into conformance with the Code.

Therefore, I am going to move to deny the application as requested with a condition that a recommendation by the board to include code compliance to work with the applicant in

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regards with timing and to not cite them right away so as to allow them time to find homes for the chickens without bringing them to court right away. The individual has been very forthcoming and said he would work with the Town.

So moved.

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

Mr. Hartwig did second the vote, but before we moved forward to take the board vote on this, Mr. Meilutis asked the board to reconsider the negative declaration that was declared and set it aside, because not knowing that the fine job of the findings of fact were presented in the motion for denial, it is clear that there is an adverse effect on the neighborhood, therefore I ask the board to take a motion to withdraw the negative declaration on that.

There was a motion by Mr. Wechsler and seconded by Ms. Andreano to withdraw the negative declaration:

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

Now there was a motion again by Mr. Wechsler to deny the application with condition: Again, Therefore, I am going to move to deny the application as requested with a condition that a recommendation by the board to include code compliance to work with the applicant in regards with timing and to not cite them right away so as to allow them time to find homes for the chickens without bringing them to court right away. The individual has been very forthcoming and said he would work with the Town.

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

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

**Motion Carried
Application Denied
With Condition**

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

267 Lake Shore Drive

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

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

279 Lake Shore Drive

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

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 267 & 279 Lake Shore Drive, as outlined above; and

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

1. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (2), (11), (13), (16) & (17).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, with regard to the application of Bruce Darling (the "Applicant"), 267 & 279 Lake Shore Drive the applicant appeared before this board requesting an area variance to have farm animals (19-20 Chickens) on a single-family residential premises, where said animals are only permitted to be kept on a farm (at least 10 acres). The Applicant also requested an area variance for an existing garage (8.5 feet x 24.5 feet; 208.3 square feet) resulting in two (2) accessory structures on a lot without a principal structure, instead of the one (1) accessory structure previously granted by the Board of Zoning Appeals on June 15, 2010. Lastly, the applicant requested an area variance for an existing shed (10.0 feet x 12.0 feet; 120.0 square feet) located on a lot without a principal structure.

The findings of fact are as follows:

The parcels in question are two lots without primary structures across the street from the lot where the applicant has his primary residence. The parcel is wooded, but has residential homes directly adjacent to it on three sides (North, East, and West). The parcels are zoned R1-E and consists of 0.92± combined acres.

Mr. Darling appeared before this board on January 17, and stated that he has kept chickens on his property for ±10 years. He initially had 7 chickens, but increased the total around 2020-2021 to the current count. He has an interest in sustainable agriculture, and got the chickens as a hobby. The eggs are used by the applicant's household or given away to friends, family and colleagues. He testified that the lifespan of his chickens are estimated to be 7 years, and that the current flock is mostly one year old. This board raised the concerns of noise and drawing predators to the area. Mr. Darling contended that he has dealt with minks that were threatening his chickens, but he disagrees that the chickens draw predators to the area. He rather contends that the predators are already in the area, as there is a wetland preserve abutting the rear of the lot in question. When asked about the waste from the chickens, Mr. Darling stated that the waste in the coop structure is periodically taken out and added to garden and household compost, while the waste in the outdoor fenced-in area remains on the ground, with periodic additions of leaves and yard cuttings to aid in the natural breakdown process. The Board expressed concern with granting an area variance for the chickens with regard to the fact that their remaining natural life, according to the applicant, would be ±6 years, which is a substantial period for agricultural practice to happen in a residential area. There is also concern with setting a precedent of granting a much larger number of chickens than the Board has in the past.

The requested variances for the second accessory structure on 267 Lake Shore (the coop and attached run), and the accessory building on a lot without a primary structure on 279 Lake Shore drive (120 square ft shed) were then discussed. Mr. Darling testified that he uses the two sheds (one granted a variance by this board in 2010) for storage of garden and

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lawn equipment, as well as spare construction materials for the irrigation projects on the property. The applicant stated that prior to building the second shed, some of the stored items were stored in the his attached garage at 280 Lake Shore drive. Also, some of the equipment and tools have been acquired since it was built, which was around 2019 in the applicant's estimation.

At the same meeting, the Board received testimony from the following neighbors: Mr. Mike Bellaire, who resides at 253 Lake Shore Drive, which is directly adjacent to 267 Lake Shore, spoke in opposition to the chicken area variance, citing the smell and the noise as a major personal nuisance. Jessica Wojick, who resides at 266 Lake Shore Drive, which is across Lake Shore Drive from the lot in question, spoke in opposition to the chicken variance. She testified to the noise of the rooster crowing and the increase in large predators in the area since the number of chickens has increased.

In addition, the following neighbors wrote in to voice their concerns with the application: Daniel and Debra Hallowell wrote in opposition to the variance, citing incompatibility with the surrounding small-lot residential properties.

The board concluded that evening's meeting by continuing the application to the February 7th Zoning Board meeting to allow Code Enforcement to inspect the accessory structures and look for any violations.

Prior to the meeting of February 7, Mr. Darling requested the application be continued to February 21st.

Mr. Darling again appeared before the Board on February 21st, at which meeting the Board asked him questions about the number of eggs the chickens produce, and if the applicant had a plan to reduce the flock. No such plan was given at the meeting. Staff reported the Town's Building Department's comments after walking the site. Their only comments were related to outdoor storage of building supplies and concerns with the semi-permanent electrical extension cords used extensively throughout the site. The board concluded that evening's meeting by continuing the application to the March 7th Zoning Board meeting to allow Mr. Darling to create a plan, as requested, to reduce the flock to zero, and a timeline in which to execute said plan.

Prior to the March 7 Zoning Board meeting, Mr. Darling requested that the application be continued to March 21st Zoning Board meeting due to a personal matter, so the application was continued to that date.

Mr. Darling again appeared before this Board on March 21st, at which time he proposed to this Board that he be allowed to rehome 13 of his chickens to an individual in Corning, NY, but for the board to give him through the end of April to do so, because of the difficulties of transporting the chickens in cold weather. He also proposed that he be allowed to keep 7 chickens for their remainder of their natural lives, and not replace them as they become deceased. The time frame for complete removal of the chickens from the property would thus be variable, and based on the aforementioned average lifespan of chickens and the age of these chickens specifically, could be as long as 6 years. After comments from the same aforementioned neighbors (Mr. Hallowell, Ms. Wojick, and Mr. Bellaire) reiterating their opposition to the variance and to the applicant's proposed plan, the Board closed the public hearing and reserved decision until this meeting.

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This Board is charged with evaluating the information provided and making a decision based on the existing and proposed uses affecting the site. Based on all the data received, the Board of Zoning Appeals shall consider the benefit to the applicant, weighed against the detriment to the health, safety and welfare of the neighborhood or community, using the following criteria:

1. An undesirable change will be produced in the character of the neighborhood and will be a detriment to nearby properties should this variance be granted. After carefully considering the information presented and listening to all the testimony pertaining to this application, it is my belief that the continued harboring of these chickens, at this location, would indeed change the character of the neighborhood and be a detriment to nearby properties. We have heard testimony from several neighbors that the chickens' smell, noise, and interaction with predators amount to an undesirable change in the neighborhood.

Previously, this Board has granted variances for the harboring of chickens at residential locations. However, in all cases, the applicants had parcels in excess of one acre, and applications had the coop far enough away from neighboring homes so as not to disturb residents with noise or odors. In prior approvals, the applicants had support from neighbors, with no opposition; in this case, neighbors have cited valid reasons for opposition.

2. The benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue. The applicant has not provided compelling testimony for the approval of an agricultural use on a lot less than a tenth of the size of the what the Town requires for a "Farm." The benefit of recreational agriculture to the applicant certainly exists, but is inappropriate for this location. Other forms of recreation and companionship are permitted on this lot that provide a similar benefit. As for food resilience and/or sustainability, the principle is admirable, but impractical at this location. If agricultural practices are an important benefit to the applicant, he must find a location in which such practices are permitted by the Town in ways that do not negatively impact the residential adjoining lots.
3. The requested area variance is substantial in the context of this application. As mentioned above, the board has, on occasion, granted variances for the lives of a few existing chickens. It has never granted one for so many, and in cases where it has, the variance has had support from neighbors. Based on the number of chickens requested and the long duration of the variance requested (potentially 6 years or more), the variance requested is substantial.
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Most of the concerns with this application stem from the adverse effect on physical or environmental conditions. Sound, smell, and attraction of predators are all factors to consider, in addition to any disease that might be spread from a concentration of poultry.
5. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. In this case, the self-created difficulty can be avoided by rehoming the chickens on the property. The area is too small to accommodate agricultural

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practices, and the adverse effects have been confirmed by the testimony of neighbors.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA regulations, requiring no further action by this Board, I move to approve variance "a" of 279 Lake Shore Drive, for a 120-square-foot shed on a property without a principal structure, subject to the following conditions:

1. That all permits be obtained from the building department.
2. That all building and plumbing materials be stored inside the structures and not in piles on the property.

Also Based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Sections 267-b and 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), I move to deny variances a) and variance b) of 267 Lake Shore Drive with a condition that a recommendation by the board to include code compliance to work with the applicant in regards with timing and to not cite them right away so as to allow them time to find homes for the chickens without bringing them to court right away.

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

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

Motion Carried

Variance "a" of 279 Lake Shore Drive Approved With Conditions

Variance "a" & "b" of 267 Lake Shore Drive Denied With Condition

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PUBLIC HEARINGS

New Business

1. Applicant: Premier Sign Systems, LLC
Address: 470 Long Pond Road
Mon. Co. Tax No.: 045.01-1-6.101
Zoning District: BP (Professional Office)
Request: An area variance for a proposed second building-mounted (North side) sign (8 ft by 2.66 ft; 21.2 sq. ft.), where one 50 sq. ft. building-mounted sign is permitted. § 211-56B(2)(a)[1]

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 470 Long Pond Road, for a variance, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.

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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:

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

Motion Carried

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

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WHEREAS, with regard to the application of Premier Sign Systems, LLC, 470 Long Pond Road, in a BP (Professional Office) zoning district, Mr. Craig Tesler from Premier Sign Systems representing 470 Long Pond Road, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second building-mounted (North side) sign (8 ft by 2.66 ft; 21.2 sq. ft.), where one 50 sq. ft. building-mounted sign is permitted.

WHEREAS, the findings of fact are as follows. The applicant has given testimony that it will be lit during operational hours. The Town has said that no neighbors have come forth in complaint of any illumination. Therefore, I move to approve this application.

So moved.

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

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

Motion Carried
Application Approved
With Condition

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2. Applicant: Pike Conductor Dev1
Address: 55 McLaughlin Road
Mon. Co. Tax No.: 089.04-1-3.3
Zoning District: IG (General Industrial), EDIO (Economic District Overlay)
Request:
- a) An area variance for a proposed building-mounted sign (East side) ("Li-Cycle," 30 ft. by 9.66 ft.; 290 sq. ft.), instead of the 275 sq. ft. maximum permitted. § 211-56B(1)(a)[1], Table VII
 - b) An area variance for a proposed second building-mounted sign (North side) ("Li-Cycle" 22.19 ft. by 7 ft.; 155.3 sq. ft.), instead of the one 275 sq. ft. maximum permitted. § 211-56B(1)(a)[1], Table VII
 - c) An area variance for a proposed third building-mounted (West side) ("Li-Cycle," 22.19 ft. by 7 ft.; 155.3 sq. ft.), instead of the one 275 sq. ft. maximum sign permitted. § 211-56B(1)(a)[1], Table VII

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 55 McLaughlin Road, for a variance, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.

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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 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 Ms. Andreano and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Pike Conductor Dev1, 55 McLaughlin Road, in an IG (General Industrial) zoning district and EDIO (Economic District Overlay) zoning district, Mr. Andrew Saskowski appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed building-mounted sign (East side) ("Li-Cycle," 30 ft. by 9.66 ft.; 290 sq. ft.), instead of the 275 sq. ft. maximum permitted, an area variance for a proposed second building-mounted sign (North side) ("Li-Cycle" 22.19 ft. by 7 ft.; 155.3 sq. ft.), instead of the one 275 sq. ft. maximum permitted and an area variance for a proposed third building-mounted (West side) ("Li-Cycle," 22.19 ft. by 7 ft.; 155.3 sq. ft.), instead of the one 275 sq. ft. maximum sign permitted.

WHEREAS, the findings of fact are as follows. This evening Mr. Saskowski mentioned that the need for the three signs is for building identification on the east, north and west sides. The east side sign will be the main sign. It will be a perforated screen and it will not be illuminated. The north and west signs will be individual letters that will be placed on the building. They will be internally illuminated and the hours of illumination of these two signs will be dusk till dawn. He also mentioned that the size of these signs are necessary due to the distance from the road that the signs would be and also people traveling on the roads in question would need signs of this size to recognize their destination. As such, I move to approve these variances with the following conditions:

1. That all permits be obtained.
2. That the approvals are just for the life of the signs.
3. And that the hours of illumination will be dusk to dawn.

So moved.

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

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

Motion Carried
Application Approved
With Condition

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3. Applicant: Kelly Blessing
Address: 112 Rosecroft Drive
Mon. Co. Tax No.: 075.10-4-31
Zoning District: R1-E(Single Family Residential)
Request: An area variance for nine (9) dogs in a dwelling unit, instead of the maximum three (3) dogs permitted per dwelling unit. § 211-33A

On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to close the public hearing on this application and reserve decision until the meeting of April 18, 2023.

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

Motion Carried
Application Closed and Decision Reserved
Until the Meeting of April 18, 2023

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4. Applicant: Adelina Gallelli
Address: 271 West Hill Estates
Mon. Co. Tax No.: 088.04-2-67
Zoning District: R1-E (Single Family Residential)
Request: An area variance for a proposed principle structure to have a front setback of 65.9 feet (measured from the right of way of West Hill Estates), instead of the 74.5 feet minimum permitted. § 211-11D(2), Table I

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 271 West Hill Estates, as outlined above; and

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

1. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (2), (11), (13), (16) & (17).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Adelina Gallelli, 271 West Hill Estates, in an R1-E (Single-Family Residential) zoning district, Mr. Dave Matt from Schultz Associates appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed principle structure to have a front setback of 65.9 feet (measured from the right of way of West Hill Estates), instead of the 74.5 feet minimum permitted.

WHEREAS, the findings of fact are as follows. The reason for this particular variance is due to the unusual lot shape and the structure of the lot, this is the ideal location for the

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home to be put. The original setback was 50.0 ft. and some recent changes in the zoning laws made that change to neighborhood average, which is why the setback is now 74.5 feet. The neighbors at 281 West Hill Estates have signed off on the site plan and therefore are ok with this.

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 regulations, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That the applicant adhere to all building codes.
2. And that the applicant apply for all necessary permits.

So moved.

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

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

Motion Carried
Application Approved
With Conditions

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5. Applicant: Lakeshore Community Church
Address: 3651 Latta Road
Mon. Co. Tax No.: 044.03-2-12.3
Zoning District: R1-44 (Single Family Residential)
Request: An area variance for a proposed six (6) foot high chain-link open construction fence (Aprox. ±210 feet), of which ±190 feet is located in a front yard, instead of the four (4) foot open construction fence permitted. § 211-50L

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3651 Latta Road, for a variance, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that

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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:

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

Motion Carried

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

WHEREAS, with regard to the application of Lakeshore Community Church, 3651 Latta Road, in an R1-44 (Single-Family Residential) zoning district, Pastor Vince DiPaola and Frank De Luccio representing the church, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed six (6) foot high chain-link open construction fence (Aprox. ±210 feet), of which ±190 feet is located in a front yard, instead of the four (4) foot open construction fence permitted.

WHEREAS, the findings of fact are as follows. Mr. Vince DiPaola and Frank De Luccio as representatives of the Lake Shore Community Church application have come before us to request a proposed fence. The requested fence will be installed by Regency Fence Company, which is a commercial fence contractor. The fence is a 6.0 ft. chain-link open construction fence. The golden timeline for that installation would basically be immediate. The requested fence would be positioned beginning at the easement feed into the pond at the north end of the property, approximately 230 ft. from Latta Road and the other end of the fence would end at the north side of the interconnecting driveway. The fence would be positioned so as not to block the ingress or egress of that driveway. The applicants explained that the fence is needed to address the following issues:

#1. Safety in the daytime; there is an excessive amount of traffic and unwelcomed parking from nonchurch visitors who may or may not be visiting the ball fields. They have had 19 years of ongoing issues regarding that concern.

#2. Security; The applicants have been noted that political threats are a real issue and they need to have an actionable protection plan for all of those who visit their church.

The fence request is part of a larger plan that is not before the board tonight, but the fence is in context part and parcel of that plan. A letter was received by the adjacent neighbor that is part of the record. This letter referenced an agreement over cooperative and shared use of the driveway for visitors use and that neighbor opposed the fence application. That neighbor came before the board tonight and was represented by Krysten Kaanana and she is the President of the Greece Little League and Ms. Kaanana noted that there two chief concerns were the swale and the water issues that they have regularly had over the years and that the agreement from 2003 be met and followed. The applicants did provide information to explain that the fence will not prevent or block use of that driveway, so it seems that the agreement is being honored by the applicant. Based on the information above, I move to approve this application with the following conditions:

1. That the applicant obtains the required permits.
2. That the approval is for the life of the fence.
3. And that the fence will not fall within the easement, and to be determined by Town of Greece Town staff prior to the erection of the fence as to where that fence is going to stay out of the easement.

So moved.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	No	Mr. Meilutis	Yes
	Ms. Quataert	Yes	Mr. Shea	Yes
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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ADJOURNMENT: 9:25 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, April 18, 2023