



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 20, 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

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

Randy T. Jensen

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

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Old Business:

1. Applicant: Hospitality Syracuse, Inc.
Address: 3530 West Ridge Road
Mon. Co. Tax No.: 073.02-1-72.4
Zoning District: BG (General Business)
Request:
- a) An area variance for a proposed driveway (drive thru drive isle; approximately 150.0 lineal feet along West Ridge Road) to vary from 7.0 feet to 15.0 feet, from the front lot line of West Ridge Road, instead of the 20.0 feet minimum required. Section 211-17 C(4), Table III
 - b) An area variance for second (south side) building mounted sign, (4.9 feet x 6.8 feet; 33.3 square feet), instead of the (4) 13.98 square feet building mounted signs, granted by the Board of Zoning Appeals on January 23, 1992. Section 211-56 B(2)(a)[1] & Section 211-56 B(2)(c)[1], Table VII
 - c) An area variance for third (south side) building mounted sign, (4.9 feet x 6.8 feet; 33.3 square feet), instead of the (4) 13.98 square feet building mounted signs, granted by the Board of Zoning Appeals on January 23, 1992. Section 211-56 B(2)(a)[1] & Section 211-56 B(2)(c)[1], Table VII
 - d) An area variance for fourth (east side) building mounted sign, (4.9 feet x 6.8 feet; 33.3 square feet), instead of the (4) 13.98 square feet building mounted signs, granted by the Board of Zoning Appeals on January 23, 1992. Section 211-56 B(2)(a)[1] & Section 211-56 B(2)(c)[1], Table VII
 - e) An area variance for fifth (west side) building mounted sign, (4.9 feet x 6.8 feet; 33.3 square feet), instead of the (4) 13.98 square feet building mounted signs, granted by the Board of Zoning Appeals on January 23, 1992. Section 211-56 B(2)(a)[1] & Section 211-56 B(2)(c)[1], Table VII
 - f) An area variance for a proposed second freestanding business center sign (6.9 feet x 11.5 feet; 79.5 square feet), instead of the (1) one 732.0 square feet (207.5 square feet signage and 524.5 square feet decorative support) business center sign permitted, per variance granted by the Board of Zoning Appeals on June 25, 1991. Section 211-56 B(1)(a)[3] & Section 211-56 B(1)(d), Table VI
 - g) An area variance for a proposed second freestanding business center sign (6.9 feet x 11.5 feet; 79.5 square feet), to have an overall height of 36.5 feet, instead of the 20.0 feet maximum permitted. Section 211-56 B(1)(c) & Section 211-56 B(1)(d), Table VI
 - h) An area variance for a proposed second freestanding business center sign (6.9 feet x 11.5 feet; 79.5 square feet), to be located a distance of 10.5 feet from right of way of West Ridge Road, instead of the 15.0 feet minimum required. Section 211-56 B(1)(c)

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i) An area variance for a proposed order board, approximately 28.2 square feet, instead of the 20.0 square feet maximum permitted. Section 211-56 B(1)(a)[4]

j) An area variance for a second proposed order board, approximately 28.2 square feet, instead of the (1) 20.0 square feet maximum order board permitted. Section 211-56 B(1)(a)[4]

k) An area variance for a third proposed order board, approximately 13.8 square feet, instead of the (1) 20.0 square feet maximum order board permitted. Section 211-56 B(1)(a)[4]

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3530 West Ridge 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:

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

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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 Mr. Shea and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, regarding the application of Hospitality Syracuse, Inc., located at 3530 West Ridge Road, zoning district is BG (General Business), they appeared before the board of Zoning Appeals this evening requesting several area variances, A thru K, as mentioned above.

WHEREAS, the findings of fact are as follows: The outparcel is located within ElmRidge Plaza on West Ridge Road, being 3530 West Ridge Road or also having an address of 910 ElmRidge Center Drive and consists of approximately 0.77 acres of lands and is in a BG (General Business) zoning district. The site is and has been operating as a Taco Bell Restaurant since 1992. At this time, the applicant is proposing the demolition of the existing 2000 square foot Taco Bell building and construction of a new 2600 square foot Taco Bell building, along with associated site improvements.

The applicant, Mike McCracken of Hospitality Syracuse and Stephane Albright of ADP Engineering first appeared before the board on August 2, 2022, again on September 6, 2022, and again this evening to discuss the new development of the site.

The existing restaurant is located approximately 97 feet from the northerly right of way line of West Ridge Road. The restaurant is somewhat dated and instead of remodeling the existing, the applicant is going to demo the existing and rebuild a fresh, new building, moving it closer, locating it about 30 feet or so from the northerly right of way line. Although this site's grade is lower than that of West Ridge Road, it still provides plenty of visibility from the right of way to passerby's.

The new restaurant will utilize a two-lane ordering system, which is typically the norm for most fast-food restaurants of today. As such, the ordering/stacking lane will be located along the western side of the building, the pickup window(s) along the southern side of the building and the exiting of the lanes will be along the eastern side of the building. Parking for the side will be located along the northern side of the building.

Variance "a" pertains to site design of the location of the proposed driveways for the drive thru isles and being located within the minimum setback area. This variance is needed to allow the placement of the new building to allow for trailer deliveries and for the two-lane ordering/traffic flow and stacking to be cohesive. Changes were redesigned to provide for the proposed driveway (drive thru lanes) to be located a distance of 10 feet instead of the originally designed 7 feet from the right of way of West Ridge Road.

Variances "i", "j" and "k" pertain to the number of menu boards that will be required to make the two-lane ordering system work and the sizes of each, and as such, seem to be standard menu boards and in line with the same number and size that have been requested by various other fast-food restaurants throughout the town.

Proposed signage was discussed next. Variances "b" through "e" pertain to proposed building mounted signage. The Board of Zoning Appeals provided approval for four (4) building mounted signs for the original restaurant in 1992 and for each sign to be of 13.98 square feet each, having one (1) sign on each side of the original building. The applicant is now requesting five (5) building mounted signs at 33.3 square feet each, with one (1) sign placed on the north, west, and east and having two (2) signs on the south side of the new structure. The text will consist of individual letters attached to the building along with a bell graphic. The signs will have interior illumination and be lighted from dusk to dawn. Concerns were raised about having two south side signs, especially when this is the side closet to the road and the building is being moved closer to the road.

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Variations "f", "g" and "h" pertain to the request of a 79.5 square foot pylon sign, at a height of 36.5 feet and 10.5 feet from the right of way of West Ridge Road. Staff provided some signage history on the plaza. In 1991 when the overall plaza was being constructed, two freestanding signs were requested; the first at a size of 732 square feet, including the decorative support and at a height of 40 feet; and the second to be 208 square feet with the decorative support; one was to be located on the West Ridge Road entrance area – and a second sign was to be located on the west side of the plaza. The minutes from 1991 state that the plaza owner noted that there was need for only one plaza identification at the West Ridge Road location. The board approved the sign with a condition that there will be only one freestanding sign on the site.

On January 28, 1992, Taco Bell requested a second freestanding business center sign of 19.69 square feet. As per the minutes, the applicant stated at such time that they could do without the freestanding sign as directional signs would be utilized throughout the site. The board denied the request for the second freestanding sign. The site has been in existence since without a freestanding sign.

Other business, being outparcels are within this business center along the frontage of West Ridge Road and do not have their own pylon signs – Chili's, Monroe Muffler, Firestone are amongst them.

The same holds for the Lowes Plaza just down the road. There is one very large pylon that acts as signage for the entire business center and the existing outparcels on site (Chuck E Cheese and the former Verizon building) do not have their own pylons.

Therefore, I am going to move to approve Items "a", "b", "d", "e", "i", "j" and "k" and deny item "c" for request of a second south side building mounted sign and in keeping with the original approval and conditions of the Board of Zoning Appeals for this business center, I am also going to deny the request for items "f", "g" and "h" for the second pylon sign.

So moved.

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

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

Motion Carried

Approved Items "a", "b", "d", "e", "i", "j" & "k"
And Denied Items "c", "f", "g" & "h"

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2. Applicant: Michael Sanfilippo
Address: 298 Elmgrove Road
Mon. Co. Tax No.: 088.02-2-20
Zoning District: R1-18 (Single-Family Residential)
Request: a) An area variance for an existing accessory structure (14.0 feet x 33.0 feet; 462.0 square feet wood trellis), to have a 0.4 (north) side setback, instead of the 10.0 feet minimum required. Section 211-11 E(1), Table I
b) An area variance for an existing accessory structure (14.0 feet x 33.0 feet; 462.0 square feet wood trellis), to be located a distance of 5.0 feet from an in-ground pool, instead of the 10.0 feet minimum required, as measured from the water's edge. Section 114.12.1 B(1)

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

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WHEREAS, with regard to the application of Michael Sanfilippo, 298 Elmgrove Road, in an R1-18 (Single-Family Residential) zoning district, Mr. Sanfilippo appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing accessory structure (14.0 feet x 33.0 feet; 462.0 square feet wood trellis), to have a 0.4 (north) side setback, instead of the 10.0 feet minimum required and an area variance for an existing accessory structure (14.0 feet x 33.0 feet; 462.0 square feet wood trellis), to be located a distance of 5.0 feet from an in-ground pool, instead of the 10.0 feet minimum required, as measured from the water's edge.

WHEREAS, the findings of fact are as follows. This parcel is located at 298 Elmgrove Road and is approximately 165 feet wide by 825 feet deep, consisting of approximately 3.1 acres of land. It is zoned R1-18 (Single-Family Residential) and is bounded by R1-18 (Single-Family Residential) to the north, east and south and by Elmgrove Road to the west. The parcel contains a main home, a pool house (or cabana), complete with an in-ground pool and a small, framed barn.

As per instrument surveys provided and contained in town files, one prepared by LandTech, dated July 19, 2022, and another prepared by Bileschi Land Surveying, dated May 20, 2011, the structures are shown to be located as follows: the main home sits about 44 feet from the eastern right of way line of Elmgrove Road and about 9 feet off the northern property line. Behind the main home is a pool house - The pool house is located directly behind the main house - about 90 feet east off the rear of the main home - (also being about 160 feet from the eastern right of way line) and about 11 feet off the northern property line. The small, framed barn structure is located approximately 330 feet from the eastern right of way line and about 19 feet off the northern property line.

Behind the pool house is an existing 24 feet wide by 40 feet long, in-ground pool. It is located about 20 feet east of the back of the pool house and about 20 feet off the northern property line. The outside perimeter of the pool is made up of a concrete patio and extends (from the water's edge) all the way to the pool house on the west side; all the way to the property line on the north side; approximately 30 feet to the east and approximately 15 feet to the south. A chain link fence runs along two sides of the concrete edge (the south and eastern sides).

The applicant, Mr. Michael Sanfilippo and his father Louis Sanfilippo, first appeared before this board on September 6th, 2022, and again, Mr. Michael Sanfilippo, this evening. Over four years ago, the applicant constructed 14 feet wide by 33 feet long pergola on the concrete area immediately located on the northern side of the existing inground pool, without any permits and/or variances from the zoning board. The pergola is located 0.4 inches from the northern property line and 5 feet from the water's edge of the in-ground pool. There is an outdoor kitchen beneath this pergola of which the applicant ran water lines, gas lines and electrical - again without any permits.

The applicant stated that he constructed this structure to aid with shade from the sun and to deter noise from traffic along Elmgrove Road. The pergola is constructed out of wood, of various sizes (looks to be 4x4's, 2x4's and such). The structure was never painted or stained and appears to be very dry and weathered and, in all honesty, is very unsightly. The outdoor kitchen, a countertop, sink and some kind of grill unit, was installed right up against the northern property line as well, against some kind of retaining wall.

Immediately to the north is 294 Elmgrove Road, a residential property of similar size to the applicants. This parcel also has a single-family home, a detached frame barn and an in-ground pool, all centrally located on the lot. A grassy strip and the driveway of #294 immediately adjoins the area where the pergola structure and kitchen were constructed and is highly visible at this time to the owners of #294. There was a stockade fence along this

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property line that belonged to the owner of #294 – which has come down. The applicant was also utilizing this fence as a barrier for his in-ground pool on the northern side and with this fence gone, the pool does not comply with safety.

Beth Vandebesh, the owner of #294 Elmgrove Road, spoke at the meeting of September 6th as well. She has lived here for 16 years and is opposed to the location of this pergola and says it's not only an eyesore, but its obtrusive – being located right up against the property line.

The board spoke to the applicant about moving the structure. He stated that he uses it for shade and as a barrier for noise from the traffic of Elmgrove Road. This structure has no solid walls or roof. It is made of wood posts that are attached to the existing concrete patio. The efficiency of a pergola depends on how and where it is situated. The lattice roof will provide shade when the sunlight is directed straight at it. However, the sun can shine at an angle at other times of the day, and a pergola will not provide much cover from the sun. There is no roof.

As far as noise is concerned, the pool location is about 200 feet from the eastern right of way line of Elmgrove Road and has not only pool house that acts as a barrier from traffic noise, but the main house as well. I do not believe that the pergola contributes to any reduction in traffic noise levels, as again it is completely open on all sides. There are no plants, carpets, or thick fabrics of any kinds that are being used to help reduce noise or sunlight for that matter.

The applicant stated that he could move the structure and requested two weeks to find a way to make this structure comply. The applicant came to the September 20, 2022, meeting with additional photos, neighbor letters regarding road noise and another drawing of the existing posts placement of the structure with the suggestion that he would be willing to shift the northern edge of the structure by five feet and reduce the overall footprint by that measurement, while leaving the southern posts in place. He also clarified that the pergola is there just for shade. Unless the structure is removed, it will not meet the setbacks that are required from the pool's water edge and from the property line. For safety and aesthetic reasons as well, I am denying the request to allow this structure to remain in its current location. The applicant will have to either demo the structure or move it to a location that complies with both the setback from the property line and the setback from the pool. It shall not be permitted to remain or be rebuilt anywhere between the pool and the north property line. The applicant shall have 30 days to remove or relocate this structure. Additionally, the applicant shall obtain all permits necessary for not only the relocation of the structure, but any needed for the outdoor kitchen and shall secure the pool on the north side (as required by code) for the safety of the pool.

So moved.

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

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

Motion Carried
Application Denied

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3. Applicant: Mark Gillette
Address: 3386 Edgemere Drive
Mon. Co. Tax No.: 026.30-4-2
Zoning District: R1-E
Request: An area variance for a proposed accessory structure (12.0 feet. x 14.0 feet; 168.0 square feet gazebo) as a principal structure on a lot. Section 211-5 (Structure, Accessory).

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 3386 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. Shea and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Mark Gillette, 3386 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Gillette appeared before the Board of Zoning Appeals requesting an area variance for a proposed accessory structure (12.0 feet. x 14.0 feet; 168.0 square feet gazebo) as a principal structure on a lot.

WHEREAS, the findings of fact are as follows. This parcel is located at 3386 Edgemere Drive and is currently a vacant, waterfront parcel. It is approximately 40 feet wide 132 feet

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deep and situated in an R1-E (Single-Family Residential) zoning district. It adjoins the Lake Ontario to the north, and residential to the south, east and west.

The applicant, Mr. Mark Gillette, was before the board on September 6, 2022. He testified that he would like to turn this vacant lot into a "park like" lot for his enjoyment. He constructed a gazebo type structure on an existing break wall that runs along the water's edge, without a permit. Additionally, the zoning ordinance does not permit the construction of an accessory structure without a principal structure. The gazebo is not permanently affixed to the wall and is removable. The applicant has also installed a freestanding aluminum dock that is seasonal and also removable. He has several jet skis docked to the structure. The applicant stated that he does not live at this address, but lives across the street. In actuality he has a residence at 58 Braddock Road, which is around the corner and about a block away.

Ms. Lindsey Warner of 3394 Edgemere Drive testified that she lives immediately west of the vacant parcel. She stated that at one time there was a home on the lot, but it was torn down and Mr. Gillette began to rent the lot from the previous owner. She stated that Mr. Gillette keeps jet skis and boats there and allows others to use the lot as if it is their own personal marina. Cars are parked there on weekends, and she stated that its mostly the same group of people. She stated she seldom sees Mr. Gillette himself utilizing the watercrafts; it is typically the same "others" that are doing so.

The applicant appears to be utilizing this parcel in a way that is not consistent with other parcels along the water. Yes, many HOMES along the lake do have accessory structures such as decks and gazebos and hoists for their boats and such, but the key difference is these parcels have HOMES as their principal structures and all other uses are secondary. The mere fact that this parcel is being utilized as a parking lot and storage yard detracts from the neighborhood and opens it up as being somewhat of a "attractive nuisance" to the area.

The majority of lots along Edgemere Drive are quite small and the homes are very close together, some being even within six feet of one another. People living along the waterfront are inclined to spend more time outdoors enjoying the many amenities the waterfront provides them, of which includes experiencing peace and contentment, as any homeowner should. The use of this vacant waterfront parcel being turned into someone's own personal park and allowing others to use it for parking and as such an outdoor, weekend gathering place, is out of character and essentially becoming a detriment to the area.

It should also be noted that accessory uses are not permitted on a vacant lot without a principal use. Decks, parking or storage of commercial vehicles, storage of recreational vehicles and other similar accessory structures and uses are not permitted without a principal use. Thus, the storage or parking or any vehicles and the docking or hoisting of any recreational vehicles, including any watercrafts, are prohibited on this vacant lot.

Therefore, I move to deny this application and ask that the applicant be given 10 days from the date of this meeting to remove the gazebo, any stored recreational vehicles and/or watercrafts and any other non-permitted structures from the premises and/or along the water's edge.

So moved.

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

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

Motion Carried
Application Denied

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4. Applicant: Mary Rose & William Bentley (Studio One21)
Address: 121 Erie Canal Drive – Suite D
Mon. Co. Tax No.: 089.03-4-13
Zoning District: BP (Professional Office)
Request: A special use permit for a salon. Section 211-17 A(3)(b)[4].

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 121 Erie Canal Drive- Suite D, 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 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.

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, regarding the application of Mary Rose & William Bentley (Studio One21), located at 121 Erie Canal Drive-Suite D, zoning district is BP (Professional Office), they appeared before the board of Zoning Appeals requesting a special use permit for a salon.

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WHEREAS: The findings of fact are as follows: The applicants, Mary Rose and William Bentley came before this Board on Sept 6, 2022 for a Special Use Permit for their new salon called ONE21. The salon's hours of operation are planned for 7 days / week (Sunday through Saturday) from 7 AM until 11 PM. The layout and work format of the salon is based on a paradigm of services offered within closed suites, which will allow practitioners of different types of services to still operate within the same salon. The services offered by the owners are all related to nails. Suites are available for their other independent contractor practitioners that include estheticians, hair stylists, cosmetologists, and massage therapists. A maximum total of 5 workers is expected. The Bentley's explained that the later night hours are saved for emergency nail repair appointments mostly, and that regular appointments aren't planned to be held during late hours.

County comments have also been received.

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

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

This site is already served by a network of roads built to serve this business area and is capable of accommodating all Project-related uses; Provides for ample access and space for the proposed use; Provides employee and customer parking; Manages traffic flow and supports the overall service offerings for this Salon. No variances will be required for the Salon.

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

The use is in conformity to this district, is complimentary to the surrounding businesses.

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 proposed use will be located within an existing business park. The day-to-day operations will be in harmony with like uses and the granting of this waiver for a special use permit will not alter the essential character of the area along Erie Canal Drive.

4. The proposed use will not create a hazard to the health, safety or the general welfare.

The proposed Salon and services will not make use of any hazardous materials and 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.

There is sufficient access for entering and exiting the site from Erie Canal Drive. The parking lot and flow of traffic for the site are satisfactory for the use and service levels of the salon, and will not be a detriment to the flow of traffic in the area.

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6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

The types of services provided by this salon require minimal use of utilities. Even at maximum capacity of five service providers working simultaneously, the Salon services will not place an excessive burden on public improvements, facilities, services, or utilities.

Based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Mary Rose & William Bently for a special use permit to operate a salon, to be known as Studio One21, on property located at 121 Erie Canal Drive-Suite D, in a BP (Professional Office) zoning district, hereby be and the same is approved and granted, subject to the following conditions:

- (a) The Applicant shall operate this salon 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 hearing, shall determine the resolution of such conflict.
- (b) 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.
- (c) The maximum occupancy in this salon shall be the limit established by the town's Fire Marshal pursuant to the Building Codes of New York State.
- (d) The Applicant shall comply with all requirements of the town's staff relative to local laws, ordinances, codes, rules, and regulations, and the Building Codes of New York State. Failure to comply with these requirements may be grounds for revocation of this special use permit.
- (e) Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
- (f) Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
- (g) Upon the sale or other transfer of controlling interest in this salon to any person or entity other than Mary Rose & William Bentley (Studio One21), its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.

So moved

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

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

Motion Carried
Application Approved
With Conditions

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5. Applicant: Vendi Enterprises, Inc.
Address: 2221 Ridgeway Avenue
Mon. Co. Tax No.: 089.04-1-5
Zoning District: IG (General Industrial)
Request: a) An area variance for an existing principal building to have a front setback of 43.6 feet, measured from the south right of way line of Ridgeway Avenue, instead of the 150.0 feet minimum required. Section 211-18 C(4), Table IV
b) An area variance for a proposed principal building addition, (50.0 feet x 80.0 feet; 4000.0 square feet), to have a front setback of 62.1 feet, measured from the south right of way line of Ridgeway Avenue, instead of the 150.0 feet minimum required. Section 211-18 C(4), Table IV
c) An area variance for a proposed parking area/drive isle, approximately 190.0 lineal feet, to be located a distance of 10.0 feet from a right of way line, instead of the 50.0 feet minimum required. Section 211-18 C(4), Table IV

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 2221 Ridgeway Avenue, as outlined above; and

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

1. Upon review of the 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. Quataert and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Vendi Enterprises, Inc., 2221 Ridgeway Avenue, in an IG (General Industrial) zoning district, Mr. Walt Baker, acting as representative for Mr. Domenico Vendetti and his son all came before this board on September 6, 2022 requesting an area variance for an existing principal building to have a front setback of 43.6 feet, measured from the south right of way line of Ridgeway Avenue, instead of the 150.0 feet minimum required, an area variance for a proposed principal building addition, (50.0 feet x 80.0 feet; 4000.0 square feet), to have a front setback of 62.1 feet, measured from the south right of way line of Ridgeway Avenue, instead of the 150.0 feet minimum required and an area variance for a proposed parking area/drive isle, approximately 190.0 lineal feet, to be located a distance of 10.0 feet from a right of way line, instead of the 50.0 feet minimum required.

WHEREAS, the findings of fact are as follows. Mr. Domenico Vendetti and his son, from Vendi Enterprises, along with their representative Mr. Walt Baker of D.S.B. Engineers and Architects, came before the Board of Zoning Appeals to request a series of setbacks needed to accommodate the building of a structure addition and parking area at their business located at 2221 Ridgeway Ave. They have owned this parcel since 2016.

Mr. Baker presented a series of drawings for the planned addition along with a decorative stone and iron fence that will be used as buffering for the residences across the street to shield them from headlights. The fencing system will be extended to the entrance location, as offered to by the owner and further as determined by the Planning Board.

Mr. Vendetti described many improvements they are making to the property that will greatly enhance the appearance of what has been a very run down and abandoned-looking parcel up to this time.

County Comments were received. No neighbor comments were received.

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 based upon the information above with the condition that it is subject to Planning Board approval.

SO moved.

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

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

Motion Carried
Application Approved
With Condition

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6. Applicant: Bozza Pasta
Address: 462 Elmridge Center (aka 3740 West Ridge Road)
Mon. Co. Tax No.: 073.02-1-72.21
Zoning District: BG (General Business)
Request: A special use permit for a proposed aboveground 13,000-gallon aggregate storage tank, instead of the 1,000-gallon maximum aggregate storage tank capacity permitted. Section 211-29 C(2).

Ms. Quataert 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 462 Elmridge Center (aka 3740 West Ridge 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:

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, regarding the application of Bozza Pasta, located at 462 Elmridge Center (aka 3740 West Ridge Road), zoning district is BG (General Business), they appeared before the board of Zoning Appeals requesting a special use permit for a proposed aboveground 13,000-gallon aggregate storage tank, instead of the 1,000-gallon maximum aggregate storage tank capacity permitted.

WHEREAS, the findings of fact are as follows: The applicants, Michael and Marisa Bozza, along with their business partner Jake Fabry; the owner of the site, Jay Wegman and Gregory Przystal from Linde Welding Gas and Equipment Center, first appeared before the board on September 6, 2022. The applicants are the owners of Bozza Pasta, which is currently located in the Village of Hilton. Bozza is a fresh, frozen pasta manufacturer of homemade pasta, which can be purchased right at its local factory. The pasta they produce is sold at a variety of local grocery and specialty stores, at local farm markets, and at many restaurants in the Rochester and Buffalo area. The company is proposing to relocate to a portion of the former Top's Supermarket, located within ElmRidge Plaza. The operations here will feature the fresh frozen pasta manufacturing, as well as a restaurant and also have a retail component.

As a part of the manufacturing operations, the pasta produced will be flash froze utilizing liquid nitrogen. A nitrogen freezer tunnel has been purchased to quick freeze some of the items being produced. In essence, liquid nitrogen will be in a tank, and it will be used to flash freeze pasta via a cryogenic tunnel freezer. The nitrogen will be stored in an outdoor, 13,000-gallon, aboveground tank, located to the rear of the building. It will be approximately 36 feet in height and 10 feet in diameter. As per Jay Wegman, he stated that that the tank will have a visibility from West Ridge Road of about 4 to 5 feet over the top of the existing one-story masonry building and was of a height of 32 feet – however to clarify, it is believed to be at the 36 feet height. The tank will be white in color and there will be no signage on the tank itself.

Appropriate buffering and screening of the tank will be part of the Planning approval of the project.

The size of the tank is big enough for the company to grow without having to worry about a larger or even a second tank. Delivery of the liquid would be about once or twice weekly, during regular business hours. Additionally, the tank is leased, so should the business ever move or close their operations, the tank would be removed by Linde.

Liquid nitrogen is not flammable, nor is it combustible. However, it will be used in part of an alarmed system. Nitrate is a cryogenic liquid and can burn a person's skin if exposed to it. All users of the flash freezing will be fully trained on proper and safe use of the system. The operations are proposed to have 20 employees at full capacity and the hours of operation are from 6 am to 10 pm, Monday through Sunday.

One neighbor did appear, Mr. Jim Farrell who lives directly behind the plaza and was in support of the application.

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No special 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.

The site is located within ElmRidge Plaza with enough room for traffic, parking of patrons and employees. The actual day to day operations will be housed within a portion of the former Tops Supermarket, providing more than enough square footage for the operations and for the location of the tank in the rear portion of the site.

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

The proposed use of the tank will have no effect on the orderly pattern of development in the area, which is within an established commercial plaza.

[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 nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

The proposed use of the tank and the operations of the business will be harmony with the plaza uses and are within character of existing plaza uses. There is another manufacturing use on the site in the former Sam's Club area as well as other restaurants and retail operations.

[4] The proposed use will not create a hazard to health, safety or the general welfare.

All safety precautions along with training of employees for the use of the tank will be adhered to. The tank itself will not create nor be a hazard to the health, safety or the general welfare of the area.

[5] The proposed use will not be detrimental to the flow of traffic in the vicinity.

The proposed use of the tank, nor will the location of the tank be a detriment to the flow of traffic.

[6] The proposed use will not place an excessive burden on public improvements, facilities, services, or utilities.

The proposed use shall be in harmony with the other plaza uses and will not place an excessive use on public improvements, facilities, or utilities within the plaza.

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Based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by the Bozza's for a special use permit to operate a frozen pasta manufacturer, to be known as Bozza Pasta, on property located in ElmRidge Plaza, in a BG (General Business), hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this frozen pasta manufacturer 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 hearing, shall determine the resolution of such conflict.
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 in this frozen pasta manufacturer 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 requirements of the town's staff relative to local laws, ordinances, codes, rules, and regulations, and the Building Codes of New York State. Failure to comply with these 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 other transfer of controlling interest in this frozen pasta manufacturer to any person or entity other than Bozza Pasta, 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. Appropriate buffering and screening of the tank will be part of the Planning Board approval of the project.
9. All requirements shall be adhered to as stipulated by the Building Department and Fire Marshal's Office.
10. If this business changes or ceases, the tank will be removed.

So moved

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

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

Motion Carried
Application Approved
With Conditions

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New Business:

1. Applicant: Craig LaVerk
Address: 1225 Weiland Road
Mon. Co. Tax No.: 089.10-3-55
Zoning District: R1-E (Single Family Residential)
Request: An area variance for an existing 6.0 feet high, closed-construction fence, approximately 70.0 linear feet, to be located in a rear yard, which adjoins the front yard of an adjoining lot, where such fences shall not exceed 4.0 feet in height and shall be of open construction. Section 211-51 A(1)

Ms. Quataert 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 1225 Weiland 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 Mr. Hartwig and duly put to a vote, which resulted as follows:

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

Motion Carried

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

WHEREAS, with regard to the application of Craig LaVerk, 1225 Weiland Road. Mr. LaVerk appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing 6.0 feet high, closed-construction fence, approximately 70.0 linear

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feet, to be located in a rear yard, which adjoins the front yard of an adjoining lot, where such fences shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. The applicant, Craig LaVerk of 1225 Weiland Road, has lived at this residence for about four years and he is asking for an area variance for this existing white vinyl fence for privacy. We heard from the neighbors about their concerns. This parcel is located on the corner of Red Hickory Drive and Weiland Road and is approximately 86.8 ft. wide on Weiland Road and 175.0 ft. on Red Hickory Drive. It is located within an R1-E (Single-Family Residential) zoning district. There is no visibility issue at this address from the street onto the corner, the fence is set back far enough from the street that it does not present any visibility issue.

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 building permits are obtained.

So moved.

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

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

Motion Carried
Application Approved
With Condition

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ADJOURNMENT: 8:25 P.M.

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

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

Signed: _____

Date: _____

Albert F. Meilutis, Chairman

NEXT MEETING: Tuesday, October 4, 2022

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