



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**JUNE 5, 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

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

#### **Absent**

Bradford Shea

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

#### **Announcements**

Mr. Forsythe announced his resignation from the Board, effective June 7, 2018.

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**New Business:**

1. Applicant: Emanuel Burgio  
Location: 2177 Edgemere Drive  
Mon. Co. Tax No.: 026.20-1-23 & 026.20-1-48  
Zoning District: R1-E (Single-Family Residential)  
Request: The following variances are requested for the resubdivision of 2177 & 2178 Edgemere Drive to create Lot 1 of the Burgio Subdivision:
- a) An area variance for a proposed lot to have a lot width of 40 feet, instead of 45 feet established by the neighborhood average. Sec. 211-11 D (2), Table 1
  - b) An area variance for a proposed lot to have an area of 4415 square feet, instead of the 4885± square feet minimum established by the neighborhood average. Sec. 211-11 D (1) (a), Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2177 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)(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 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>Absent</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 Emanuel Burgio, at 2177 Edgemere Drive, Mr. Burgio appeared before the Board of Zoning Appeals this evening, requesting the following variances for the resubdivision of 2177 & 2178 Edgemere Drive to create Lot 1 of the Burgio Subdivision: an area variance for a proposed lot to have a lot width of 40 feet, instead of 45 feet established by the neighborhood average; and an area variance for a proposed lot to have an area of 4415 square feet, instead of the 4885± square feet minimum established by the neighborhood average.

WHEREAS, the findings of fact are as follows. The parcel is located at both 2177 & 2178 Edgemere Drive and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Emanuel Burgio, appeared before the Board this evening and stated that he has lived at 2183 Edgemere Drive for approximately 35 years. Mr. Burgio stated that he would like to take a 10-foot piece of property that is currently joined with 2178 Edgemere Drive and combine that 10-foot piece to 2177 Edgemere Drive, which is next to his primary residence at 2183 Edgemere Drive. Mr. Burgio understands that the condition of this approval would be that the 10-foot strip stays with the property at 2177 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 the application, with the condition that the applicant receives approval from the Town for the lot combination at 2177 Edgemere Drive.

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

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

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2. Applicant: Gerald Pozzuolo  
Location: 1230 Edgemere Drive  
Mon. Co. Tax No.: 035.09-1-42  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed deck (10.0 feet x 25.0 feet: 250.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted in the rear yard only; and for said deck to have a front setback of 215± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 198.5± feet maximum as established by the neighborhood average. Sec. 211-11 E (3)  
b) An area variance for a proposed deck (10.0 feet x 25.0 feet: 250.0 square feet) to have a (east) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I  
c) An area variance for a proposed deck (10.0 feet x 25.0 feet: 250.0 square feet) to have a (west) side setback of 0.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (1), Table I

**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 1230 Edgemere Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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**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>Absent</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 Gerald Pozzuolo, 1230 Edgemere Drive, Mr. Pozzuolo appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (10.0 feet x 25.0 feet: 250.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted in the rear yard only; and for said deck to have a front setback of 215± feet (measured from the north right-of-way line of Edgemere Drive), instead of the 198.5± feet maximum as established by the neighborhood average; an area variance for a proposed deck (10.0 feet x 25.0 feet: 250.0 square feet) to have a (east) side setback of 0.0 feet, instead of the 6.0 feet minimum required; and an area variance for a proposed deck (10.0 feet x 25.0 feet: 250.0 square feet) to have a (west) side setback of 0.0 feet, instead of the 6.0 feet minimum required.

WHEREAS, the findings of fact are as follows. The applicant has stated that they have lived at this location for six years. The reason for this deck is that he currently has a concrete pad and for safety reasons he is looking to put in a pressure-treated and Trex-type material deck that matches the current deck that he currently has. They are taking the existing deck and are going to extend that approximately 10 feet to make this new proposed deck. Once again, this is for safety reasons to have one level of deck for hopefully safety type purposes. A neighbor, Mr. Robert Johansson of 1226 Edgemere Drive, supported the project and also the applicant has agreed to meet all building codes and stated that he will have railing-type materials on both sides of the deck. It is also common in this area on Edgemere Drive that decks with zero feet setbacks on either the east or west side are very common in this neighborhood. Once again, the applicant did say that this will be on top of a current concrete pad that he has and will go up to the rocks of his break wall; rocks have been added due to the high lake level, for protection to his 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 will meet all building codes and will obtain all necessary permits.
2. That the approval is for the life of the deck.

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

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

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3. Applicant: Megan Wright  
Location: 210 Holmes Road (a.k.a. 301 Somerworth Drive)  
Mon. Co. Tax No.: 074.19-2-21  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (180± linear feet) to be located in the 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 (25± 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 (at 228 Holmes Road), where fences shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-47 A (1)

**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 210 Holmes Road (a.k.a. 301 Somerworth 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. 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>Absent</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, regarding the application of Megan Wright, 210 Holmes Road (a.k.a. 301 Somerworth Drive), Ms. Wright and Jerry Bevilacqua appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (180± linear feet) to be located in the 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 (25± 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 (at 228 Holmes Road), where fences shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. This parcel is located at 210 Holmes Road, it is a corner lot located on the corner of Holmes Road and Somerworth Drive. It is approximately 120 feet wide by 184 feet deep and lies within an R1-E (Single-Family Residential) district. Ms. Wright has lived at this address for approximately three years and would like to construct the fencing on the rear yard of the property, which a portion of it adjoins the front yard of an adjoining lot at 228 Holmes Road. Ms. Wright states the reason for this request for the height and type of fence is for privacy and noise control, as Holmes Road is very busy and noisy from traffic. She is also looking to adopt or purchase a large breed dog, which would warrant the extra height of the fence. The proposed fence will be of closed construction. There is an eight-foot hedgerow that will be removed. It does back right up to and is overgrown almost over the sidewalk, and they have plans to remove the entire hedgerow. It is hard to maintain, it is very difficult, and it is filled with poison ivy, so it is also a health hazard. The applicant did agree to the suggestion from John Newcomb to be a minimum of two feet from the sidewalk. A copy of the letter from RG&E was submitted regarding the easement and the applicant will acknowledge all points of that letter and sign it. The applicant did agree to enter into a Hold Harmless Agreement with the Town of Greece. They did speak with their neighbor at 228 Holmes Road who had no opposition to the fencing. They did state that the bushes are much higher and with them removed it will create a clearer sight line and be less obtrusive.

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 will obtain all necessary permits.
2. The applicant will enter into a Hold Harmless Agreement with the Town of Greece, which will include the fence and any other easement that the Town has, including sanitary sewer.
3. The applicant will acknowledge all points outlined in the copy of the letter from RG&E regarding easement and access area and damage, and they will also sign that letter.
4. The fence has to be a minimum of two (2) feet from the sidewalk.



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

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

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4. Applicant: Joseph Hamm  
Location: 1069 North Greece Road  
Mon. Co. Tax No.: 073.01-2-7  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (40± linear 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. 211-46 L

**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 1069 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>Absent</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, regarding the application of Joseph Hamm, 1069 North Greece Road, Mr. Hamm appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (40± linear 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.

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WHEREAS, the findings of fact are as follows. Mr. Hamm has owned the property for five years; his wife has owned it for seven years. He is asking for the fence for privacy. He had bushes in the location where the fence is to be located and he removed the bushes without knowledge that a variance would be needed for the fence, so he is asking to build the fence in the place of the bushes. He is willing to scale the fence back to 32 feet in length, which will make it more acceptable, so it will be restricted to 32 feet. The fence will be closed construction and will be of vinyl fence in nature. One of the neighbors who will be on the other side of the fence has written a letter to this Board, Jerry and Suzanne Helvey of 1071 North Greece Road, and they have no objections, and the applicant has agreed to sign an acknowledgment letter from RG&E.

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 applies for all necessary permits.
2. That the applicant follows through and signs the letter of acknowledgment to RG&E.
3. The fence will not exceed more than 32 feet in length from the face of the garage, as shown on the exhibit that was submitted.

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

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

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5. Applicant: Mount Carmel House, Inc.  
Location: 288 Frisbee Hill Road  
Mon. Co. Tax No.: 033.01-2-24  
Zoning District: R1-44 (Single-Family Residential)  
Request: An area variance for a proposed freestanding sign (2.2 feet x 4.8 feet; 10.6 square feet), where none (0) are permitted. Sec. 211-52 A

**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 288 Frisbee Hill 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.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that

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recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

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

NOW, THEREFORE, be it

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

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

**Motion Carried**

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

Mr. Chairman, regarding the application of Mount Carmel House, Inc., 288 Frisbee Hill Road, Carol Cook appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed freestanding sign (2.2 feet x 4.8 feet; 10.6 square feet), where none (0) are permitted.

WHEREAS, the findings of fact are as follows. This evening Carol Cook, the Director of Mount Carmel House, appeared before the Board to speak on behalf of Mount Carmel House in order to request an area variance for a proposed freestanding sign 2.2 feet x 4.8 feet (10.6 square feet), where zero (0) are permitted.

WHEREAS, the findings of fact are as follows. The Director, Carol Cook, appeared before the Board, seeking an area variance for a freestanding sign located 20 feet from the road. It will be four years in November that the applicant has been at this location. They provide comfort care for two hospice residents at a time. The residence sits approximately 220 feet from the road and provides comfort care. The applicant states that the sign is for directional/address, as the house sits back from the road. It is important that people who are already upset by having to visit their loved one be able to easily find it. A neighbor from 294 Frisbee Hill Road did submit agreement with this application, stating that it is beneficial to both the residents along the road and the comfort care facility itself, as it will allow people to easily find the residence. It will be made out of wood, the sign itself will be painted and sealed and it will be lit by gooseneck lighting that will come from overhead to avoid light spillage, and this will mirror the actual residence itself, which is log cabin in design. The sign will run parallel with the road and will be lit 24 hours a day, it will shine backward toward the house, with zero light spillage. No one at this meeting spoke. There were no County comments and there were no concerns with County comments. Therefore, I move to approve this request, with the following conditions:

1. That the applicant will obtain all necessary permits.
2. There will be no light spillage beyond the sign itself.
3. There will be no ground lighting.
4. As offered by the Applicant, since this hospice or comfort care facility operates on a special use permit, they will relinquish this variance and remove the sign should the operation cease to operate.
5. There will be an administrative review by staff of the Town concerning the light fixture and how it is designed before it is purchased and installed.

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

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

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6. Applicant: Bob Johnson Automotive (d.b.a. Websmart Auto Carite)  
Location: 3950 West Ridge Road  
Mon. Co. Tax No.: 073.01-2-27.1  
Zoning District: BG (General Business)  
Request: An area variance for a proposed second building-mounted sign ("Where Yes Means More!"; 1.7 feet x 30.7 feet; 52.2 square feet), instead of the 43.2 square feet granted by the Board of Zoning Appeals on March 15, 2005. Sec. 211-52 B (2) (a) [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 3950 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. 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>Absent</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 Bob Johnson Automotive (d.b.a. Websmart Auto Carite), 3950 West Ridge Road, John Love appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed second building-mounted sign ("Where Yes Means More!"; 1.7 feet x 30.7 feet; 52.2 square feet), instead of the 43.2 square feet granted by the Board of Zoning Appeals on March 15, 2005.

WHEREAS, the findings of fact are as follows. This evening, John Love spoke on behalf of Bob Johnson Chevrolet, requesting a second building-mounted sign: "Where Yes Means More," which is also part of the brand of that car dealership. The sign was discussed size-wise. Even though the total square footage of the existing and proposed signs basically remains the same, what is happening is that the primary permitted sign "Carite" is being reduced from 63 square feet to 55 square feet, and the applicant has requested to reduce the existing variance accordingly. So, with that reduction, and the "Where Yes Means More," once the two sign areas are added together will total what is currently in place. The signs will be individual letters on a raceway; they will not be illuminated, and the letters will be white in color. The applicant also does have authority from the owner of the property to relinquish the existing variance for a 63 square foot sign, approved on October 22, 1991 and modify it to be 55 square feet.

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

1. All necessary permits be obtained.
2. That the applicant has offered to relinquish the right for a freestanding sign on the property.
3. As offered by the Applicant, a reduction of an existing variance of the primary sign, "Carite," from 63 square feet, which was previously approved on October 22, 1991, to 55 square feet. This means that the two (2) building-mounted signs for the property cannot exceed 55 square feet and 52.2 square feet.
4. That the signs not be illuminated.

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

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

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**Modification to Neighborhood Notification:**

1. Applicant: Presidential Estates Apartment, LLC  
Location: 41 Whitehouse Drive  
Mon. Co. Tax No.: 075.65-1-1  
Zoning District: RMH (Multiple-Family Residential)  
Request: a) An area variance for a proposed accessory structure (16.0 feet x 20.0 feet; 320.0 square feet) to have a (west) setback of 35.5 feet from other zoning districts, instead of the 50.0 feet minimum required. Sec. 211-13 D, Table II  
b) An area variance for a proposed accessory structure (16.0 feet x 20.0 feet; 320.0 square feet) to have a (south) setback of 20.0 feet from other zoning districts, instead of the 50.0 feet minimum required. Sec. 211-13 D, Table II

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 accessory structure will be placed.

**On a motion by Mr. Jensen and seconded by Ms. Nigro, it was resolved to amend the neighborhood notification for the proposed accessory structure for Presidential Estates Apartment, LLC, 41 Whitehouse Drive, 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 near the proposed accessory structure location on Colin Street, Canasta Street, MacArthur Road, Ridgedale Circle, and Bernice Street, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed accessory structure.**

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

**Motion Carried  
Request Granted**

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**ADJOURNMENT:** 8:25 p.m.

**APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES**

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

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Albert F. Meilutis, Chairman

**NEXT MEETING: June 19, 2018**