



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 17, 2019

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Additions, Deletions and Continuances to the Agenda

Decorum Policy

Announcements

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Old Business:

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

On a motion by Ms. Nigro and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of December 3, 2019 per the request of the applicant.

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

**Motion Carried
Application Continued Until
Meeting of December 3, 2019**

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2. Applicant: Larryetta Davis & Ridgemont Properties LLC
Location: 92 Elmgrove Road & 3655-3717 West Ridge Road
Mon. Co. Tax No.: 073.04-2-23 & 073.04-2-17.11
Zoning District: R1-18 (Single-Family Residential)
Request: An area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 175.0 lineal feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-46L

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 92 Elmgrove Road & 3655-3717 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 Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (2), (11), (13), (16) & (17).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Larryetta Davis & Ridgemont Properties LLC, 92 Elmgrove Road & 3655-3717 West Ridge Road, Ms. Davis appeared before the Board

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of Zoning Appeals, requesting an area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 175.0 lineal feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. This parcel is located at 92 Elmgrove Road and 3655-3717 West Ridge Road and is located in an R1-18 (Single-Family Residential) neighborhood. The applicant first appeared before the Board of Zoning Appeals on August 20th, after reviewing the site plan and realizing the location of the fence was on the Ridgemont Country Club property, the board postponed the decision in order to give the applicant time to obtain Ridgemont Country Clubs approval and also to allow time for staff to re-advertise the zoning variance application. Ridgemont CC did approve the request by the owner allowing the fence along the turn around, which is on country club property. The applicant has stated that she has lived at this residence for approximately a year and the proposed fence will be a wood stockade closed construction with an entry gate at the driveway. The purpose of the 6 ft. high fence is to provide safety, security and privacy for her and her family. The fence will be located closest to the house along the stream. The fence shall be removed if there is a change in ownership, as agreed to by the applicant. There was one resident at the previous meeting that spoke against the fence, he was concerned about what this was going to look like. No one spoke at tonight's meeting in favor or opposed to this application. Also, the West Ridge Road, Deputy Fire Marshall, Jamie Cary will need to approve this project, prior to the issuance of a permit from the town.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of 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 Town permits.
2. That the fence shall be removed if there is a change in ownership.
3. The fence shall stay out of the floodway as agreed upon by the property owner.
4. That the Applicant obtain approval by the Fire Marshall and West Ridge Road, Deputy Fire Chief, Jamie Cary.

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

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

Motion Carried
Application Approved
With Conditions

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New Business:

1. Applicant: Michael Vargas
Location: 321 Manitou Beach Road
Mon. Co. Tax No.: 017.04-2-6
Zoning District: R1-E (Single-Family Residential)
Request: a) Request of relief from testimony pertaining to an area variance granted by the Board of Zoning Appeals on June 20, 2017 to allow a second story (attached garage), heat and water.

b) An area variance for an existing accessory structure, (two-story attached garage addition), totaling approximately 1276.2 square feet in all accessory structures, where 1000 square feet is the maximum gross floor area permitted for lots more than 16,000 square feet to one acre in area. Section 211-11 E (1), Table I

On a motion by Ms. Nigro and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of October 1, 2019 in order to give staff and board members time to visit this location and review the project.

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

**Motion Carried
Application Continued Until
Meeting of October 1, 2019**

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2. Applicant: Doreen Rafter
Location: 144 Shoreway Drive
Mon. Co. Tax No.: 026.03-1-52
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing accessory structure (10.0 ft. x 14.0 ft. metal shed) to have a south side setback of approximately 1.5 feet instead of the 4.0 feet minimum required. Section 211-11 E(1), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 144 Shoreway 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 Ms. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Doreen Rafter, 144 Shoreway Drive, in an R1-E (Single-Family Residential) district, Ms. Rafter appeared before the Board of Zoning Appeals, requesting an area variance for an existing accessory structure (10.0 ft. x 14.0 ft.

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metal shed) to have a south side setback of approximately 1.5 feet instead of the 4.0 feet minimum required.

WHEREAS, the findings of fact are as follows. The applicant stated that she has owned the property for approximately 25 years and that this existing shed has been in this location for the past 15 years. At the time of placement, 15 years ago, she did not realize that there were setback requirements. The shed, in its current condition, cannot be moved, it would not survive a relocation. As such, it would be an economic hardship to move it. The shed is necessary to store her lawn equipment and lawn furniture. No one spoke for or against the applicant this evening, as such

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 this approval is for the life of this shed.
2. And that any subsequent shed that could be placed on the property must be in conformance with Town zoning codes.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Nancy S. Ferrari
Location: 482 Mill Road
Mon. Co. Tax No.: 058.03-1-50
Zoning District: R1-44 (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure (approximately 35.0 feet x 56.0 feet; 1950.0 square feet, detached garage), resulting in a total gross floor area of 3146.0 square feet in all accessory structures, where 1250 square feet is the maximum gross floor area permitted for lots over one acre. Section 211-11 E (1), Table I
b) An area variance for a proposed accessory structure, (approximately 35.0 feet x 56.0 feet; 1950.0 square feet, detached garage), to be located in a front yard, where accessory structures, including detached garages, are permitted in rear yards only. Section 211-11 E (3)

On a motion by Mr. Jensen and seconded by Ms. Andreano, it was resolved to continue the public hearing on this application until the meeting of October 1, 2019 in order to give the applicant time to review her options.

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

**Motion Carried
Application Continued Until
Meeting of October 1, 2019**

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4. Applicant: Stanley J. Kaminski
Location: 82 Rangers Court
Mon. Co. Tax No.: 045.08-2-26
Zoning District: RMH (Multi-Family Residential – High Density)
Request: An area variance for lot coverage of 28% instead of the 25% permitted. 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 82 Rangers Court, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Stanley Kaminski, 82 Rangers Court, Mr. Kaminski appeared before the Board of Zoning Appeals, requesting an area variance for lot coverage of 28% instead of the 25% permitted.

WHEREAS, the findings of fact are as follows. This parcel is located in an RMH (Multiple-Family Residential-High Density) neighborhood. Mr. Kaminski has been at this location for about 5 years. He contracted for a pool deck to be built and the contractor built the deck without obtaining a permit or checking with the town prior to construction. It was after the fact that the contractor came in to obtain the permit when the lot coverage issue

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was discovered. To reduce his lot coverage from 28% to 25% would not be practical at all; financially or otherwise. No one spoke tonight in favor or opposed to this application. This is not out of character for this neighborhood.

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

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

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

**Motion Carried
Application Approved
With Condition**

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5. Applicant: Bridget Generich & Daniel Lang
Location: 262 South Drive
Mon. Co. Tax No.: 026.18-4-37.1
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed 8.0 feet high, closed-construction fence, approximately 25.0 lineal feet on the east side and 14.0 lineal feet on the west side, to be located in a waterfront yard, where fences in a waterfront yard shall not exceed 4.0 ft. in height and shall be of open construction. Section 211-46 L
b) An area variance for a proposed 8.0 feet high, closed-construction fence, approximately 55.0 lineal feet to be located in a (east) side yard, where fences in a side yard shall not exceed 6.0 feet in height. Section 211-47
c) An area variance for a proposed 8.0 feet high, closed-construction fence, approximately 56.0 lineal feet to be located in a (west) side yard, where fences in a side yard shall not exceed 6.0 feet in height. Section 211-47

On a motion by Mr. Wechsler and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of October 1, 2019 in order to give the applicant time to review their options.

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

**Motion Carried
Application Continued Until
Meeting of October 1, 2019**

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6. Applicant: Kenneth Beghini
Location: 298 Lakeshore Drive
Mon. Co. Tax No.: 017.06-1-25.1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure, (11.0 feet x 20.0 feet; 220 square feet deck), to have a front setback of 121.0 feet, (measured from the right of way Lakeshore Drive), instead of the 107.5 feet maximum, established by the neighborhood average and for said deck to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 D (2), Table I & Section 211-11 E (3)

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 298 Lakeshore 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 Ms. Nigro and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Kenneth Beghini, 298 Lakeshore Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Beghini appeared before the Board of

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Zoning Appeals, requesting an area variance for a proposed accessory structure, (11.0 feet x 20.0 feet; 220 square feet deck), to have a front setback of 121.0 feet, (measured from the right of way Lakeshore Drive), instead of the 107.5 feet maximum, established by the neighborhood average and for said deck to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only.

WHEREAS, the findings of fact are as follows. Mr. Beghini is the owner of the property at 298 Lakeshore Drive and has been for 11 years. No neighbors have come before the board tonight to speak on this request. Staff has noted that decks in a waterfront yard are not uncommon for the area. Mr. Beghini's stated use of the property is to just enjoy the lake and put some furniture out on his deck. He plans to use a Trex® (composite deck) or a similar product over the existing concrete slab.

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

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

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

Motion Carried
Application Approved
With Condition

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7. Applicant: Charisma Jewelers
Location: 2330 West Ridge Road
Mon. Co. Tax No.: 074.15-1-10
Zoning District: BR (Restricted Business)
Request: An area variance for a portion of an existing freestanding sign (40.0 square feet) to be an electronic reader board-type sign, containing flashing, intermittent, rotating, or moving lights, where such signs are not permitted, except to show time and temperature. Section 211-51 F (4)

This application has been withdrawn by the applicant

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8. Applicant: Jim Vo
Location: 491 Elmgrove Road
Mon. Co. Tax No.: 088.04-4-21
Zoning District: BR (Restricted Business)
Request: Expansion of a Special Use Permit to operate a motor vehicle service station in accordance with the regulations established in Section 211-17 B(3)(b)[3]; Section 211-35 & Section 211-60 A (3)

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 491 Elmgrove 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 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 an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals also has included in the Environmental Analysis and 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.
6. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that 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.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that 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.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

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9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. 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.
12. 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.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

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:

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

Motion Carried

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

Mr. Chairman, with regard to the application of Jim Vo, 491 Elmgrove Road, in a BR (Restricted Business) district, Mr. Vo appeared before the Board of Zoning Appeals this evening, requesting an expansion of a Special Use Permit to operate a motor vehicle service station in accordance with the regulations established in Section 211-17 B(3)(b)[3]; Section 211-35 & Section 211-60 A (3)

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WHEREAS, Jim Vo, who resides at 3230 Edgemere Drive and intends on opening a business at 491 Elmgrove Road in a Restricted Business district, has submitted an application for a special use permit to operate a motor vehicle service station in accordance with the regulations established in Section 211-35.

WHEREAS, on the main motion; The applicant, Jim Vo, has mentioned that the hours of operation, the number of employees and the type of work will not be changing from the previously approved Special Use Permit that was granted on September 15, 2015, it is just that he is expanding in another area to acquire more square footage to accommodate these activities.

As such, I move to approve this expansion of a Special Use Permit with the condition that the conditions previously stated in the approved special use permit, September 15, 2015, will remain in full force and affect.

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

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

Motion Carried
Application Approved
With Conditions

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9. Applicant: YMCA of Greater Rochester/University of Rochester
Location: 730 Long Pond Road
Mon. Co. Tax No.: 045.03-4-16
Zoning District: R1-12 (Single-Family Residential)
Request: a) An area variance for an existing (west side), building-mounted sign (6.0 feet x 7.1 feet) totaling 42.5 square feet, instead of the 39.4 square feet and where none (0) are permitted, granted by the Board of Zoning Appeals on March 15, 2011. Section 211-52 A
b) An area variance for a proposed third (west side) building-mounted sign (3.0 feet x 4.5 feet) totaling 13.5 square feet, where none (0) are permitted and where a second (west side) building-mounted sign, totaling 20.6 square feet, was granted by the Board of Zoning Appeals on March 15, 2011. Section 211-52 A

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 730 Long Pond 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:

16. 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.
17. 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.
18. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
19. 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").
20. 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.

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21. 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.
22. 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.
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 nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
24. The Environmental Analysis examined the relevant issues associated with the Proposal.
25. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
26. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
27. 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.
28. 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.
29. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
30. 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.
31. 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:

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

Motion Carried

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

Mr. Chairman, regarding the application of YMCA of Greater Rochester/University of Rochester, 730 Long Pond Road, Ms. Deb Herb of Image 360 appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing (west side), building-mounted sign (6.0 feet x 7.1 feet) totaling 42.5 square feet, instead of the 39.4 square feet and where none (0) are permitted, granted by the Board of Zoning Appeals on March 15, 2011 and an area variance for a proposed third (west side) building-mounted sign (3.0 feet x 4.5 feet) totaling 13.5 square feet, where none (0) are permitted and where a second (west side) building-mounted sign, totaling 20.6 square feet, was granted by the Board of Zoning Appeals on March 15, 2011.

The findings of fact are as follows. This parcel is located at 730 Long Pond Road and is in an R1-12 (Single-Family Residential) neighborhood. The reason for the variance is to identify the association of the U of R Organization with the YMCA. Various (medical) services from U of R will be offered at this site and others throughout Monroe County (but not "urgent care" type services).

I would like to note that item "a" of this application was just a cleanup to a previous variance (changing east side to west side of building). Also, the U of R sign will not be illuminated.

Therefore, I approve these variances with the condition that the sign will not be illuminated.

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

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

Motion Carried
Application Approved
With Conditions

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10. Applicant: Sharon Quataert Realty
Location: North Greece Road (immediately north of 1052 North Greece Road)
Mon. Co. Tax No.: 058.04-3-55.112
Zoning District: R1-12 (Single-Family Residential)
Request: a) A Special Use Permit for a (temporary) advertising sign for English Oaks Subdivision. Section 211-52 A (3)(a).
b) An area variance for a proposed (temporary) freestanding sign to have a total area of 24.0 square feet, instead of the 20.0 square feet maximum permitted. Section 211-52 A (3)(c).
c) An area variance for a proposed (temporary) freestanding sign to have a height of 4.0 feet, instead of the 3.0 feet maximum permitted. Section 211-52 A (3)(d).

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at North Greece Road (immediately north of 1052 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:

32. 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.
33. 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.
34. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
35. 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").
36. 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.
37. 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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- 38. 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.
- 39. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
- 40. The Environmental Analysis examined the relevant issues associated with the Proposal.
- 41. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
- 42. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
- 43. 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.
- 44. 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.
- 45. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
- 46. 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.
- 47. To the maximum extent practicable, the project as originally designed or as voluntarily modified by the Applicant will minimize or avoid potential adverse environmental impacts that were identified in the environmental review process.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Sharon Quataert Realty, North Greece Road (immediately north of 1052 North Greece Road), in a R1-12 (Single-Family Residential) district, Sharon Quataert appeared before the Board of Zoning Appeals requesting a Special Use Permit for a (temporary) advertising sign for English Oaks Subdivision, an area variance for a proposed (temporary) freestanding sign to have a total area of 24.0 square feet, instead of the 20.0 square feet maximum permitted and an area variance for a proposed (temporary) freestanding sign to have a height of 4.0 feet, instead of the 3.0 feet maximum permitted.

WHEREAS, the findings of fact are as follows. Once again, Sharon Quataert appeared before this board asking for a variance and a special use permit for signage located immediately north of 1052 North Greece Road, tax #ID 058.04-3-55.112. She is asking for a sign advertisement for the "English Oaks" subdivision to be there temporary and this evening asking for 18 months. The sign will be of wood and laminate construction, it will be 4 X 8, therefore an area variance of a sign to have a total area of 24 sq. ft. instead of 20.0 sq. ft. will be granted and an area variance for a freestanding sign to have a height of 4.0 feet, rather than 3.0 feet will also be granted. There are approximately 14 lots that are going to be sold, the reason for the larger sign is to have better visibility especially for traffic. A Carey Conrow of 1052 North Greece Road appeared also before this board and spoke that he had no objections to the sign and since he will be maintaining the lawn around it, I have no objections and also mention another neighbor, MJ Grewman also had no objections.

Based upon this, I move that this be approved with the following conditions:

1. This approval is for 18 months only for the temporary advertising sign from the date of this approval.
2. Also, there will be no lighting on the sign as testified by the applicant.

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

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

Motion Carried
Application Approved
With Conditions

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ADJOURNMENT: 9:25 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: Tuesday, October 1, 2019

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