



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**JUNE 21, 2022**

**Work Session Began: 6:30 p.m.**

**Meeting Began: 7:00 p.m.**

**Place: Community Conference Room, Greece Town Hall**

**Present:**

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Sharon M. Quataert

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Zoning Administrator

Maryjo Santoli, Planning and Zoning Secretary

**Absent**

**Additions, Deletions and Continuances to the Agenda  
Decorum Policy  
Announcements**

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**Old Business:**

1. Applicant: Royal Wash Development, LLC  
Address: 55 Greece Center Drive  
Mon. Co. Tax No.: 045.03-4-2.1  
Zoning District: BR (Restricted Business)  
Request: a) An area variance for a proposed second (east side) building mounted sign, 6.7 feet x 16.0 feet), totaling 106.7 square feet, instead of the one (1) 32.0 square feet sign permitted. Section 211-56 B(2)(a)[1] and Section 211-56 B(2)(c)[1], Table VII  
b) An area variance for a proposed third (west side) building mounted sign, 6.7 feet x 16.0 feet), totaling 106.7 square feet, instead of the one (1) 32.0 square feet sign permitted. Section 211-56 B(2)(a)[1] and Section 211-56 B(2)(c)[1], 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 55 Greece Center Drive, for an area variance, as outlined above; and

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

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

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7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
8. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that recommendations and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
9. The Environmental Analysis examined the relevant issues associated with the Proposal.
10. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
11. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
12. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
13. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
14. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
15. The Board of Zoning Appeals has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Board of Zoning Appeals' determination is supported by substantial evidence, as set forth herein.
16. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Abstain</b>
	<b>Mr. Jensen</b>	<b>Abstain</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</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. Wechsler then offered the following resolution and moved its adoption:**

WHEREAS, regarding the application of Royal Wash Development, LLC, located at 55 Greece Center Drive, in a BR (Restricted Business) zoning district, the applicant is requesting an area variance for a proposed second (east side) building mounted sign, 6.7 feet x 16.0 feet), totaling 106.7 square feet, instead of the one (1) 32.0 square feet sign permitted and an area variance for a proposed third (west side) building mounted sign, 6.7 feet x 16.0 feet), totaling 106.7 square feet, instead of the one (1) 32.0 square feet sign permitted.

WHEREAS, the findings of fact are as follows: The applicants appeared before this board at the previous meeting and they testified that the reason for the signs has to do with providing better visibility in the parking lot, being able to read the signs. The signs are also uniform with all the locations for Royal Car Wash so that they will be part of the company branding and make for consistency in that situation. They are also not out of character with the area.

Based upon the findings of fact, I move to approve to approve these variances.

So moved

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Abstain</b>
	<b>Mr. Jensen</b>	<b>Abstain</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

**Application Approved**

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2. Applicant: Matthew Stryker  
Address: 56 Wainsright Circle  
Mon. Co. Tax No.: 058.02-6-16  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance to have farm animals (3 beehives/apiaries) on a residential property with less than ten (10) acres. Section 211-33B & Section 211-33D

**On a motion by Ms. Andreano and seconded by Ms. Quataert, it was resolved to continue the public hearing on this application until the meeting of July 5, 2022.**

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</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 July 5, 2022**

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3. Applicant: Kevin Mattice, Jr.  
Address: 124 Cider Creek Lane  
Mon. Co. Tax No.: 059.01-3-15  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 6.0 feet high, closed-construction fence, approximately 150.0 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. Section 211-50 L

**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 124 Cider Creek Lane, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Abstain</b>
	<b>Mr. Jensen</b>	<b>Abstain</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</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 Kevin Mattice Jr., 124 Cider Creek Lane, at the corner of Hidden Wood Drive in an R1-E (Single-Family Residential) zoning district, Mr. Mattice appeared on June 7, 2022 and before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0 feet high, closed-construction fence, approximately 150.0 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.

WHEREAS, the findings of fact are as follows. Mr. Mattice has lived at this address for about six weeks. The applicant stated that the reason for the proposed 6.0 ft. high closed

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construction fence to provide safety and privacy for his family and his dogs. Mr. Mattice wanted to place the proposed fence just inside the utility line that surrounds some of the property, instead the board urged the proposed fence be placed fifteen feet from the corner of the house and the applicant did agree to that proposal. Letters from two neighbors on Hidden Wood Drive across the street from Mr. Mattice stated that they were both against the proposal because it would block the open view of the neighborhood. The proposed fence would be constructed of stockade construction and there was some discussion with a couple of other neighbors and they said they had no problems with anything. Once again, the location of the fence will be fifteen feet off the corner of the house.

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

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</b>	<b>Yes</b>	<b>Mr. Hartwig</b>	<b>Abstain</b>
	<b>Mr. Jensen</b>	<b>Abstain</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Ms. Quataert</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: Michael & Gina Driscoll  
Address: 17 Fallingwood Terrace (aka 139 Summit Hill Drive)  
Mon. Co. Tax No.: 046.10-4-18  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed principal structure addition (20.0 feet x 24.0 feet; 480.0 square feet, covered porch) to have a front setback of 29.0 feet, measured from the north right of way line of Fallingwood Terrace, instead of the 50.0 feet minimum, established by the neighborhood average. Section 211-11 D(1)(b) & Section 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 17 Fallingwood Terrace (aka 139 Summit Hill Drive), as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</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 Michael & Gina Driscoll, 17 Fallingwood Terrace (aka 139 Summit Hill Drive), in an R1-E (Single-Family Residential) zoning district, Mr. Driscoll appeared on June 21, 2022 and also tonight before the Board of Zoning Appeals



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this evening, requesting an area variance for a proposed principal structure addition (20.0 feet x 24.0 feet; 480.0 square feet, covered porch) to have a front setback of 29.0 feet, measured from the north right of way line of Fallingwood Terrace, instead of the 50.0 feet minimum, established by the neighborhood average.

WHEREAS, the findings of fact are as follows. Michael and Gina Driscoll have lived at this address for about eighteen years. The single piece of property includes both 129 Summit Hill Drive and 17 Fallingwood Terrace. The applicant stated that the reason for the proposed covered porch is to expand and enhance the enjoyment of the outdoor living. The proposed porch would be covered with shingles, similar to what he has on his house now and he will not be enclosing it or adding any bright lights, as such. He has talked to his neighbors and all of them support his project.

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

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</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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2. Applicant: Gregory Williams  
Address: 330 South Drive  
Mon. Co. Tax No.: 026.18-4-27  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 6.0 feet high, closed-construction fence, approximately 25.0 linear feet, to be located in a waterfront yard, where fences in a waterfront yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-50 L & Section 211-51 A

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 330 South Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</b>	<b>Yes</b>	<b>Mr. Shea</b>	<b>Yes</b>
	<b>Mr. Wechsler</b>	<b>Yes</b>		

**Motion Carried**

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

WHEREAS, with regard to the application of Gregory Williams, 330 South Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Williams appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0 feet high, closed-construction fence, approximately 25.0 linear feet, to be located in a waterfront yard, where fences in a waterfront 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. The applicant, Mr. Williams, attended the hearing of June 21, 2022. He has owned the parcel at 330 South Drive for 30 years. It is a waterfront yard that adjoins Long Pond, where the water side is considered the front yard and the street side is considered the rear yard. Regarding the fence, Mr. Williams explained that the fence is replacing a fence previously of wood construction that is falling down and is dilapidated and he would like to replace it with the 6.0 ft. white vinyl solid construction fence. His neighbor at 324 South Drive, Mr. Don White, attended the meeting and is in full support of this project. Upon request of considering the top one foot of the fence to be of lattice construction, Mr. Williams indicated that he already ordered the materials and they will be solid.

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

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</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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3. Applicant: Theresa Collier  
Address: 1432 Edgemere Drive  
Mon. Co. Tax No.: 035.09-1-14  
Zoning District: R1-E (Single-Family Residential)  
Request: a) An area variance for a proposed accessory structure (16.0 feet x 18.0 feet; 288.0 square feet deck), to be located in waterfront yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 E(3)  
b) An area variance for a proposed accessory structure (16.0 feet x 18.0 feet; 288.0 square feet deck), to have a (west) side setback of 1.7 feet, instead of the 6.0 feet minimum required. Section 211-11 E(1), Table I  
c) An area variance for a proposed accessory structure (16.0 feet x 18.0 feet; 288.0 square feet deck), to have an (east) side setback of 5.1 feet, instead of the 6.0 feet minimum required. Section 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 1432 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</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:**

WHEREAS, with regard to the application of Theresa Collier, 1432 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Ms. Collier appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed accessory structure (16.0 feet x 18.0 feet; 288.0 square feet deck), to be located in waterfront yard, where accessory structures, including decks, are permitted in rear yards only, an area variance for a proposed accessory structure (16.0 feet x 18.0 feet; 288.0 square feet deck), to have a (west) side setback of 1.7 feet, instead of the 6.0 feet minimum required and an area variance for a proposed accessory structure (16.0 feet x 18.0 feet; 288.0 square feet deck), to have an (east) side setback of 5.1 feet, instead of the 6.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This property is along Lake Ontario and the waterfront is considered the front yard and decks are common within this section of Edgemere Drive. Regarding request "b", the deck will be within the width of the current home on the west side, which is 1.7 ft. instead of the 6.0 ft. that is required, it will stay within the width of the house so it will just be a continuation from the home on the west side. Along the east side, which currently has a 5.1 ft. setback instead of the 6.0 ft., it will also be within the width of the house so it will be flush along the east side of the home. The applicant will be using the proposed accessory structure, the deck, for patio furniture and for possibly a portable gas grill with propane. The applicant will not be enclosing this proposed deck, it will be open, no screens and the multi-season will not be covered. The applicant has spoken to the neighbors and there has been no opposition or no one voiced any concerns. We did receive correspondence from Mr. Goldman from 1437 Edgemere Drive and he was in favor of this deck. The applicant did state that there will be lighting, but it will be neighbor friendly and it will be within the applicant's 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 regulations, requiring no further action by this Board, I move to approve this application with the following conditions:

1. This approval is for the life of the deck.
2. That the applicant will obtain all necessary permits.
3. There will be no cover and or enclosure to this deck.

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</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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4. Applicant: Jessica Tuttobene  
Address: 133 Hincer Road  
Mon. Co. Tax No.: 025.03-3-17  
Zoning District: R1-44 (Single-Family Residential)  
Request: A special use permit for a major home occupation (music studio/lessons). Section 211-5, 211-11 C(2)(a) & 211-26 C

**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 133 Hincer Road, for a special use permit, 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:

17. 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.
18. 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.
19. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
20. 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").
21. 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.
22. 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.
23. 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.
24. 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

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owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

25. The Environmental Analysis examined the relevant issues associated with the Proposal.
26. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
27. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
28. 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.
29. 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.
30. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
31. 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.
32. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Ms. Andreano</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. Wechsler then offered the following resolution and moved its adoption:**

WHEREAS, regarding the application of Jessica Tuttobene, located at 133 Hincer Road, zoning district is R1-44 (Single-Family Residential), Jessica Tuttobene, appeared before this Board this evening requesting a Special Use Permit for a major home occupation (music studio/lessons).

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The findings of fact are as follows: Jessica Tuttobene has recently moved to this address and wishes to continue having a music studio in which she teaches string instruments. The maximum hours of the business will be Monday through Friday 4:00 PM to 8:00 PM and 8:00 AM to 8:00 PM on Saturdays and Sundays.

Standards for Special Permit Applications to the Board of Zoning Appeals:

No special use permit shall be granted by the Board of Zoning Appeals unless and until the applicant has demonstrated to the satisfaction of the Board that:

1. Access to the site and the size of the site are adequate for the proposed use.

Based upon the information, an 1860 sq. ft. house with a 9.0 sq. ft. x 16.0 sq. ft. space is definitely adequate.

2. The proposed use will not adversely affect the orderly pattern of development in the area.

The size of the driveway is definitely adequate for parking for the amount of people that will coming to the property.

3. The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with the nearby uses and will not alter the essential character of the neighborhood nor be a detriment to the residents thereof.

The hours of business are certainly within the norm and any sound or music played certainly will not pass the noise ordinance, which we believe is 10:00 PM, as she is only conducting business until 8:00 PM.

4. The proposed use will not create a hazard to the health, safety or the general welfare.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

Based on the aforementioned information, documentation, testimony, and finding, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Jessica Tuttobene for a special use permit to operate a music studio, to be known as Col Vita Music, on property located at 133 Hincer Road, in a Single-Family Residential (R1-44) zoning district, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this music studio/lessons home occupation in conformity with all details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without public hearing, shall determine the resolution of such conflict at a regularly scheduled hearing.



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2. The Applicant shall comply with all requirements of the Code of the Town of Greece, New York, Chapter 211, the town's zoning ordinance, or any variance granted therefrom. Failure to comply with these requirements may be grounds for revocation of this special use permit.
3. The maximum occupancy of this music studio/lessons home occupation shall be the limit established by the town's Fire Marshal pursuant to the Building Codes of New York State.
4. The Applicant shall comply with all applicable federal, state, county, and town laws, ordinances, codes, rules, and regulations, including but not limited to the Building Codes of New York State. Failure to comply with such requirements may be grounds for revocation of this special use permit.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
7. Upon the sale or transfer of controlling interest in this music studio/lessons home occupation to any person or entity other than Jessica Tuttobene, its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.

Therefore, I move to approve this application.

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

<b>VOTE:</b>	<b>Ms. Andreano</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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5. Applicant: Danielle Palmgreen  
Address: 155 Sommerworth Drive  
Mon. Co. Tax No.: 074.19-3-2  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed 6.0 feet high, closed-construction fence, approximately 186.0 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. Section 211-50 L

**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 155 Sommerworth Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</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 Danielle Palmgreen, 155 Sommerworth Drive, in an R1-E (Single-Family Residential) zoning district, Ms. Palmgreen appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0 feet high, closed-construction fence, approximately 186.0 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. Danielle Palmgreen and her husband have lived at this address for about nineteen years. The piece of property is on the corner of Dundee Drive and Sommerworth Drive. The purpose of the fence is for privacy and safety for the family, they have a pool in the backyard and also to eliminate the undesirables coming into the area. The fence that will be installed will be a stockade type of fence and it will be placed inside of the tree line and it should give sufficient distance from the sidewalk for snow plowing purposes. The Palmgreens have two dogs and a pool in the backyard so the fence will be practical for that purpose. There were no negative comments from the neighbors.

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

So moved.

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

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</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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6. Applicant: Pierre Heroux  
Address: 2699 Ridgeway Avenue  
Mon. Co. Tax No.: 089.03-3-4  
Zoning District: R1-E (Single-Family Residential)  
Request: The following variances will be required for the proposed Heroux Subdivision:

Proposed Lot 1

An area variance for a proposed lot to have a lot width of 120.0 feet, instead of the 138.4 feet minimum, established by the neighborhood average. Section 211-11 D(1)(b) & Section 211-11 D(2), Table I

Proposed Lot 2

- a) An area variance for a proposed lot to have a lot depth of 274.1 feet, instead of the 376.5 feet minimum, established by the neighborhood average. Section 211-11 D(1)(b) & Section 211-11 D(2), Table I
- b) An area variance for a proposed lot to have a lot area of 37,940 square feet, instead of the 53,175 square feet minimum required, established by the neighborhood average. Section 211-11 D(1)(b) & Section 211-11 D(2), Table I

Proposed Lot 3

- a) An area variance for a proposed lot to have a lot width of 78.8 feet, instead of the 151.2 feet minimum, established by the neighborhood average. Section 211-11 D(1)(b) & Section 211-11 D(2), Table I
- b) An area variance for a proposed lot to have a lot area of 36,490 square feet, instead of the 44,135 square feet minimum required, established by the neighborhood average. Section 211-11 D(1)(b) & Section 211-11 D(2), Table I

**On a motion by Ms. Andreano and seconded by Ms. Quataert, it was resolved to continue the public hearing on this application until the meeting of July 5, 2022.**

<b>VOTE:</b>	<b>Ms. Andreano</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. Quataert</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 July 5, 2022**

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7. Applicant: Daniel Rechichi (The Dent Guy)  
Address: 305 Pinewild Drive  
Mon. Co. Tax No.: 089.04-1-14.4  
Zoning District: BG (General Business) & EDIO (Economic Development/Industrial Overlay)  
Request: A special use permit for a motor vehicle service station (auto repair) in accordance with the regulations established in Section 211-39. Section 211-17 B(3)(b)[5]

**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 305 Pinewild Drive, for a special use permit, 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. Jensen and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Ms. Andreano</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. Hartwig then offered the following resolution and moved its adoption:**

WHEREAS, regarding the application of Daniel Rechichi (The Dent Guy), located at 305 Pinewild Drive, zoning district is BG (General Business) & EDIO (Economic Development/Industrial Overlay), Mr. Rechichi appeared before this Board this evening requesting a Special Use Permit for a motor vehicle service station (auto repair).

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The findings of fact are as follows: The applicant, Daniel Rechichi, appeared before the board this evening to mention that he has been in the proposed business of paint less dent repairs for about eleven years. He will be renting the space that he intends to occupy. Once again, the work that he will be doing is classified as a paint less dent repair business and there will also be a doll-up situation with a clear coat process. There will be absolutely no collision work or painting done at the premises. The hours of operation will be Monday-Friday from 9:00 AM to 5:00 PM, there will be no more than five employees on the site and as far as any vehicles storage, it is strictly indoors, and there will be no outside storage of vehicles after hours or on the weekends.

Standards for Special Permit Applications to the Board of Zoning Appeals:

No special use permit shall be granted by the Board of Zoning Appeals unless and until the applicant has demonstrated to the satisfaction of the Board that:

1. Access to the site and the size of the site are adequate for the proposed use.
2. The proposed business will be located in an existing commercial building with complete infrastructure, parking and vehicle circulation.
3. The proposed use will not adversely affect the orderly pattern of development in the area.
4. The proposed use is a small fraction of the overall proposed development area.
5. The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with the nearby uses and will not alter the essential character of the neighborhood nor be a detriment to the residents thereof.
6. All activities occur inside the building of the business and they are not located adjacent to residential areas.
7. The proposed use will not create a hazard to the health, safety or the general welfare.
8. The proposed use is low intensity and similar to what car owners would actually do on their own residence.
9. The proposed use will not be detrimental to the flow of traffic in the vicinity.
10. The proposed use is very low traffic intensity.
11. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

Based on the aforementioned information, documentation, testimony, and finding, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Daniel Rechichi (The Dent Guy) for a special use permit to operate a motor vehicle service station, to be known as The Dent Guy, on property located at 305 Pinewild Drive, in a General Business (BG) and an Economic Development/Industrial Overlay zoning district, hereby be and the same is approved and granted, subject to the following conditions:

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1. The Applicant shall operate this motor vehicle service station in conformity with all details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without public hearing, shall determine the resolution of such conflict at a regularly scheduled hearing.
2. The Applicant shall comply with all requirements of the Code of the Town of Greece, New York, Chapter 211, the town's zoning ordinance, or any variance granted therefrom. Failure to comply with these requirements may be grounds for revocation of this special use permit.
3. The maximum occupancy of this motor vehicle service station shall be the limit established by the town's Fire Marshal pursuant to the Building Codes of New York State.
4. The Applicant shall comply with all applicable federal, state, county, and town laws, ordinances, codes, rules, and regulations, including but not limited to the Building Codes of New York State. Failure to comply with such requirements may be grounds for revocation of this special use permit.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
7. Upon the sale or transfer of controlling interest in this motor vehicle service station to any person or entity other than Daniel Rechichi, its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
8. The hours of operation will be 9:00 AM to 5:00 PM Monday through Friday. No more than five employees at the site per shift.
9. After hours and weekend hours of outside vehicle storage is strictly prohibited, only indoor vehicle storage is allowed.
10. No motor repair, collision work or painting is allowed in this operation.

So moved



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

<b>VOTE:</b>	<b>Ms. Andreano</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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**ADJOURNMENT: 9:45 P.M.**

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

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

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

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

Albert F. Meilutis, Chairman

**NEXT MEETING: Tuesday, July 5, 2022**

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