



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**MAY 15, 2018**

**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  
Andrew P. Forsythe (left at 8:00 p.m.)  
Thomas F. Hartwig  
Randy T. Jensen  
Cathleen A. Nigro  
Bradford Shea  
Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney  
Scott Copey, Planner  
Maryjo Santoli, Zoning Board Secretary

#### **Absent**

John T. Caterino, Planning Assistant

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

#### **Announcements**

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**Old Business:**

1. Applicant: Bell Atlantic Mobile Systems of Allentown, Inc. (d.b.a. Verizon Wireless)
- Location: 1510 Maiden Lane
- Mon. Co. Tax No.: 059.19-3-1.1
- Zoning District: R1-18 (Single-Family Residential)
- Request: a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (119 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. Sec. 211-56 A
- b) An area variance for the use of barbed wire (188± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in Section 211-49. Sec. 211-46 E

**On a motion by Ms. Nigro and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of September 18, 2018, per the request of the applicant.**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Continued Until**  
**Meeting of September 18, 2018**

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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)

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 720 North Greece 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
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>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Cara and Kevin Gielenfeldt (collectively, the "Applicants") at 720 North Greece Road (the "Property"), the Applicants appeared before the Board of Zoning Appeals (the "Board"), requesting the following variances:

- 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; and
- 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.

On April 17, 2018, the Applicants appeared before the Board, requesting the aforementioned area variances. They have resided at the home for approximately six (6) months and would like to install a 6.0-foot-high, closed-construction fence, which would be located in what is the front yard of the Property because they are on a corner lot. The reason for enclosing the rear yard was to contain their dogs and to improve their privacy. The Applicants propose to locate the fence approximately 5.0 feet from the public sidewalk on the Raspberry Patch Drive (south) side of the Property. During the public hearing, the Board was informed that comments had not yet been received from Rochester Gas & Electric Corporation ("RG&E"); these comments were necessary because a portion of the fence would be located within their easement. The Board also was informed that the Town's Department of Public Works would recommend Town approval to locate the fence within the Town's sanitary sewer easement, as long as it was at least 3.0 feet from the sidewalk. The Board then voted to continue the public hearing on this application until the meeting of May 1, 2018.

On May 1st, the Applicants reappeared before the Board. They reiterated the reasoning for the fence, which was for privacy and their dogs. The Applicants would install fence themselves, and it would be of wood stockade construction. The reason for the fence to be constructed of wood was that they felt that it was sturdier, based on a past experience that they had with vinyl fencing, and is more economical in terms of cost. The Board's staff reported that an easement release approval had been received from the Town of Greece and the utility companies (Frontier Communications, RG&E, and Spectrum).

Also at the May 1st meeting, the Board received oral and written testimony from Suzanne Blackburn of 623 Raspberry Patch Drive, who voiced her concerns and opposition to the proposed fence. Ms. Blackburn's concerns about the fence included but were not limited to: the overall proposal; the type of fence material; the effect that the fence and the existing bushes on both the Raspberry Patch Drive side of the Property and her side of the Property would have on visibility and safety; and whether the Applicants planned to attach the proposed fence to her existing vinyl fence, which is located in her (west) side yard.

The Applicants responded that they would not attach their proposed fence to Ms. Blackburn's fence, and that they had begun removing the row of bushes that adjoins her property. Also, the Applicants stated that, if the variances for the fence were approved, they would remove the bushes from the Raspberry Patch Drive (south) side of the Property.

Photographs of the Property taken by the Board's staff and photographic images from Google Earth's Street View show that the bushes along the Raspberry Patch Drive (south) side of the Property range in height from about five feet to about six feet or higher, and are about five feet wide. These bushes—which had been there for several years before the Applicants purchased the Property—encroach into the walkable area of the public sidewalk by at least a foot; this could impede pedestrians' ability to use the full sidewalk. Furthermore,

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the width of the bushes, along with the density of their branches and leaves, could limit the visibility of pedestrians for a driver backing out of Ms. Blackburn's driveway.

Regarding Ms. Blackburn's concerns about visibility near the intersection of her driveway and Raspberry Patch Drive, the Board's staff noted that, as long as the proposed fence was at least 5.0 feet from the property line on the Raspberry Patch Drive side of the Property, the fence would not encroach into the triangular restricted area adjacent to Ms. Blackburn's driveway, which the Zoning Ordinance defines and requires to preserve clear visibility at intersections. At the May 1st meeting, the Board voted to close the public hearing on this application and to reserve decision until the meeting of May 15, 2018, this evening.

In making its determination on requests for area variances, the Board of Zoning Appeals shall take into consideration the benefit to an applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. In making such determination, the Board also shall consider the following:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. An undesirable change will not occur in the character of the neighborhood, nor is there a detriment to nearby properties by granting these variances. Currently, a row of bushes is located along the Raspberry Patch Drive (south) side of the Property; these bushes range in height from about five feet to about six feet or more, and they are about five feet wide. These bushes encroach into the walkable area of the public sidewalk by at least a foot, which reduces pedestrians' ability to use the full sidewalk. Furthermore, the width of the bushes, along with the density of their branches and leaves, could limit the visibility of pedestrians for a driver backing out of Ms. Blackburn's driveway. The Applicants have stated that they would remove the bushes if the fence was approved. It can be argued that the proposed fence, together with the removal of the bushes, will have a better effect on visibility than leaving the bushes in place and not installing the fence. The proposed fence would be located farther from the sidewalk than the bushes are, and would have a fixed height of 6.0 feet. In contrast, the bushes could continue to grow to over 6.0 feet in height, even if their width were controlled. The proposed fence location will result in an improvement in visibility of pedestrians, compared to the location of the existing row of bushes.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance. There is no method feasible for the Applicants to pursue their desired purpose of the fence, other than area variances.
3. Whether the variance is substantial. The variance is not substantial. This Board previously has approved area variances for 6.0-foot-high, closed-construction fences to be located in the front yard area of corner lots, following the same kind of deliberations that this Board is undertaking for this request. Also, this fence will be placed far enough from the right-of-way line of Raspberry Patch Drive that it will not encroach into the triangular restricted area adjacent to the adjoining neighbor's driveway, which the Zoning Ordinance defines and requires to preserve clear visibility at intersections.
4. Whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district. As stated previously, although there is some physical impact because the existing bushes will be replaced with a 6.0-foot-high, closed-construction fence, it can be argued that the installation of the fence will have a better effect on visibility than the existing bushes. For example, the existing bushes could grow to exceed 6.0 feet in height, they currently have grown into and reduced the walkable area of the Raspberry Patch Drive sidewalk,

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and their width and the density of their branches and leaves could limit the visibility of pedestrians for a driver backing out of the adjoining neighbor's driveway.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. Whether the alleged difficulty is self-created is not germane to this variance request. The existing limitation on visibility that is caused by the row of bushes was not created by the Applicants; the bushes existed and grew in that location for years before the Applicants purchased the Property within the past six months.

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. Prior to the issuance of a building permit and the installation of the fence, the Applicants shall remove the bushes on the Raspberry Patch Drive (south) side of the Property, adjacent to the public sidewalk, and also shall remove the bushes that adjoin 623 Raspberry Patch Drive (east side of the Property).
2. The fence shall be located not less than 7.0 feet from the public sidewalk on the Raspberry Patch Drive (south) side of the Property—which is twice the amount requested by the Department of Public Works as a condition of approval for the sanitary sewer easement release—and shall not encroach into the triangular restricted area adjacent to the driveway at 623 Raspberry Patch Drive, in accordance with the requirements of the Zoning Ordinance to preserve clear visibility at intersections.
3. As agreed to by the applicant, they will execute a hold harmless agreement relative to the understanding of the easement situation between RG&E, Frontier Communications, and Spectrum. These variance approvals do not make the Town liable for any damages that a third party might cause to the fence in the course of its rightful performance of operations in its easement, which would be a third-party action over which the Town has no control. Furthermore, the hold harmless agreement shall not hold the Board or the Town liable for any damage to the fence that might occur as a result of snow plowing of the sidewalks or any work that the Town might perform in its own easement.

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

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

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**New Business:**

1. Applicant: Sciortino Homes, LLC  
Location: 2, 4, and 6 Clara Rose Court  
Mon. Co. Tax No.: 045.11-1-27, 045.11-1-26, 045.11-1-25  
Zoning District: R1-S (Single-Family Residential)  
Request: An area variance for a proposed principal structure (single-family dwelling) to have a (east) rear setback of 21.5 feet, instead of the 30.0 feet minimum required. Sec. 211-12 H (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 2, 4, and 6 Clara Rose Court, 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. Jensen and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, regarding the application of Sciortino Homes, LLC, at 2, 4, and 6 Clara Rose Court, Mr. Sciortino appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed principal structure (single-family dwelling) to have a (east) rear setback of 21.5 feet, instead of the 30.0 feet minimum required.

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WHEREAS, the findings of fact are as follows. The parcels are located at 2, 4, and 6 Clara Rose Court and are located in an R1-S (Single-Family Residential – Senior Citizen) neighborhood. The applicant, Joe Sciortino, appeared before this Board this evening, and stated that he is requesting the setback for the following reason: he would like to put a 10 x 15 covered porch with a concrete slab off the rear of each one of those homes. He will not put in any utilities, and the reason for that is with his experience as a builder, it's an amenity that many of his prospective clients are interested in and he would like to build them now versus trying to go back and add them on after the house is done. The reason that it cannot be smaller or within the setback is because that size of porch is not going to be conducive to what he is trying to accomplish for prospective home buyers. Also, I would like to mention that the parcels located at 2, 4, and 6 Clara Rose Court are also identified as Lots 601, 602, and 603 of the plan that was submitted tonight.

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 the application.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

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2. Applicant: Carol Zazzaro  
Location: 175 North Greece Road  
Mon. Co. Tax No.: 033.01-3-9.122  
Zoning District: R1-44 (Single-Family Residential)  
Request: a) An area variance for a proposed detached garage (22.0 feet x 24.0 feet; 528.0 square feet), resulting in a total gross floor area of 1393± square feet in all accessory structures, where 1250 square feet is the maximum gross floor area permitted for lots with a lot area of more than one (1) acre. Sec. 211-11 E (1), Table I  
b) An area variance for a proposed detached garage (22.0 feet x 24.0 feet; 528.0 square feet) to have a height of 21.0 feet, instead of the 17.0 feet maximum permitted for accessory structures. Sec. 211-11 E (1), Table I

**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 175 North Greece 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 a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
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 Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, regarding the application of Carol Zazzaro, 175 North Greece Road, Mr. Don Kessler from DAK Contractors, representing Carol Zazzaro, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed detached garage (22.0 feet x 24.0 feet; 528.0 square feet), resulting in a total gross floor area of 1393± square feet in all accessory structures, where 1250 square feet is the maximum gross floor area permitted for lots with a lot area of more than one (1) acre; and an area variance for a proposed detached garage (22.0 feet x 24.0 feet; 528.0 square feet) to have a height of 21.0 feet, instead of the 17.0 feet maximum permitted for accessory structures.

WHEREAS, the findings of fact are as follows. Don Kessler, representing the applicant, spoke before the Board and said that the applicant has lived at this location for approximately six years. The representative, Mr. Kessler, stated that the proposed detached garage will be approximately 17.5 feet in height, less than the 21.0 feet that was requested. The applicant also stated that the siding of this proposed detached garage will match with the house, along with the roof and the shingles. The only utility within this proposed garage will be electric; the reason for this is that the applicant will be storing two collector's cars. There will be no commercial businesses, and the applicant agreed to random inspections. The roof will not exceed 17.5 feet, and, once again, there will be only electric. The lot is approximately 5.5 acres and the home, which is approximately 950 feet away from North Greece Road, will not cause any sight problems for any area residents. This proposal of a 528-square-foot garage is not unusual for this portion of North Greece Road or in this particular area.

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 all necessary permits.
2. That the applicant agrees to random inspections by the Town.
3. There will be no commercial businesses in this detached garage.
4. There will be no more than four (4) vehicles stored in any of the inside accessory structures.
5. The applicant also agrees that the height of this proposed garage will not exceed 17.5 feet.
6. And the applicant also agrees to have only electric in this proposed garage.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

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3. Applicant: Christopher Muto  
Location: 18 Friar Drive  
Mon. Co. Tax No.: 073.02-6-16  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (170± 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 (5± 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 (37 Letchworth Avenue) where fences shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-47 A (1)

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 18 Friar 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).)
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. 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>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, regarding the application of Christopher Muto, 18 Friar Drive, Mr. Muto appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (170± 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; and an area variance for a proposed 6.0-foot-high, closed-construction fence (5± 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 (37 Letchworth Avenue), where fences shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. The parcel is located at 18 Friar Drive and is located in an R1-E (Single-Family Residential) neighborhood. The applicant has stated that he has lived there for about six months and the proposed fencing is needed for safety of his family and privacy for the children. The material used in the fencing will be vinyl. The applicant has agreed to install fencing no less than five feet from the edge of the sidewalk along Letchworth Avenue, and the tall bushes will remain as is. No one at tonight's meeting spoke in favor or opposed to this application.

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 all necessary Town permits.
2. That the applicant sign a Hold Harmless agreement with the Town.
3. And that the fence shall be no less than five (5) feet from the "inside" edge of the sidewalk.

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

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

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BOARD OF ZONING APPEALS MINUTES  
May 15, 2018

4. Applicant: Richard Bennet  
Location: 3362 Edgemere Drive  
Mon. Co. Tax No.: 026.30-4-6  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for an existing deck (385± square feet) located in the waterfront yard of a waterfront lot, where accessory structures, such as decks, are permitted only in rear yards, and for said deck to have a front setback of 111.0± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 101.5± feet maximum established by the neighborhood average. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I  
b) An area variance for proposed lot coverage of 29.6±%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3362 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).)
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 Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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BOARD OF ZONING APPEALS MINUTES  
May 15, 2018

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

Mr. Chairman, regarding the application of Richard Bennet, 3362 Edgemere Drive, Mr. Bennet appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing deck (385± square feet) located in the waterfront yard of a waterfront lot, where accessory structures, such as decks, are permitted only in rear yards; and for said deck to have a front setback of 111.0± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 101.5± feet maximum established by the neighborhood average; and an area variance for 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 3362 Edgemere Drive in an R1-E (Single-Family Residential) neighborhood. The applicant, Mr. Richard Bennet, appeared before this Board this evening and stated that he has lived there for 38 years and that he installed the deck about 20 years ago without Town approval. The deck is structurally sound. Mr. Bennet needs a Zoning Board approval to finalize the house sale. To take this deck down would be a financial hardship and really impractical at this time. No one appeared before us either in favor or against this application. Also, the 29.6 % lot coverage is common for waterfront property on Edgemere Drive.

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 applicant obtains all necessary Town permits.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Condition**

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BOARD OF ZONING APPEALS MINUTES  
May 15, 2018

5. Applicant: Sharon Quataert  
Location: 2170-2172 West Ridge Road  
Mon. Co. Tax No.: 074.15-5-25  
Zoning District: BR (Restricted Business)  
Request: An area variance for a proposed second (east side) building-mounted sign ("Sharon Quataert Realty" with Logo; 5.1 feet x 5.8 feet; 29.6 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

**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 2170-2172 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.



BOARD OF ZONING APPEALS MINUTES  
May 15, 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>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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BOARD OF ZONING APPEALS MINUTES  
May 15, 2018

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

Mr. Chairman, regarding the application of Sharon Quataert, 2170-2172 West Ridge Road, Ms. Quataert appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second (east side) building-mounted sign ("Sharon Quataert Realty" with Logo; 5.1 feet x 5.8 feet; 29.6 square feet), instead of the one (1) 50-square-foot building-mounted sign permitted.

WHEREAS, the findings of fact are as follows. Ms. Quataert appeared before the Board and stated that she has been at this location for three years. There is an existing sign on the front of the building—the south side of the building—that mirrors what she is asking for, the proposed east sign. The proposed sign is a logo sign that reads "Sharon Quataert Realty." Its placement on the east side of the building is so that travelers from the east can easily identify the building. Ms. Quataert states that people often heading west will pass the office and then have to turn around in adjacent businesses. The sign will be halo lit by white LED lighting and be stud mounted to the building. The bottom portion will be internally illuminated, LED channel type construction. I was advised that County comments were received, with no concerns, and this request is consistent with other businesses in the area and not out of character. Ms. Quataert did consider a pylon sign in place of this, but prefers to have the building-mounted sign. She is aware that, should a pylon sign go up for other businesses in the building, she will have a choice whether she wants to go on the pylon or keep the second building-mounted sign, and if she chooses to go on the pylon sign, then the second east side building-mounted sign must come down. The new sign will complement the current sign on the front of the building.

I move to approve this application with the following conditions:

1. The applicant shall obtain all necessary permits.
2. Only if Ms. Quataert chooses to put her business name on a future pylon sign will she then have to take down the second building-mounted sign. She will have a choice to either keep the second building-mounted sign or take that down and put her business name on the pylon sign. If she chooses to put her name on the pylon sign, then she would relinquish the variance for the second building-mounted sign.

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

<b>VOTE:</b>	<b>Mr. Forsythe</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Nigro</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

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

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BOARD OF ZONING APPEALS MINUTES  
May 15, 2018

6. Applicant: Nick Mastrodonato  
Location: 1600 West Ridge Road  
Mon. Co. Tax No.: 074.20-1-10  
Zoning District: BR (Restricted Business)  
Request: An area variance for a proposed (east side) building-mounted sign ("Smokes Cigar Lounge"; 4.8 feet x 10.0 feet; 48.0 square feet), instead of the 25 square feet maximum permitted. Sec. 211-52 B (2) (a), Table VII

**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 1600 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:**

<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>Yes</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  
May 15, 2018

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

Mr. Chairman, regarding the application of Nick Mastrodonato, 1600 West Ridge Road, Mr. Mastrodonato appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed (east side) building-mounted sign ("Smokes Cigar Lounge"; 4.8 feet x 10.0 feet; 48.0 square feet), instead of the 25 square feet maximum permitted.

WHEREAS, the findings of fact are as follows. Again, before this Board, Mr. Nick Mastrodonato appeared on behalf of his business, "Smokes Cigar Lounge," located at 1600 West Ridge Road. He is asking for a variance for a sign, which is 48 square feet instead of the 25 square feet maximum permitted. He has owned the business for approximately two months and currently has a 3-foot x 3-foot banner outside, and is considering better signage for his business. The proposed sign is consistent with the other signs located in this area and in this plaza; in fact, it was noted tonight that some of the other signs are even larger. The sign that he is asking to have installed has an illuminated cabinet and it is of aluminum construction.

I move that we approve this application, based on the following consideration: that the applicant apply for all necessary permits.

**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>Yes</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  
May 15, 2018

7. Applicant: Carrols, LLC  
Location: 45 Greece Center Drive  
Mon. Co. Tax No.: 045.03-4-20.111  
Zoning District: BR (Restricted Business)  
Request: The following area variances for signs relative to a Burger King restaurant:
- a) An area variance for a proposed second (west side) building-mounted sign (Burger King logo; oval shaped; 25.0 square feet), instead of the one (1) 36-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - b) An area variance for a proposed third (west side) building-mounted sign ("Home of the Whopper"; 1.2 feet x 22.5 feet; 27.0 square feet) instead of the one (1) 36-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - c) An area variance for a proposed fourth (east side) building-mounted sign (Burger King logo; oval shaped; 25.0 square feet), instead of the one (1) 36-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII
  - d) An area variance for a proposed fifth freestanding sign at a business center (6.0 feet x 6.6 feet; 39.6 square feet, including decorative support area), instead of the three (3) freestanding signs approved by the Board of Zoning Appeals on January 17, 2012. Sec. 211-52 B (1) (d), Table VI
  - e) An area variance for a proposed freestanding directional sign to contain the Burger King logo, where logos shall not be included in any informational or directional sign. Sec. 211-52 B (3) (b) [3]
  - f) An area variance for a proposed menu board with a sign area of 37.0 square feet (3.7 feet x 10.0 feet), instead of the 20.0 square feet maximum permitted; and for said sign to have a height of 10.0 feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]
  - g) An area variance for a proposed second menu board (6.0 feet x 7.5 feet; 45.0 square feet), instead of the one (1) 20-square-foot menu board permitted, and for said sign to have a height of 7.5± feet, instead of the 6.0 feet maximum permitted. Sec. 211-52 B (1) (a) [4]

**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 45 Greece Center 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:

BOARD OF ZONING APPEALS MINUTES  
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1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered environmental information that was prepared by the Applicant and/or the Applicant's representatives or the Town's staff, which included but was not limited to maps, drawings, descriptions, analyses, reports, reviews, and an Environmental Assessment Form ("EAF") (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: oral or written descriptions of the Proposal; maps and other drawings of the Proposal; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
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.

BOARD OF ZONING APPEALS MINUTES  
May 15, 2018

14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

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

**Motion Carried**

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

Mr. Chairman, regarding the application of Carrols, LLC, 45 Greece Center Drive, in a BR (Restricted Business) zoning district appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second (west side) building-mounted sign (Burger King logo; oval shaped; 25.0 square feet), instead of the one (1) 36-square-foot building-mounted sign permitted; an area variance for a proposed third (west side) building-mounted sign ("Home of the Whopper"; 1.2 feet x 22.5 feet; 27.0 square feet), instead of the one (1) 36-square-foot building-mounted sign permitted; an area variance for a proposed fourth (east side) building-mounted sign (Burger King logo; oval shaped; 25.0 square feet), instead of the one (1) 36-square-foot building-mounted sign permitted; an area variance for a proposed fifth freestanding sign at a business center (6.0 feet x 6.6 feet; 39.6 square feet, including decorative support area), instead of the three (3) freestanding signs approved by the Board of Zoning Appeals on January 17, 2012; an area variance for a proposed freestanding directional sign to contain the Burger King logo, where logos shall not be included in any informational or directional sign; an area variance for a proposed menu board with a sign area of 37.0 square feet (3.7 feet x 10.0 feet), instead of the 20.0 square feet maximum permitted, and for said sign to have a height of 10.0 feet, instead of the 6.0 feet maximum permitted; and an area variance for a proposed second menu board (6.0 feet x 7.5 feet; 45.0 square feet), instead of the one (1) 20-square-foot menu board permitted, and for said sign to have a height of 7.5± feet, instead of the 6.0 feet maximum permitted.



BOARD OF ZONING APPEALS MINUTES  
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WHEREAS, the findings of fact are as follows. This evening, Kelly Pronte of Harter Secrest, along with Bob Blood and Jim Meineke of the Carrols Corporation appeared before this Board to request the previously stated variance request. Variances "a" and "c," which are the Burger King logo signs, are required for building identification for traffic traveling both east and west bound on Latta Road. Variance "b," the "Home of the Whopper" will be withdrawn from this application. Relative to variance "d," for the proposed freestanding monument sign that would next to Latta Road, that variance is also being withdrawn at this time. Variance "e," relative to logos on directional signs, will be modified so that the Burger King logo will be allowed on directional signage relative to their drive-up lane. As far as variances "f" and "g," relative to the menu boards, the variance "f" relative to that menu board, the size is required due to the order confirmation board where someone will be placing the order as they drive up, and variance "g" is required due to the amount of items on their menu that they will be selling.

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

1. All necessary signage permits shall be obtained before being put up.
2. Variances "b" and "d" have been withdrawn by the applicant.
3. Only the drive-up window directional sign located near the southwest corner of the building shall be permitted to have the logo.

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

**Motion Carried**  
**Application Approved**  
**With Conditions**  
**Items "b" and "d" Withdrawn**

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BOARD OF ZONING APPEALS MINUTES  
May 15, 2018

**ADJOURNMENT:** 8:50 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:** June 5, 2018