



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

MAY 7, 2019

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Bradford Shea

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

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Old Business:

1. Applicant: Stephen Costanza
Location: 127 Limerick Lane
Mon. Co. Tax No.: 088.03-2-34
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed detached garage (20.0 feet x 30.0 feet; 600.0 square feet), resulting in a total gross floor area of 1051± square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots less than 16,000 square feet in area. Sec. 211-11 E (1), Table I

The application has withdrawn the applicant.

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2. Applicant: Clifton Land Company LLC & SNORAC, LLC
Location: 3022 West Ridge Road
Mon. Co. Tax. No.: 074.13-1-1.1
Zoning District: BR (Restricted Business)
Request: A Use Variance for a car rental business, including service facilities (car wash) and outdoor storage of vehicles; a BG (General Business) use in a BR (Restricted Business) district. Section 211-17 (C)(3)(b)[3] & Section 211-17 (C)(3)(b)[4]

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3022 West Ridge Road, as outlined above; and

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

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

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

NOW, THEREFORE, be it

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

Seconded by Mr. 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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried

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

Regarding the application of Clifton Land Company LLC & SNORAC LLC for Use Variance for a car rental business, including service facilities (car wash) and outdoor storage of vehicles; a BG (General Business) use in a BR (Restricted Business) district:

The findings of fact are as follows:

This parcel is located at 3022 West Ridge Road and is currently zoned BR (Restricted Business). The applicant, David Clements, owner of Clifton Land Company, his attorney, Marc Romanowski, along with Phil Snyder, on behalf of Enterprise Car Rental, first appeared before this board on April 2, 2019 and again on April 16, 2019. Pending further information requested by this board, the application was continued to tonight's meeting where it has been closed and now a motion is being made.

3022 West Ridge Road currently houses a laser wash, three bay, car-wash facility known as Classy Chassy, which is operating under a Special Use Permit, granted by this board on July 20, 2010. Immediately to the east and adjoining this parcel, at 3012 West Ridge Road, is Enterprise Car Rental, which is operating a car rental facility, under a Use Variance, also granted by this board on March 5, 2002.

Enterprise Car Rental would like to purchase the existing Classy Chassy car wash site and utilize it as part of their current operation for additional storage of rental cars, as they are out of parking spaces at the #3012 site, and having an added facility to wash cars would be an asset to them.

The site at 3022 West Ridge Road was built in 1992 as an oil change facility. In 2009, Mr. Clements, purchased the site and changed it into a car wash facility and has been operating it since. In recent time, significant competition has entered the area and his car wash operation at this site is no longer viable or profitable. Mr. Clements has been trying to market the site for a number of years now with no success. He has tried selling the property for the last two years, also with no interest, until the offer from Enterprise. However, the current BR zoning does not allow for a car rental facility for this site.

As a part of the proposed Enterprise use for the #3022 site; only minor changes will occur - such as: all existing signage referencing the car wash will be taken down; the existing car wash building will be painted to match the adjoining Enterprise building at #3012; sealing of pavement; restriping of parking spaces; filling in existing potholes; the dumpster area and existing fencing will be removed; landscaping will be tended to; and pavement will be added to provide cross access between the two parcels.

The current Enterprise site at #3012 has approximately 39 parking spaces that at times are used to full capacity. It has been noted that as a part of a past use variance approval to Enterprise, parking along the side street, Laurelhurst Road, has been prohibited. However, it is known that at times this condition is not always met and cars have been parked along such street. Acquiring the car wash site will provide for an additional 36 parking spaces for the storage of rental cars.

The current Enterprise facility at #3012 also has a car wash at its site. Each time a car is returned from a customer, the vehicle is washed, cleaned and prepped for the next rental customer. All clean up, washing, vacuuming and so on, will be contained within each of the existing buildings. Enterprise currently has approximately 6 employees on site. The hours

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of operation for Enterprise will extend to the hours of operation for the proposed adjoining car wash facility, being

7:30 am to 6:00 pm – Monday thru Friday;
9:00 am to 2:00 pm – Saturdays; and
Noon to 4:00 pm – Sundays

No damaged vehicles are kept on site. Should a vehicle come back from a rental customer damaged, the vehicle is immediately taken to a local repair shop. All repairs are done off site at local repair shop businesses. There is essentially no long term storage of cars as the business goal for Enterprise is to keep them rented. Enterprise rents approximately 30 cars a day. No car sales are or shall be permitted on either site.

Several neighbors from the Ridge Meadows Community, located at the end of Flowerdale Drive, spoke regarding some of their concerns with the new use. One of the major concerns is the visibility of the storage of parked cars being proposed along the northern end of the site and lighting. A letter was received from the Ridge Meadows Homeowner's Association and read into the record. Within such letter, a request was made to have the installation of an eight foot, white vinyl privacy fence installed at the northernmost property line to provide some privacy between the car wash site and the nearby units on Flowerdale Drive.

Although there is an empty lot between the Ridge Meadows Community and the car wash site, the grading of the land slopes downhill, so the car wash site is in essence, "elevated" in relation to the residential units on Flowerdale Drive. The applicant proposed a chain link fence with translucent slats within the fencing; however it was asked that staff speak with the Planning Department and the Planning Board Chairman for an internal review on this site, for comments pertaining to snow storage; parking of the cars, and in general, overall site plan review. This project has been through an application process for a Minor Improvement Plan with the Planning Department, with comments received from various departments: including, Building Department; Fire Marshal, Engineering and from Planning Board Chairman, Alvin Fisher during a April 18th Development Review Committee meeting.

It should be noted that no additional lighting is proposed as a part of this project or as a part of the Minor Improvement Plan submitted to the Planning Department. With regards to snow storage for this site, it is very limited. The applicant did agree that should the need arise to haul snow from the site, they would in fact do so.

Under New York State Town Law, Section 267-b, the applicant must meet certain criteria in order to obtain a use variance.

1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

The applicant and his representative have provided documentation to support the claim that the application has not realized a reasonable return on their investment into this property should it be used for any other use than the continued car wash, by Enterprise as a secondary use for its business. Mr. Clements testified and presented financials to show that his initial investment into the #3022 site was at or over \$1 Million dollars. This was through the combined purchase price, equipment, renovations, legal fees, and so forth. The documentation provided shows a current analysis of return on the original investment to be a negative 4.7%. The proposed sale to Enterprise will recoup some of the loss, but doesn't cover the entire loss.

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Additional documentation, specifically the Profit and Loss by Class, was provided for the years of 2016, 2017 and 2018, for this specific site and shows an "operating profit" for each year. However, these earnings are before taxes, interest, mortgage payments, etc. It has been noted that the lien loan on this site has been paid off; it still does not take away from the fact that this particular site is just not producing any return on the initial investment.

A full appraisal report was provided by J.S. Miller Appraisal Associates, LLC, dated April 7, 2018. As per this report it is stated that the property has been marketed for sale at \$625,000 since January of 2018 by Janell Vanegas of Venture Brokerage Group. Mr. Clements stated through testimony that he has listed the site for sale since 2016, with no interest from any potential buyers, until the recent interest from Enterprise.

The highest yield and best use would be for a car wash, but seeing how a car wash is not viable; Enterprise proposing to use it as a support use to the rental business allows that business to obtain a reasonable return on their investment.

2) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

The existing car wash building is approximately 2361 square feet in size, concrete slab on grade and concrete block encompassing the entire structure. The framing is of concrete block and steel. There are three service bays, an equipment storage room, mechanical room and are finished areas that are used for a waiting room; office and one restroom. The building is not supported by a sprinkler system. The building was originally built in 1992 as an oil change facility. In 2009, Mr. Clements purchased the site and converted it to a laser car wash facility. The site is actually functionally designed for some kind of automotive service use and not readily adaptable to anything but.

Permitted uses under Section 211-17 B - in the BR zoning- include all permitted principal uses in BP2 such as Office; Service uses such as barbershops/beauty shops; Retail uses such as grocery stores, pharmacies; Special Permit uses such as day care centers, restaurants, home improvement stores, hotels, churches, schools, funeral homes, gas station and so on. The current structural elements of this building are not ideal for any office or other service uses within the code without significant or major improvements and/or a complete tear down and rebuild. This has been a major problem with marketing the site as it would be financially infeasible for a new business to buy the site.

3) That the requested use variance, if granted will not alter the essential character of the neighborhood.

As already stated, this facility was originally built in 1992 as an oil change operation. In 2009 the current owner purchased the site and utilizing the existing building, switched it over to a laser car wash operation. The site and the use will virtually be the same, except it will not be open to the public, reducing the impact on the immediate neighborhood.

4) That the alleged hardship has not been self-created.

The applicant has approximately 28 locations of the same laser car wash operations. This site opened in 2009 and was successful until additional competition moved into the area over the course of the last three years or so. These other car wash facilities, Royal Car Wash, Buckman Car Wash and Delta Sonic; have led to a reduction or decline in volume of customer traffic to this site over the last few years. Counts for 2017 were at 6,432 and counts for 2018 were at 4,781. Traffic volumes are also driven by weather conditions.

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The applicant also stated that one of his average low end car washes sells for approximately \$13.99. Competitors in the area offer UNLIMITED INTRODUCTORY monthly washes starting at \$7.99 and rising to just under \$20.00 – which is less than one car wash at this site. The applicant just doesn't have the ability to compete with pricing at the competitor's level.

2016 and 2018 expenses for this site went up over the years, related to volumes of soap, water, repairs to the site (plumbing, maintenance, asphalt repairs), and so on.

Referring back to the "Profit and Loss by Class" document provided, it shows "Total Income" of \$89K for 2016; \$81K for 2017 and \$84K for 2018. It was questioned how a profit could have been made with a decline in customer volume. Mr. Clements stated that these income figures are relative to expense of cost of goods only and are not related to customer volume. Income fluctuates as to variations in the types of customer's selection of washes. But again, the area competition is essentially the driving force of the profit loss for this site.

Mr. Clements also spoke about the equipment in the building. He explained how the Federal government offers depreciation methods on machinery and at this point in time, the equipment has a zero dollar value. He has transferred some equipment to other sites, but again it adds no value to any of the sites that it is utilized by.

Therefore, in light of the documentation and testimony received by the applicant and his representatives, I am going to move to approve this Use Variance application with the following conditions: which coincide with the conditions that were placed on the Enterprise site use variance, granted by this board on March 5, 2002 –

1. That all maintenance for vehicles, including washing and vacuuming take place within the building(s);
- 2) That per the site plan presented, all rental vehicles are to be parked in the designated spots and not in the road or on the grass areas of the property(s);
- 3) Building and site renovations shall be as referenced in the Findings of Fact of this motion, including the removal of all car wash signage from the site;
- 4) That the hours and means of operation as recited in the Findings of Fact are made a condition of this Use Variance;
- 5) That the Use Variance allows for the use of vehicle rental only;
- 6) That a cross access easement be provided between the two sites; approved by the Deputy Town Attorney and filed with the Monroe County Clerk's Office;
- 7) That a six-foot high, white vinyl fence be installed along the northern area of the parcel, in an area between the north property line and the northern pavement area, as directed and approved by the Planning Department staff and Planning Board Chairman;
- 8) That NO Parking of any rental vehicles - at any time - shall be permitted along Laurelhurst Road and/or Flowerdale Drive;
- 9) That during snow events, any excess snow that is not capable of being stored on site, shall be hauled off site by the owner.
- 10) Per the Town of Greece Fire Marshall, "No Parking, Fire Lanes" on all four sides of the building will be installed.

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	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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New Business:

1. Applicant: Dennis Edwards
Location: 1862 Edgemere Drive
Mon. Co. Tax No.: 034.08-1-8
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed dwelling to have an east side setback of 4.0 feet, instead of the 6.0 feet minimum required. Section 211-11 D (2) Table 1

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 1862 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 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. Wechsler and duly put to a vote, which resulted as follows:

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Abstain	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Dennis Edwards, 1862 Edgemere Drive, Mr. Edwards and Mr. Jay Riley of 207 North Drive appeared before the Board of Zoning

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Appeals, requesting an area variance for a proposed dwelling to have an east side setback of 4.0 feet, instead of the 6.0 feet minimum required.

WHEREAS, the findings of fact are as follows. It was stated that Mr. Edwards has owned this property for approximately 6 years and that as far as the need for the garage, he is going to be using it for outdoor storage items and two automobiles. Relative to the setback itself, the reason why that is being requested is due to an easement that was granted to Monroe County Water Authority, where the Water Authority will be coming in and relocating services on his property, which is going to necessitate the relocation of the garage toward the east. The garage really cannot be reduced in size due to the two automobiles and the amount of items that will be stored in the garage and there will be no basement to this dwelling. This setback is typical for the neighborhood due to the narrow lots along Edgemere Drive and that the finishes of the garage will match the house that is going to be built on the property. As far as utilities being run to the garage, there will only be electricity. Mr. Edwards stated that there will be no commercial activities conducted in the garage and he has spoken to the neighbors about this project and there were no problems or concerns raised.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That all necessary building permits be obtained.
2. And all local building codes be satisfied.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Abstain	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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2. Applicant: Sarah M. Kretchmer
Location: 131 Leonard Road
Mon. Co. Tax No.: 060.48-1-1
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 60.0 lineal feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec 211-46L
b) An area variance for a proposed 6.0 high, closed-construction fence to be located in a front yard and where a portion of said fence (10.0 lineal feet) is to be located within the clear visibility portion of a front yard, as established in Section 211-33 B, shall not exceed 3.0 ft. in height and shall be of open construction. Section 211-33 B & Section 211-46 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 131 Leonard Road, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Sarah Kretchmer, 131 Leonard Road, in an R1-E (Single-Family Residential) district. Ms. Kretchmer appeared before the Board of Zoning Appeals, requesting an area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 60.0 lineal feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction and an area variance for a proposed 6.0 high, closed-construction fence to be located in a front yard and where a portion of said fence (10.0 lineal feet) is to be located within the clear visibility portion of a front yard, as established in Section 211-33 B, shall not exceed 3.0 ft. in height and shall be of open construction, however she has agreed to comply with the visibility triangle and thereby with drawing variance "b".

WHEREAS, the findings of fact are as follows. The applicant has withdrawn variance "b" and will comply with the visibility triangle. She has owned the property for approximately 2 years and the reason for the fence is for privacy as she is on a fairly busy street and has children playing in the yard, also this area has no sidewalks. There were no neighbors that came forward to speak either against or on behalf of the fence and there has been no correspondence received by this board.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant apply for all necessary building permits.
2. That the applicant comply with Town law.
3. And as stated previously, she will comply with keeping the proposed fencing out of the visibility triangle and has withdrawn item "b".

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: William M. Gunther
Location: 364 Crystal Creek Drive
Mon. Co. Tax No.: 045.01-17-18
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed structure (16.0 feet x 18.0 feet; 288 square feet; 3-season room); to be located a distance of 8.0 ft. from the water's edge of an existing in-ground pool, instead of the 10.0 feet minimum required. Sec. 114-12.1 (B) (2)

On a motion by Mr. Hartwig and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of May 21, 2019 per the request of the applicant.

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

**Motion Carried
Application Continued Until
Meeting of May 21, 2019**

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4. Applicant: Louis & Mary Colangelo
Location: 214 Little Creek Drive
Mon. Co. Tax No.: 046.19-11-17
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed principal structure addition (9.0 feet x 14.0 feet; 126.0 sq. feet), to have an (east) side setback of 4.8 feet, instead of the 7.0 ft. minimum required. Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 214 Little Creek 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. 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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried

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

WHEREAS, with regard to the application of Louis & Mary Colangelo, 214 Little Creek Drive, Mr. & Mrs. Colangelo appeared before the Board of Zoning Appeals, requesting an area variance for a proposed principal structure addition (9.0 feet x 14.0 feet; 126.0 sq. feet), to have an (east) side setback of 4.8 feet, instead of the 7.0 ft. minimum required.

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WHEREAS, the findings of fact are as follows. This parcel is located in an R1-E (Single-Family Residential) neighborhood. The lot is approximately 70' ft. x 169' ft. in size. Mr. Colangelo states that he has lived at this address since 1986 and they moved in after they got married. The requested addition is a 9.0 ft. x 14.0 ft. bathroom that would be placed off of the master bedroom to allow the owners easier access to allow them to stay in the home. The placement is because it would be in direct line with the master bedroom, other locations were considered, but because of it being a master bath the placement is appropriate. The size is not obtrusive, it contains a laundry room and a bath with a shower, sink, toilet and storage area. The addition will be constructed by a contractor, it will match in style and color of the existing home and there will be a crawl space beneath. While its placement causes a side setback of 4.8 ft., I do not feel that this is obtrusive. This area of homes are all 5 ft. or less than from the property line from the original subdivision regulations from the 1950's or earlier, so this will not adversely affect the visual character of the neighborhood. Mr. and Mrs. Colangelo have spoken to neighbors and no one at tonight's meeting spoke in opposition.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant must obtain all necessary building permits;
2. That the applicant must comply with Town building codes;

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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

**Motion Carried
Application Approved
With Conditions**

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May 7, 2019

5. Applicant: Alan Metelsky & Debra Hartman
Location: 505 North Drive
Mon. Co. Tax No.: 026.14-1-2.11
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to have farm animals (3 ducks) on a residential property with less than 10 acres. Sec. 211-30 B & Section 211-30 D

On a motion by Ms. Nigro and seconded by Mr. Wechsler, it was resolved to close the public hearing on this application and reserve decision until the meeting of May 21, 2019.

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

**Motion Carried
Application Closed and Decision Reserved
Until the Meeting of May 21, 2019**

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6. Applicant: Sydney L. Mooney
Location: 21 Shady Way
Mon. Co. Tax No.: 075.34-1-11
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure, (12.0 feet x 19.6 feet; 235.2 square feet; detached garage) following demolition of an existing detached garage, to have an east side setback of 3.4 feet, instead of the 6.0 feet minimum required. Section 211-11 E (1), Table I
b) An area variance for a proposed accessory structure, (12.0 feet x 19.6 feet; 235.2 square feet; detached garage) following demolition of an existing detached garage, to have a south side setback of 3.1 feet, instead of the 6.0 feet minimum required. Section 211-11 E (1), Table I

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 21 Shady Way, 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 Ms. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried

BOARD OF ZONING APPEALS MINUTES
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Ms. Andreano then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Sydney Mooney, 21 Shady Way; Mr. and Mrs. Mooney appeared before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure, (12.0 feet x 19.6 feet; 235.2 square feet; detached garage) following demolition of an existing detached garage, to have an east side setback of 3.4 feet, instead of the 6.0 feet minimum required and an area variance for a proposed accessory structure, (12.0 feet x 19.6 feet; 235.2 square feet; detached garage) following demolition of an existing detached garage, to have a south side setback of 3.1 feet, instead of the 6.0 feet minimum required.

WHEREAS, the findings of fact are as follows. The applicant has lived at this location for approximately 3 years. The home is located in an R1-E (single family residential) zoning district, also being an older, denser area of the Town, where lots are quite small in size. This particular lot is 45 ft. x 100 ft.

Currently, there is an existing detached garage located at the southeast corner of the lot. This existing garage shall be demolished and a new garage is proposed in the same location. The existing garage is quite old and dilapidated; leaning significantly toward the east-side property line and the east wall of the garage is being supported, in other words being propped up, by temporary/emergency lumber at this time. The applicant noted that the current garage is beyond repair and that is why it is being replaced. He also mentioned that insurance is involved here, which makes it more of an urgent matter. The new garage shall be built in the same location, as this location is the most logical, being right at the end of the existing driveway.

The variance request is to permit the East and South setbacks of the property to be 3.4 feet and 3.1 feet respectively, instead of the 6.0 feet required, which comes close to duplicating the current setbacks and size of the existing garage and is keeping with the character of the neighborhood. It will be constructed of metal, it will be a metal garage that is going to match the house, and it will be fire proofed according to code. The applicant is using Precision Contracting and it will have electrical utility only connected. The exterior is going to be made to blend with the existing dwelling.

There were no neighbor comments at this time. I believe that this request is minimal in nature and will have no negative impact on the neighborhood or on this property.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application with the condition that the applicants builder obtains all necessary permits.

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

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

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
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7. Applicant: Dennis & Leanne Boyatzies
Location: 3054 Edgemere Drive
Mon. Co. Tax No.: 026.10-1-10
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed principal structure two-story addition (20.6 feet X 22.0 feet) to have a rear setback of 6.0 feet (measured from the south property line), instead of the 30.7 feet minimum required. Section 211-11 D (2), Table I
b) An area variance for lot coverage of 26.8%, instead of the 25% permitted. Section 211-11 D (2), Table I

On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of May 21, 2019.

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

**Motion Carried
Application Continued Until
Meeting of May 21, 2019**

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8. Applicant: Jeffrey T. Quigley
Location: 99 Heritage Drive
Mon. Co. Tax No.: 060.17-2-12
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed shed (10.0 feet x 14.0 feet; 140.0 square feet) to have a west side setback of 2.0 feet, instead of the 4.0 feet minimum required. Section 211-11 E (1) Table I
b) An area variance for a proposed shed (10.0 feet x 14.0 feet; 140.0 square feet) to have a north side setback of 2.0 feet, instead of the 4.0 feet minimum required. Section 211-11 E (1) Table I

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 99 Heritage 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. 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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried

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

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WHEREAS, with regard to the application of Jeffrey T. Quigley, 99 Heritage Drive, Mr. Quigley appeared before the Board of Zoning Appeals, requesting an area variance for a proposed shed (10.0 feet x 14.0 feet; 140.0 square feet) to have a west side setback of 2.0 feet, instead of the 4.0 feet minimum required and an area variance for a proposed shed (10.0 feet x 14.0 feet; 140.0 square feet) to have a north side setback of 2.0 feet, instead of the 4.0 feet minimum required.

Whereas, the findings of fact are as follows; Mr. Quigley has lived at this location for approximately 10 years. This home is located in an R1-E (single family residential) zoning district. The property is a corner lot with the house placement skewed to face the intersection, leaving limited rear yard space and having the majority of property being side and front yard. Due to the limited area of rear yard and the applicant wishing to maximize this area of use, there are few choices for where to position the shed in this back yard. The applicant has noted that he has many grandchildren that want to use the backyard and he wants to maximize his space for that reason and he would also like to move a lot of outdoor equipment, tools and yard equipment into this shed, which would free up space in his garage. We do not have any neighbors here tonight who have expressed any negative comments and the one neighbor that lives to the west side of the property seem to support the project.

Given the reasons stated, I believe that this request is minimal in nature and will have no negative impact on the neighborhood or on this property.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That the applicant obtains any necessary permits;
2. And that they adhere to Town code.

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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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9. Applicant: David W. & Nicole M. Mason
Location: 300 Strathmore Road
Mon. Co. Tax No.: 035.19-5-7
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing 6.0 feet high, closed-construction fence (approximately 105.0 lin. ft.) to be located in a front yard, where fences in a front yard shall not exceed 4.0 ft. in height and shall be of open construction. Sec 211-46L
b) An area variance for a proposed accessory structure (15.0 feet x 30.0 feet; above ground pool) to be partially located in a front yard, where accessory structures are permitted in rear yards only. Section 211-11 E (3)

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 300 Strathmore Road, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried

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

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WHEREAS, with regard to the application of David & Nicole Mason, 300 Strathmore Road, in an R1-E (Single-Family Residential) neighborhood, Mr. & Mrs. Mason appeared before the Board of Zoning Appeals, requesting an area variance for an existing 6.0 feet high, closed-construction fence (approximately 105.0 lin. ft.) to be located in a front yard, where fences in a front yard shall not exceed 4.0 ft. in height and shall be of open construction and an area variance for a proposed accessory structure (15.0 feet x 30.0 feet; above ground pool) to be partially located in a front yard, where accessory structures are permitted in rear yards only..

WHEREAS, the findings of fact are as follows. Mr. and Mrs. Mason have owned the property for approximately 3 years. The fence they are asking for has already been constructed. It is closed construction and made out of wood. The reason for the fence is for privacy for their children and pets. Although this is considered a front yard, it is located in what they would feel to be the rear part of their property. They are also asking for the placement of the pool in the same area in their rear yard, even though it is considered the front yard due to the fact that this is a corner lot. The Mason's have stated on record that they would adhere to all the regulations in Local Law No. 2 of 1990 related to pools and have spoken to several neighbors including Mr. Charles Dean, who has written a letter in favor of them as have all other neighbors that they have spoken to; I believe it was 5 that they listed, were all in favor of the fence and pool.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of that Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicants follow up on all necessary building permits.
2. And they adhere to Town Local Law No. 2 1990 regarding the pool.

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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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10. Applicant: Cornerstone Presbyterian Church
Location: 3201 Dewey Avenue
Mon. Co. Tax No.: 060.72-4-9
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed second freestanding sign (2.5 feet x 5.0 feet; 12.5 square feet), instead of the one existing 45.0 square foot freestanding sign (including the decorative masonry base), approved by the Board of Zoning Appeals on May 16, 1979. Section 211-52 A (2)

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 3201 Dewey Avenue, as outlined above; and

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

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

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

NOW, THEREFORE, be it

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

Seconded by 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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried

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

Mr. Chairman, regarding the application of Cornerstone Presbyterian Church, 3201 Dewey Avenue, in a R1-E (Single-Family Residential) district, Mr. Samuel Van Scooter of 207 Dean Road representing the Cornerstone Presbyterian Church, appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed second freestanding sign (2.5 feet x 5.0 feet; 12.5 square feet), instead of the one existing 45.0 square foot freestanding sign (including the decorative masonry base), approved by the Board of Zoning Appeals on May 16, 1979.

WHEREAS, the findings of fact are as follows. The approved sign from May 16, 1979 is located on Dewey Avenue. The reason for this sign is because they are looking for a second sign on the Wildwood side of the property, to identify another entrance into the church.

Mr. Scooter, again representing Cornerstone Presbyterian Church, came before this board requesting an area variance for a second freestanding sign. This second freestanding sign will be made of extruded aluminum post, which will be put in 3 ft. of concrete along with aluminum panels. This will be a painted finish. The applicant has also agreed that this sign will not have any lighting, indirect or internal lighting, this would be including goose or ground lighting, once again it will have no internal lighting, no lighting at all. The location of this will be on the Wildwood Drive side of the property located west of the sidewalk and it will line up and be flush with the west side of the building, approximately 15 ft. from the right-of-way.

As such, I move to approve this application, with the following conditions:

1. That the applicant obtains all necessary permits.
2. That there will be no lighting on this sign, which would include goose, ground and/or internal lighting.

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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried
Application Approved
With Conditions

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11. Applicant: 2018 Gateway Hotel LLC
Location: 400 Bellwood Drive
Mon. Co. Tax No.: 089.04-1-13.111
Zoning District: BG (General Business)
Request: An area variance for a proposed second (west side) building-mounted sign, with a sign area of 51.2 square feet instead of the one 162.5 square foot sign permitted. Section 211-52 B (2)(a)[1] & Section 211-52 B (2)(c)[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 400 Bellwood Drive, as outlined above; and

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

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

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

NOW, THEREFORE, be it

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

Seconded by 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. Nigro	Yes	Mr. Shea	Absent
	Mr. Wechsler	Yes		

Motion Carried

BOARD OF ZONING APPEALS MINUTES
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Mr. Hartwig then offered the following resolution and moved its adoption:

Mr. Chairman, regarding the application of 2018 Gateway Hotel LLC, 400 Bellwood Drive, in a BG (General Business) district, Mr. Kirk Wright appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed second (west side) building-mounted sign, with a sign area of 51.2 square feet instead of the one 162.5 square foot sign permitted.

WHEREAS, the findings of fact are as follows. This evening Mr. Kirk Wright, of Sign Lighting Services, spoke on behalf of 2018 Gateway Hotel LLC to mention that the need for the second sign is to draw the attention of drivers traversing interstate 390. Relative to the size of the sign, it really cannot be any smaller than what is requested as this building is in excess of 600 ft. from the interstate. It will be constructed out of aluminum with acrylic panels and letters will be flush to the wall. It will be illuminated internally with LED lighting.

As such, I move to approve this application, with the condition that all permits first be obtained.

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

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

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
May 7, 2019

Modification to Neighborhood Notification:

1. Applicant: Tailored Tent Rentals (American Promotional Events)
Location: 100 Elm Ridge Center Drive (aka 3520 West Ridge Road)
Mon. Co. Tax No.: 073.02-1-71
Zoning District: BG (General Business)
Request: An area variance for the utilization of approximately 40 parking spaces for the temporary outdoor storage, display of goods, merchandise or materials (New York State approved sparkling devices), where the outdoor storage or display of goods, merchandise or materials shall not impede passage of pedestrians, fire lanes, driveways or any parking spaces. Section 211-25 B (2)

The staff has recommended a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this recommendation is the large size of the entire parcel and the many properties which would be included in the notification but which are not near the parcel where the use will be located.

On a motion by Mr. Jensen and seconded by Ms. Andreano, it was resolved to amend the Neighborhood Notification for the proposed area variance for the utilization of approximately 40 parking spaces for the temporary outdoor storage, display of goods, merchandise or materials (New York State approved sparkling devices), where the outdoor storage or display of goods, merchandise or materials shall not impede passage of pedestrians, fire lanes, driveways or any parking spaces, relying on the Town staff's judgment for fulfillment of the zoning ordinance and this Board's intent for adequate neighborhood notification, which in this case should be the parcels across from the proposed site location, which would be parcels on West Ridge Road and one adjacent parcel to the east, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed special use permit.

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

**Motion Carried
Request Granted**

BOARD OF ZONING APPEALS MINUTES
May 7, 2019

ADJOURNMENT: 9:15 p.m.

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

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

Signed: _____

Date: _____

Albert F. Meilutis, Chairman

NEXT MEETING: Tuesday, May 21, 2019

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BOARD OF ZONING APPEALS MINUTES
May 7, 2019