



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**APRIL 17, 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 (Left meeting at 8:10)

Thomas F. Hartwig

Randy T. Jensen

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

### **Absent**

Cathleen A. Nigro

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

### **Announcements**

BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

**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  
e) An area variance for a proposed 6.0-foot-high, closed-construction fence (19± linear feet) on a proposed deck in a waterfront yard, where fences on decks are permitted only in rear yards; and for said fence to have a (west) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-47 C

**On a motion by Mr. Jensen and seconded by Mr. Shea, it was resolved to close the public hearing on this application and reserve decision until the meeting of May 1, 2018.**

<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>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Closed and Decision  
Reserved Until the Meeting of May 1, 2018**

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BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

2. Applicant: Walmart Real Estate Business Trust  
Location: 3800 Dewey Avenue  
Mon. Co. Tax No.: 060.10-1-1.1, 060.10-1-15.1 & 060.10-1-16.1  
Zoning District: BG (General Business)  
Request: a) An area variance for proposed fifth (west side) building-mounted sign ("Lawn & Garden"; 58.35 square feet), instead of the four (4) building-mounted signs granted by the Board of Zoning Appeals on February 1, 2011. Sec. 211-52 B (2) (a) [1]  
b) An area variance for proposed sixth (west side) building-mounted sign ("Pickup"; 65.43 square feet), instead of the four (4) building-mounted signs granted by the Board of Zoning Appeals on February 1, 2011. Sec. 211-52 B (2) (a) [1]  
c) An area variance for a proposed (west side) building-mounted sign ("Grocery") to have a sign area of 41.05 square feet, instead of the 28.2 square feet granted by the Board of Zoning Appeals on February 1, 2011. Sec. 211-52 B (2) (a) [1] & Sec. 211-52 B (2) (c) [1], Table VII

**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 3800 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.

BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

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.

BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

**Seconded by Mr. Wechsler 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>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</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 Walmart Real Estate Business Trust, 3800 Dewey Avenue, Latisio Martinez, representing Walmart Real Estate Business Trust from 1705 South Walton Boulevard, Bentonville, Arkansas, appeared before the Board of Zoning Appeals on April 3rd, where she gave testimony along with this evening, requesting an area variance for proposed fifth (west side) building-mounted sign ("Lawn & Garden"; 58.35 square feet), instead of the four (4) building-mounted signs granted by the Board of Zoning Appeals on February 1, 2011; an area variance for proposed sixth (west side) building-mounted sign ("Pickup"; 65.43 square feet), instead of the four (4) building-mounted signs granted by the Board of Zoning Appeals on February 1, 2011; and an area variance for a proposed (west side) building-mounted sign ("Grocery") to have a sign area of 41.05 square feet, instead of the 28.2 square feet granted by the Board of Zoning Appeals on February 1, 2011.

WHEREAS, the findings of fact are as follows. On the motion, the applicant has agreed to withdraw request "b" for the "Pickup" sign for 65.43 square feet, and the applicant has also agreed to withdraw "c," which would be changing the "Market" sign over to "Grocery," which was already approved on February 1, 2011.

Regarding the request "a" for the area variance for the "Lawn & Garden" sign, the reason for this "Lawn & Garden" sign is for direction for customers. Walmart is part of the Dewey Avenue mixed-use corridor and is in Northgate Plaza, which is a large plaza that has several stores. With several different entrances at the Walmart store, this will give customers a better direction to find the "Lawn & Garden" section in the large plaza. This sign will not be lit and the applicant has agreed from the proposal of 58.35 square feet, to drop the sign down to 37.34 square feet.

I move to approve request "a" at 37.34 square feet, with the condition that the applicant obtain all necessary permits.

BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

**Seconded by Mr. Wechsler 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>Absent</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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BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

**New Business:**

1. Applicant: Larry Stojkovic  
Location: 97 Kirkstone Pass  
Mon. Co. Tax No.: 059.03-5-71  
Zoning District: R1-E (Single-Family Residential)  
Request: a) A special use permit for a proposed in-law apartment (385± square feet) in an existing single-family dwelling. Sec. 211-11 (C) (2) (e)  
b) An area variance for a proposed deck (17.0 feet x 18.0 feet; 306.0 square feet) to be located in a side yard, where accessory structures, such as decks, are permitted only in rear yards. Sec. 211-11 E (3)

**On a motion by Mr. Hartwig and seconded by Mr. Jensen, it was resolved to close the public hearing on this application and reserve decision until the meeting of May 1, 2018.**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</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>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Closed and Decision  
Reserved Until the Meeting of May 1, 2018**

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BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

2. Applicant: Kevin Gielenfeldt  
Location: 720 North Greece Road  
Mon. Co. Tax No.: 044.04-2-41  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (247± linear feet) to be located in a front yard of a corner lot, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46 L  
b) An area variance for a proposed 6.0-foot-high, closed-construction fence (10± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot (623 Raspberry Patch Drive), where fences shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-47 A (1)

**On a motion by Mr. Shea and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of May 1, 2018.**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</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>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
Meeting of May 1, 2018**

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BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

3. Applicant: Robert Johansson  
Location: 1226 Edgemere Drive  
Mon. Co. Tax No.: 035.09-1-43  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed deck (13.5 feet x 22.6 feet: 305.1 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 202.5± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 200± feet maximum as established by the neighborhood average. Sec. 211-11 E (3)  
b) An area variance for a proposed deck (305.1 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 (305.1 square feet) to have a (west) side setback of 2.4 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I  
d) An area variance for an existing shed (84.2 square feet) to have a (west) side setback of 0.5 feet, instead of the 4.0 feet minimum required. Sec. 211-11 E (1), Table I  
e) An area variance for proposed lot coverage of 25.4±%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

**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 1226 Edgemere 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</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>Absent</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 Robert Johansson, 1226 Edgemere Drive, in an R1-E (Single-Family Residential) district, Mr. Johansson appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (13.5 feet x 22.6 feet: 305.1 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 202.5± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 200± feet maximum as established by the neighborhood average; an area variance for a proposed deck (305.1 square feet) to have a (east) side setback of 0.0 feet, instead of the 6.0 feet minimum required; an area variance for a proposed deck (305.1 square feet) to have a (west) side setback of 2.4 feet, instead of the 6.0 feet minimum required; an area variance for an existing shed (84.2 square feet) to have a (west) side setback of 0.5 feet, instead of the 4.0 feet minimum required; and an area variance for proposed lot coverage of 25.4±%, instead of the 25% maximum permitted.

WHEREAS, Mr. Johansson mentioned that he has owned the property for approximately 1 1/2 years and the need for the deck is to maintain a continuous level from his house to a concrete pad along the lakeshore. Currently, there is a five-foot deck in place that will be removed; the existing deck will be removed for this new structure. Mr. Johansson said that the deck would be constructed out of composite decking, with pressure-treated 4 x 4s for supporting structure. It will be two feet off the ground, and there will be a railing on the west side. He also mentioned that there will be no plans to place a hot tub or a permanent grill on this deck, that the deck setbacks are required simply because the lot is extremely narrow and the west side setback is being requested of 2.4 feet to incorporate the sidewalk. The deck then can be incorporated into that sidewalk so that you can gain access to the sidewalk off the deck. As far as variance "d" is concerned, relative to the shed, that was in place prior to Mr. Johansson purchasing the property and as such it is a permanent type situation and really cannot be removed without destroying the structure. As far as the area variance of 25.4 % instead of the 25% maximum in "d" and also in "a" for that front setback of 202.5 feet, that is consistent and in character with the neighborhood. Relative to the deck being placed in the waterfront yard, that is traditionally where decks are placed in this neighborhood.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and WHEREAS, having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and WHEREAS, 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

BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

WHEREAS, having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board.

NOW, THEREFORE, be it

RESOLVED, I move to approve this application, with the condition that all building permits must first be obtained.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</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>Absent</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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BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

4. Applicant: Mark Donadio  
Location: 2442 Edgemere Drive  
Mon. Co. Tax No.: 026.15-1-58  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed addition (12.0 feet x 22.0 feet; 264.0 square feet) to an existing single-family dwelling, to have a (west) side setback of 2.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I  
b) An area variance for a proposed lot coverage of 29.6±%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

**Mr. Forsythe 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 2442 Edgemere 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9) & (12).)
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 documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

**Seconded by Mr. Hartwig 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>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, regarding the application of Mark Donadio, 2442 Edgemere Drive, Mr. Donadio appeared before the Board of Zoning Appeals this evening, requesting an area

BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

variance for a proposed addition (12.0 feet x 22.0 feet; 264.0 square feet) to an existing single-family dwelling, to have a (west) side setback of 2.0 feet, instead of the 6.0 feet minimum required; and an area variance for a proposed lot coverage of 29.6±%, instead of the 25% maximum permitted.

WHEREAS, the findings of fact are as follows. The parcel is located at 2442 Edgemere Drive and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Mark Donadio, appeared before this Board this evening and stated that he has owned the Property for five years and has lived there for three years. He stated that he is proposing this addition to add some coverage to the inside of his living area, which would consist of another bedroom and a half bath. He has not yet met with an architect to draw up the plans for this addition. In discussions with Mr. Donadio, he has agreed to make the west setback three feet, instead of the two feet originally proposed, and I am fine with that. As far as the area variance of 29.6% instead of the 25% maximum, it is consistent, that increase in coverage, with other residences in the neighborhood, so I am good with that. He has also presented us a letter from his neighbor that would be most affected by this addition, Mr. Putrone, who lives at 2450 Edgemere Drive. I will read for the record:

"I own a home at 2450 Edgemere Drive in Greece, New York. I am the next door neighbor of Mark Donadio of 2442 Edgemere Drive, who has applied for two variances with the Town of Greece to construct an addition on his home. My property and home are on the side closest to where the addition will be located. Please be advised that I have no objection to either the side setback area variance or the proposed lot coverage increase variance." (signed by Mr. Putrone).

As far as the utilities, the addition will have electric and, I am assuming at some point, plumbing; once you present the plans, then they will be reviewed by the Town.

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 this 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 obtains all necessary permits.
2. That he has agreed to the three-foot as opposed to the two-foot setback.
3. And that all the permits are filed within the Town requirements.

**Seconded by Mr. Hartwig 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>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

5. Applicant: Linden/Parkway Properties, LLC  
Location: 4370, 4432, 4400 Dewey Avenue & 1271 Latta Road  
Mon. Co. Tax No.: 046.19-1-45, 046.19-1-2.1, 046.19-1-1, 046.19-1-2.2  
Zoning District: DMU (Dewey Avenue Mixed Use)  
Request: An area variance for a proposed freestanding sign at a business center to have a sign area of 160.0 square feet (8.6 feet x 18.6 feet, including decorative support area), instead of the 80.0 square feet maximum permitted. Sec 211-52 B (1) (d), Table VI

**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 4370, 4432, 4400 Dewey Avenue & 1271 Latta 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.

BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

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

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</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>Absent</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

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

Mr. Chairman, regarding the application of Linden/Parkway Properties, LLC, 4370, 4432, 4400 Dewey Avenue & 1271 Latta Road, David Simonetti appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed freestanding sign at a business center to have a sign area of 160.0 square feet (8.6 feet x 18.6 feet, including decorative support area), instead of the 80.0 square feet maximum permitted.

WHEREAS, the findings of fact are as follows. Tonight before this board, David Simonetti appeared for Linden/Parkway Properties, LLC. They have owned the property for 33 years and would like to get an area variance for a proposed freestanding sign at a business center to have a sign area of 160.0 square feet (8.6 feet x 18.6 feet, including decorative support area), instead of the 80.0 square feet maximum permitted.

WHEREAS, before this board, Dave Simonetti appeared for Linden/Parkway Properties, requesting a variance for a 160.0-square-foot sign where the normal maximum permitted is 80 square feet. The reason for this has to do with the fact that there is the potential for 16 tenants, and the management company would like to be able to advertise all of the tenants on that particular sign. That is not inconsistent with the signs in the area. In fact, it seems to be an ongoing trend, so it makes sense and it would also help his business in keeping tenants there by the fact that their tenants can have better advertising. The sign is considerably smaller than what existed previously because the area was measured differently under a previous zoning ordinance.

Based on that, I make the motion to approve this application with the condition that all relative permits be obtained.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Absent</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>Absent</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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BOARD OF ZONING APPEALS MINUTES  
April 17, 2018

**ADJOURNMENT:** 8:45 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:** May 1, 2018