



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

OCTOBER 19, 2021

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Hochul's decision to suspend the Open Meetings Law, the Zoning Board of the Town of Greece scheduled for October 19, 2021 will be held electronically via Facebook Live instead of a public meeting open for the public to attend in person. Members of the public may view the Board meeting by logging onto Facebook and viewing the live feed under "Town of Greece"

<https://www.facebook.com/Town-of-Greece-Planning-and-Economic-Development-112829703867340/>.

Minutes of the Board Meeting will be transcribed and posted on the town's website as always.

While the public will not be able to attend the meeting in person, written comments may be submitted to Zoning Board Secretary, Maryjo Santoli via e-mail at msantoli@greecenyc.gov prior to 5:00 PM on Friday, October 29, 2021.

To speak with someone in the Zoning Office, please call (585)-723-2355

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Planning and Zoning Secretary

Absent

Randy T. Jensen

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

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New Business:

1. Applicant: Linda Alero
Address: 167 Andiron Lane
Mon. Co. Tax No.: 034.03-8-3
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 feet high closed construction fence, approximately 125.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-50 L

On a motion by Mr. Shea and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of November 3, 2021.

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

**Motion Carried
Application Continued Until
Meeting of November 3, 2021**

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2. Applicant: Jose Morales
Address: 590 English Road
Mon. Co. Tax No.: 060.09-2-31
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing above-ground pool (18 feet diameter) have an (east) side setback of 3.1 feet, instead of the 10.0 feet minimum required. Section 211-11 E(1)

On a motion by Ms. Andreano and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of November 3, 2021.

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

**Motion Carried
Application Continued Until
Meeting of November 3, 2021**

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Old Business

1. Applicant: Omar Mohammed
Address: 54 Rae Drive
Mon. Co. Tax No.: 074.07-8-20
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to have farm animals (10 chickens) on a residential property with less than ten (10) acres. Section 211-33B & Section 211-33D

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 54 Rae 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
	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 Omar Mohammed, 54 Rae Drive, in an R1-E (Single-Family Residential) district, Mr. Mohammed and his son appeared, before the Board of Zoning Appeals, via Zoom, on October 5, 2021, requesting an area variance to have farm animals (10 chickens) on a residential property with less than ten (10) acres.

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WHEREAS, the findings of fact are as follows: This parcel is located on the east side of Rae Drive and is approximately 70 feet wide and averages to approximately 186 feet deep; and consists of approximately 0.30+/- acres of land. It is situated in an R1-E (Single-Family Residential) zoning district, with R1-E zoning and single-family homes to the north, south, and west; and backs up to zoned RM (Multi-Family Residential) to the east, being Pine Valley apartments.

54 Rae Drive consists of a single-family dwelling with an attached garage that sits about 41 feet from the road; the rear portion of the parcel is fully fenced in with a 4 feet high chain link fence.

The applicant, Omar Mohammed, appeared before this Board at a hearing on September 21, 2021, via Zoom, requesting an area variance for ten (10) egg-laying garden hens or chickens. The application was continued to October 5, 2021, to await public comment-however the applicant failed to return on October 5th and the application was continued to this evening. Also in attendance on Mr. Mohammed's behalf was his son, Bukhari Abdullah, who also assisted with translation.

Mr. Mohammed testified that he has been residing at this address for approximately the last two and a half years. The residence is a single-family home and Mr. Mohammed stated that there are eight people residing within.

The applicant stated that he constructed a shed to house the chickens. This appears to be a standard type shed and situated in the rear yard. At the time of the site visit by staff on August 4, part of the yard - being the northerly side of the rear yard - was comprised of some tall grass, which about half the chickens were nesting in. Food scraps, rotted fruit and vegetables, were some of the items that were visible in the rear yard for the chickens to eat.

The applicant stated that chickens lay one egg a day. Having ten chickens will provide for approximately ten eggs a day of around 70 per week. The applicant stated he will use the eggs for his own use and will give away any excess.

Staff visited the site on August 4th and at such time there were 12 chickens on site and one turkey. Staff explained to Mr. Mohammad that he could not have more farm animals than what he was asking for and further explained that farm animals were not permitted and that he was not to get any additional farm animals. Mr. Mohammed explained that the turkey would be taken to the market that evening and that the two extra chickens would only briefly be there. Staff visited the site again on October 14th after a neighbor submitted photos of additional farm animals being on site, being time being ducks and roosters. When staff questioned Mr. Mohammed about the additional animals, he admitted that he did in fact bring in ducks and roosters to the home. Staff again explained that he could not have these animals on site and that he would have to remove them. Staff also made code compliance aware of the additional animals. An additional email was received on October 18th, stating that there now appears to be somewhere around 14 chickens on site -

Staff has received email correspondence from the following neighbors:

- Bob and Judy Birecree of 69 Rae Drive;
- Mr. and Mrs. Michael Honan of 36 Rae Drive;
- Pat and Bruce Reynolds of 64 Rae Drive;

Each of these neighbors are in opposition to the request and have concerns such as: the size of the lot not being adequate to house ten chickens; the chickens attracting predators such as fox, coyotes, hawks, rats and even neighborhood dogs and cats to the yard, placing the chickens in harm's way; there is concern about chicken waste and odors caused from it; there is concern that the chickens keep getting out of the yard and wonder onto adjoining parcels - photos were submitted from a few of the neighbors to confirm this concern; there

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is concern that by granting the variance, it would establish a precedent and allow for anyone living on a small parcel in this neighborhood to request the same.

During discussion, the applicant, when questioned how long it would take him to remove the animals if the variance was denied, the applicant offered the time frame of 2 weeks.

In terms of past variances granted for chickens, this board has previously granted such to two past applicants, each having just over an acre of land; Only one additional variance was granted for a smaller parcel being slightly under a half acre and allowing for just two chickens and a duck – but these chickens were domesticated and considered pets.

This Board is charged with evaluating the information provided and making a decision based on the existing and proposed uses affecting the site. Based on all the data received, the Board of Zoning Appeals shall consider the benefit to the applicant, weighed against the detriment to the health, safety and welfare of the neighborhood or community, using the following criteria:

1. An undesirable change will be produced in the character of the neighborhood and will be a detriment to nearby properties should this variance be granted. After carefully considering the information presented; listening to the testimony pertaining to this application, and taking into account the correspondence from the neighbors, it is my belief that the harboring of these chickens, at this location, would indeed change the character of the neighborhood and be a detriment to nearby properties. This would come in the form of unwanted predators, not only in the form of wild animals and small rodents, but also domestic dogs and cats. There is already a need for concern as these chickens seem to be getting out of the rear yard for whatever reason, be it a faulty fence perimeter and/or lack of supervision and this increases a stronger risk of drawing various predators to the site, putting these chickens and possibly the small children that reside and play in the yard here at risk.

Additionally, the size of the lot is extremely small for such activities, being under a third of an acre. This neighborhood was established in the late 1950s and 1960s, with an average lot being around 70 feet wide x 180 feet deep and the homes being only about roughly 20 feet apart.

Although the applicant stated that the proposed shed would act as a coop, it is not likely that the chickens will produce waste only while sitting inside the shed/coop. The chickens will walk around inside the coop and will produce waste on the floors of the coop. Currently, the chickens also walk around outside freely in the yard. This will result in manure and other waste excretions in the yard, which will bring about the possibility of odors that are associated with such solid and liquid waste. Over time, if not currently, an odor will be produced from the harboring of these animals.

The location of the shed/coop and allowing these chickens to be, essentially “free range” also affect the adjoining neighbors. Previously, this Board has granted variances for the harboring of chickens at two residential locations. However, in both cases, the applicants had parcels in excess of one acre, both parcels had the coop in a location that was not visible or was visually shielded from neighboring parcels, and both applications had the coop far enough away from neighboring homes (exceeding 100 ft. in all directions) so as not to disturb residents with noise or odors. In both approvals that this Board has granted, the applicants provided extensive security for the protection of the chickens, keeping them in a secured pen. In both approvals, the applicants had support from neighbors, with no opposition; in this case, neighbors have cited valid reasons for opposition. This applicant has already failed to show that he can harbor these chickens safely as they have wandered out of a fenced yard and into neighboring yards. Additionally, and of the greatest disturbance to this board

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member is the fact that the applicant keeps bringing additional farm animals onto the site after being told repeatedly by staff that they are not permitted.

2. The benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue. The applicant has given no compelling reason for approval of the request. Should the applicant choose to do so, he would be able to purchase eggs and various poultrys from the market.
3. The requested area variance is substantial in the context of this application. The lot size is very small for this type of use and contributes to making the coop, chickens, waste, noise and odors close to neighbors;
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The environmental concern stemming from the very small size of the parcel and the resultant proximity of the chickens to the neighbors, and the potential for predators to be attracted to the chickens, and the chickens not being properly supervised and not safely contained, and the applicant consistently bringing in additional farm animals, are adverse effects on this neighborhood. As already discussed, there also is the potential for odors generated from the waste excretions of the chickens. The probability of picking up all feces from the yard on a daily basis is unlikely. There also is no way to thoroughly clean up liquid excretions from the floor of the shed/coop or the area where these chickens spend their day. Because of the close proximity to neighbors, storm water runoff carrying such waste also could be an issue.
5. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. In this case, the self-created difficulty can be avoided by not permitting any further harboring of chickens; as the parcel is too small and too close to neighbors to accommodate the requested use without adversely affecting the neighborhood.

Therefore, I am going to move to deny the application as requested and will give the applicant fourteen days from this date of October 19, 2021 to remove the chickens from the site. Further, the applicant shall not harbor any additional farm animals of this nature or any farm animals as described in the zoning ordinance, specifically under Section 211-33.

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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Denied

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2. Applicant: John D. Bolton
Address: 1656 Edgemere Drive
Mon. Co. Tax No.: 034.08-1-34
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure (1110 square feet, two story, detached garage), resulting in a total gross floor area of 1614 square feet in all accessory structures, where 1000.0 square feet is the maximum gross floor area permitted for lots greater than 16,000 square feet in area, but less than one acre. Section 211-11 E(1), Table I
b) An area variance for a proposed accessory structure (1110 square feet, two story, detached garage), to have an overall height of 18.4 feet, to the peak, instead of the 13.5 feet maximum permitted. Section 211-11 B(1)
c) An area variance for a proposed accessory structure (1110 square feet, two story detached garage) to have two stories, where accessory structures shall not exceed one-story. Section 211-11 B(1)

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 1656 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 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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried

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

WHEREAS, with regard to the application of John Bolton, 1656 Edgemere Drive, in an R1-E (Single-Family Residential) district, Mr. Bolton appeared, before the Board of Zoning Appeals, via Zoom, October 5, 2021, requesting an area variance for a proposed accessory structure (1110 square feet, two story, detached garage), resulting in a total gross floor area of 1614 square feet in all accessory structures, where 1000.0 square feet is the maximum gross floor area permitted for lots greater than 16,000 square feet in area, but less than one acre, an area variance for a proposed accessory structure (1110 square feet, two story, detached garage), to have an overall height of 18.4 feet, to the peak, instead of the 13.5 feet maximum permitted and an area variance for a proposed accessory structure (1110 square feet, two story detached garage) to have two stories, where accessory structures shall not exceed one-story.

WHEREAS, the findings of fact are as follows. The applicant, John Bolton, first appeared before this board, via Zoom, on September 21 at which time he explained that this parcel was the home he grew up in. He currently lives in Hilton and farms that parcel, but will be downsizing and moving to the Edgemere Road parcel with his wife in the near future. The parcel is located at 1656 Edgemere Drive and is considered a waterfront lot, fronting Lake Ontario. The lot extends from Lake Ontario and crosses Crescent Beach Road, extending to Edgemere Drive. This parcel, which extends from Crescent Beach to Edgemere, is the area the applicant would like to build a detached garage. The parcel is approximately 100 feet wide and has a depth of 193 feet. The parcel is currently vacant and lies in an R1-E (Single-Family Residential) zoning district.

The applicant would like to construct a 26 feet x 30 feet detached garage with a height of 18 feet to the peak. The structure would have a storage up above but with an attic design that would allow for just a 10' wide aisle – at full ceiling height – and allow for storage under the side rafters. The first floor would be used for storage of vehicles and other items like lawn and yard equipment, outdoor furniture and other items of these sorts. This area was impacted with the recent flooding events and having the second story for storage will provide a safe place for many of the applicant's valuables that he and his wife have inherited over the years. The structures is similar in size and height others located in the area, some of which this board approved variances for. Comments were received from several neighbors in favor of the application;

Ed and Sheri Riley at 1650 Edgemere Drive;

Timothy Donlon at 1670 Edgemere Drive;

Along with several others that signed a petition all in favor of this proposal and which has been made a part of the official zoning file.

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 the items of this application with the following conditions:

1. The applicant shall obtain all necessary permits.
2. The structure shall be subject to random inspections by code.

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3. The structure shall be constructed as presented to this board and shall not have a full second floor, but an attic design and limited to a 10' wide aisle – at full ceiling height.
4. The structure shall be permitted electric and water only; no sewer; no gas; no heating or duct work; no types of toilets or sinks.
5. There will be no commercial business run out of this detached garage.
6. The location of the detached garage (the road side setback) shall be flush with the homes in this area or further back.

So moved.

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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Approved
With Conditions

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3. Applicant: Frank Tomaselli
Address: 255 Apple Creek Lane (aka 328 Orchard Creek Lane)
Mon. Co. Tax No.: 045.19-1-25
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 feet high closed construction fence, approximately 68.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Section 211-50 L

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 255 Apple Creek Lane (aka 328 Orchard Creek Lane), as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Absent	Mr. Meilutis	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 Frank Tomaselli, 255 Apple Creek Lane (aka 328 Orchard Creek Lane), in an R1-E (Single-Family Residential) district, Mr. Tomaselli appeared, before the Board of Zoning Appeals, via Zoom, on October 5, 2021, requesting an area variance for a proposed 6.0 feet high closed construction fence, approximately 68.0 linear feet, to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

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WHEREAS, the findings of fact are as follows. The applicant appeared before the board on October 5, 2021, via Zoom, and expressed his desire to install a 6 feet high, closed construction fence within the front yard area. The applicant has lived here for approximately four years. The parcel is located at the intersection of Apple Creek and Orchard Creek Lane. It is a corner parcel, being approximately 151 feet wide by 116 feet deep, with the home fronting Apple Creek Lane and the driveway with the side-load garage facing Orchard Creek Lane. This part of Orchard Creek is also at a dead end which backs up to lands of the Greece Central School District – being Greece Athena. There is an in-ground pool to the rear of the home surrounded by an iron fence for safety. Tall shrubs were planted some time ago in the front yard next to the garage area (fronting Orchard Creek Lane) that provided some privacy to the rear yard where the pool area is. The homeowner has since removed those shrubs and would like to install a 6 feet high closed construction fence in its place. The fence would be for privacy of the pool area and security. The iron fence would remain except for the portion along the south side. Comments were received from one neighbor, Don Bradt at 336 Orchard Creek Lane, who wrote in favor of the applicants.

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 this 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 the applicant shall adhere to any and all state building codes and obtain a building permit.

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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Approved
With Condition

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4. Applicant: North Hampton Plaza (South Lake Center LLC)
Address: 3208 Latta Road
Mon. Co. Tax No.: 045.03-1-11
Zoning District: BR (Restricted Business)
Request: a) An area variance for replacement of a freestanding sign (8.0 feet x 18.0 feet; 144.0 square feet), instead of the 96.0 square feet previously granted by the Board of Zoning Appeals on July 26, 1994. Section 211-56 B(1)(d) Table VI
b) Relief of condition to allow for a tenant directory to be a part of a freestanding sign, where the identification of individual stores (directory) were to be removed from the freestanding sign when final construction was completed, per the Board of Zoning Appeals approval on July 26, 1994.

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 3208 Latta Road, for relief of condition and an area variance, as outlined above; and

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

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

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

NOW, THEREFORE, be it

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

Seconded by 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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried

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

WHEREAS, regarding the application of North Hampton Plaza (South Lake Center LLC), located at 3208 Latta Road, zoning district is BR (Restricted Business), the applicant appeared via zoom before the Board October 5, 2021 requesting an area variance for replacement of a freestanding sign (8.0 feet x 18.0 feet; 144.0 square feet), instead of the 96.0 square feet previously granted by the Board of Zoning Appeals on July 26, 1994 and relief of condition to allow for a tenant directory to be a part of a freestanding sign, where the identification of individual stores (directory) were to be removed from the freestanding sign when final construction was completed, per the Board of Zoning Appeals approval on July 26, 1994 .

The findings of fact are as follows: The applicant, Jamie Allen, of Signs Unlimited appeared before this board, via ZOOM, on October 5, 2021, for request of a new freestanding sign to be placed at 3208 Latta Road, also being the North Hampton Plaza; being a commercial business center and surrounded by a commercially developed area. The existing freestanding sign is a "V" configuration type sign, which was approved by the Board of Zoning Appeals in July of 1994 for the overall square footage and with the condition that any identification of individual stores were to be removed once the final construction phase of the plaza took place. At this time the applicant would like to remove the existing "V" sign and replace it with a LED reader board and also allow for tenant identification.

The proposed freestanding sign would be lit from dawn to midnight. This is a very heavily traveled area of Latta Road and is across from the Wegmans Plaza and a United States Post Office facility. The height of the sign would not exceed 18 feet in height to the top from grade; 10 feet in width and fifteen feet in height of the actual sign area – the base would be made of stone and there are options for a double base or single base, each made of stone. The new sign would provide identification for several tenants located to the rear of the plaza that are not highly visible from the road.

I am going to move for approval of the sign and grant the relief for allowing the tenant directory – based on the graphics provided to this board and shall restrict the sign area as follows:

- The overall height shall not exceed eighteen feet and shall be broken up as follows
- From grade to the lower side of the sign face; shall be a minimum 4 feet 8 inches
- The Tenant space shall not exceed an area of 4 feet x 8 feet or 32 square feet and shall be located in the lower portion of the sign as the provided graphics depict
- The LED reader board shall not exceed an area of 32 square feet and shall be located within the center of the sign as the provided graphics depict
- The remaining 2 feet by 8 feet shall of sign area shall be of text that identifies the plaza and located in the upper portion of the sign area as the provided graphics depict
- The remaining area being the decorative portion – from the top of the sign area to the peak of the sign – and being approximately 3 feet high by 10 feet wide at the base of decorative peak; shall remain a decorative portion of the sign and shall not contain any text.

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- The LED reader board area shall comply with all rules and regulations, per Section 211-55 G: "Electronic message centers/digital displays" with emphasis and understanding that any electric message center shall hold a static message for a minimum of 24 hours.

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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Approved
With Conditions

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5. Applicant: 1410 Lex LLC
Address: 1410 Lexington Avenue
Mon. Co. Tax No.: 090.03-1-5.1
Zoning District: IG (General Industrial)
Request: Special use permit (above ground fuel tanks).
Section 211-29 C(2) & Section 211-65 A(3)

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 1410 Lexington Avenue, for a special use permit, as outlined above; and

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

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

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, regarding the application of 1410 Lex LLC, also known as Ontario Bus, located at 1410 Lexington Avenue, zoning district is IG (General Industrial), their representative, John Sciarabba of LandTech, appeared via zoom before the Board on

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September 21 and October 5, 2021 requesting a Special Use Permit for above ground fuel tanks.

WHEREAS, the findings of fact are as follows: The applicant, 1410 Lex, LLC, represented by their engineer, John Sciarabba of LandTech first appeared before this board, via Zoom, on September 21 and again on October 5th. This applicant was before this board in August of 2020 for a special use permit for a motor vehicle service station and again in July of 2021 for an expansion of a special use permit. The operations are for a school bus vehicle repair service station located at 1410 Lexington Avenue and has been in business for approximately four years now. It is a vehicle repair shop, specifically for busses only and located in an IG (General Industrial) zoning district. There is no collision or painting work performed here. The expansion was for a 3500 square feet addition and an increase in parking lot spaces and employees. As a part of its on-going site improvements, the owner and operator of this site, being Ontario Bus Company, is once again expanding to this site and as such, is looking to install an on-site fuel storage and pumping facility to provide for their day to day bus operations.

The fuel operations will consist of the installation of two (2) 5,000 gallon above-ground fuel storage tanks; one diesel and one gasoline, along with a 192 square foot each concrete pad and vehicle impact protection that consists of steel pipe bollards. The installments are planned to be located between Fisher Street and the existing building.

Staff has provided feedback from the Fire Marshal's office, which will oversee the permitting and inspecting of the fuel tanks. Correspondence from Justin Wiesner, Assistant Fire Marshal, dated September 27, 2021 and October 15, 2021 have been read into the record and shall be made a part of the file. All comments shall be addressed and no permits shall be issued until the Fire Marshal's concerns have been satisfied. A request for a waiver shall also be submitted to John Caterino, in the Planning Department, pertaining to site plan approval.

Comments were received from Gretchen Gorman Pabon, of 237 Polaris Street and were read into the record, which provided concerns with the proposed fuel tanks and other items which were not a part of this application, but turned over to Code Compliance for follow up.

Therefore, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Section 274-b, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), I move to approve this special use permit request submitted by Ontario Bus Inc. for a Special Use Permit for two (2) 5,000 above-ground fuel tanks to the property located at 1410 Lexington Avenue in an IG (General Industrial) business district and subject to the following conditions:

The Applicant shall operate this business in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, 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. The applicant shall adhere to all conditions and restrictions of the past special use permits for the site, specifically those granted by the Board of Zoning Appeals on August 4, 2020 and expansion of a special use permit granted on July 6, 2021 and also the following conditions shall apply:

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1. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code. Failure to comply with such requirements may be grounds for revocation of this special use permit.
2. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
3. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
4. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
5. Upon the sale or other transfer of controlling interest in this business; to any persons or entity other than Ontario Bus Inc., its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
6. No permits shall be issued until the Fire Marshal's concerns have been satisfied and all comments addressed.
7. Subject to Planning Department site plan approval or waiver of such.
8. The applicant shall provide a plan, acceptable to Town staff, for cleanup and elimination of the tanks if this operation was to shut down.

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
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Approved
With Conditions

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ADJOURNMENT: 8:15 PM

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: Wednesday, November 3, 2021

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