



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

NOVEMBER 27, 2018

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present:

Albert F. Meilutis, Chairman

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Bradford Shea

Additions, Deletions and Continuances to the Agenda

Announcements

BOARD OF ZONING APPEALS MINUTES
November 27, 2018

Old Business:

1. Applicant: Jeffrey Hennen
Location: 559 Mill Road
Mon. Co. Tax No.: 058.03-3-9
Zoning District: R1-12 (Single-Family Residential)
Request:
 - a) An area variance for a proposed covered porch (L-shaped; 245± square feet) to have a front (north) setback of 70.0± feet (measured from the centerline of Mill Road), instead of the 90.0 feet minimum required. Sec. 211-11 D (2), Table I
 - b) An area variance for an existing principal building (single-family dwelling) to have a (west) side setback of 6.6 feet, instead of the 8.0 feet minimum required. Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 559 Mill Road, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9), (10) & (12).)
2. According to SEQRA, Type II actions have been determined to not have a significant impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Jeffrey Hennen, at 559 Mill Road, Mr. Hennen appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed covered porch (L-shaped; 245± square feet) to have a front (north) setback of 70.0± feet (measured from the centerline of Mill Road), instead of the 90.0 feet minimum required; and an area variance for an existing principal building (single-family dwelling) to have a (west) side setback of 6.6 feet, instead of the 8.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This parcel is located at 559 Mill Road and is located in an R1-12 (Single-Family Residential) neighborhood. The lot is approximately 80 feet x 600 feet, 48000± square feet, or 1.1± acres. The applicant, Mr. Hennen, states that he does not currently live in the home, but he is remodeling it. It is his grandmother's home and he hopes to be in it by Christmas. The reason for the porch is to keep it shielded from the elements. He does have a family member who requires a wheelchair and there will be a ramp installed, which will help provide protection from the elements. The decking of the porch will be constructed using composite material, the porch itself will not be enclosed, the roof of the porch will be of made out of a metal material, and both the roof and porch will be made to blend in with the rest of the home. The porch will not contain any additional electrical light outlets; there will be lighting (regular porch lighting), as well as ceiling lighting. There will not be a hot tub or a permanent grill. Mr. Hennen did speak to neighbors, who had no concerns. The existing principal building addition was added about five weeks ago; it is a family room, which it provides additional living space for the family. The exterior will blend with the existing home, as he will have the entire home re-sided.

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

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

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

Motion Carried
Application Approved
With Condition

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2. Applicant: Augustin Ayan
Location: 2220 Latta Road
Mon. Co. Tax No.: 045.16-4-27.211
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow eight (8) dogs to be kept at a dwelling unit, instead of the maximum three (3) dogs permitted per dwelling unit. Sec. 211-30 A

On a motion by Mr. Jensen and seconded by Ms. Nigro, it was resolved to close the public hearing on this application and reserve decision until the meeting of December 11, 2018.

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

Motion Carried
Application Closed and Decision
Reserved Until Meeting of December 11, 2018

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3. Applicant: Greece Obstetrics & Gynecology, LLP
Location: 2337 Ridgeway Avenue
Mon. Co. Tax No.: 089.14-2-21
Zoning District: BP-2 (Professional Office)
Request: An area variance for a proposed second (north side) building-mounted sign (Greece OB/GYN logo; oval shaped; 21± square feet), instead of the one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

This application has been withdrawn by the applicant.

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4. Applicant: Reid Petroleum Corporation
Location: 3561 Latta Road
Mon. Co. Tax No.: 044.04-1-1 & 044.04-1-12
Zoning District: BR (Restricted Business)
Request: a) A special use permit to operate a gasoline dispensing station in accordance with the regulations established in Section 211-34. Sec. 211- 17 B (3) (b) [2]
b) An area variance for a proposed gasoline dispensing station canopy (42.0 feet x 86.0 feet; 3612.0 square feet), instead of the 1500.0 square feet maximum permitted. Sec. 211-34 C
c) An area variance for a proposed 6.0-foot-high, closed-construction fence (275± linear feet) to be located in the front and corner yard of a corner lot, where fences in front and corner yards shall be of open construction and shall not exceed four feet in height. Sec. 211-46 L

On a motion by Mr. Wechsler and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of January 15, 2019, per the request of the applicant.

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

**Motion Carried
Application Continued Until
Meeting of January 15, 2019**

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New Business:

1. Applicant: Wilma Bloss
Location: 260 Arlidge Drive (a.k.a 151 El Rancho Drive)
Mon. Co. Tax No.: 075.10-8-8
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow four (4) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Sec. 211-30 A

On a motion by Ms. Nigro and seconded by Mr. Wechsler, it was resolved to continue the public hearing on this application until the meeting of January 15, 2019 to give the applicant time to review their options.

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

**Motion Carried
Application Continued Until
Meeting of January 15, 2019**

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2. Applicant: David Nuccitelli
Location: 900 Edgemere Drive
Mon. Co. Tax No.: 035.10-1-29
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed attached garage addition (161± square feet) to have a (east) side setback of 3.8 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
b) An area variance for a proposed attached garage addition (161± square feet) to have a (south) rear setback of 49.5 feet (measured from the centerline of Edgemere Drive), instead of the 85.4 feet minimum required. Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 900 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of David Nuccitelli, at 900 Edgemere Drive, in an R1-E (Single-Family Residential) zoning district, Mr. Joseph O'Donnell of Greater Living Architecture, spoke on behalf of the applicant, David Nuccitelli, and appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed attached garage addition (161± square feet) to have a (east) side setback of 3.8 feet, instead of the 6.0 feet minimum required; and an area variance for a proposed attached garage addition (161± square feet) to have a (south) rear setback of 49.5 feet (measured from the centerline of Edgemere Drive), instead of the 85.4 feet minimum required.

WHEREAS, the findings of fact are as follows. Mr. O'Donnell stated that the applicant has owned the property for 16 years and the need for the larger garage is to store an automobile and lawn furniture adequately. The existing garage was built in 1929 and it is small and cannot accommodate the storage he needs that currently exists. Relative to the setbacks that are being requested, they are common in that area of Edgemere Drive. The existing finishes of the garage, when it will be built or when it is finished, will match the primary structure. The roof of the garage will tie into the existing roofline, and the shingles will match the primary structure. Apparently, there have been no negative comments from the neighbors. No one spoke tonight in favor or opposition of this application; however, Mr. O'Donnell did say that there was a neighbor that spoke favorably to the applicant.

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

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

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

Motion Carried
Application Approved
With Condition

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3. Applicant: Benjamin Gioseffi
Location: 227 Janes Road
Mon. Co. Tax No.: 045.08-1-1
Zoning District: RMH (Multiple-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (8± linear feet) to be located in a front yard of an interior lot, where fences in the front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46L

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 227 Janes Road, as outlined above; and

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

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

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Benjamin Gioseffi, at 227 Janes Road, Mr. Gioseffi appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (8± linear feet) to be located in a front yard of an interior lot, where fences in the 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 reason for the fence being located in that part of the property is so that Mr. Gioseffi and his family can have a barrier for privacy between themselves and their next door neighbors. There has been a 25-foot x 12-foot trailer parked there in the past, and the fence would certainly ease visibility from the trailer. Also, the neighbors have three dogs, and the fence would prevent the dogs from barking, due to the fact that they would not be able to see the neighbors. Also, other alternatives have been looked at, including making the fence four feet high; however, that would not accommodate the privacy as that can be seen over and the option of putting plants there, like arborvitaes, would also not be an option due to the amount of space and the upkeep involved. The fence will be of vinyl construction.

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

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

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

Motion Carried
Application Approved
With Condition

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4. Applicant: Christine Payne
Location: 1950 Edgemere Drive
Mon. Co. Tax No.: 034.08-1-1
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed attached garage (620 ± square feet) to have a front (south) setback of 16.0 feet (measured from Crescent Beach Road (a.k.a. Old Edgemere Drive)), instead of the 38.0 feet minimum as established by the neighborhood average. Sec. 211-11 D (1) (b), Sec. 211-11 D (2), Table 1
b) An area variance for a proposed attached garage (620± square feet) to have a (east) side setback of 2.0 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
c) An area variance for a proposed lot coverage of 36.9%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1950 Edgemere Drive, as outlined above; and

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

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

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action by the Board of Zoning Appeals relative to the application.

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Christine Payne, at 1950 Edgemere Drive, Mr. Paul Appel (husband of Christine Payne), who is in contract negotiations with the current property owners, Richard and Sandra White, appeared before the Board of Zoning Appeals this evening, along with Jake Roberts, the realtor for the sale of the property, representing Christine Payne. The current owners, Richard White and Sandra White, provided the Board with a notarized letter stating that Mr. Appel could represent all parties involved in the above variance request. This is for the property located at 1950 Edgemere Drive. The applicant is requesting an area variance for a proposed attached garage (620 ± square feet) to have a front (south) setback of 16.0 feet (measured from Crescent Beach Road (a.k.a. Old Edgemere Drive)), instead of the 38.0 feet minimum as established by the neighborhood average; an area variance for a proposed attached garage (620± square feet) to have a (east) side setback of 2.0 feet, instead of the 6.0 feet minimum required; and an area variance for a proposed lot coverage of 36.9%, instead of the 25% maximum permitted.

WHEREAS, the findings of fact are as follows. The applicants appeared before the Board, looking to move from Colorado to Rochester; this will be a retirement home for them. Currently, there is no garage on the property, but there is a shed currently on-site. This property backs up to the Long Pond outlet, meaning that the Long Pond outlet would be the rear of the house and the front would be on the road side. The applicants are in the process, as we stated, of purchasing this property. The reason for the attached garage is for the applicant to store two cars along with materials that were stored in the shed, which would be lawn furniture, lawnmowers, things they would use along the lakefront. The realtor, Jake Roberts, stated that the addition will match the current house, along with the shingles and sidings. The only utility within this will be electric. The applicant also stated that the existing shed will be removed for the placement of the attached garage. Also, part of the existing asphalt driveway will stay and it will also hook into the driveway so the garage door will be facing west; this will also allow for more access, more room for driveways and storage of vehicles off Crescent Beach Road, also known as Old Edgemere Drive. One individual spoke tonight, Mr. Robert Wheelhouse, a 50-year friend, and he supports the project and he welcomes him back to Rochester. The setback on both Crescent Beach Road and on the east side setback are not uncommon for existing structures for this section of Edgemere Drive. Also, the applicant agreed to one of the conditions—that this variance will take place only if the property transfers or closes from the Whites to the applicants, Paul Appel and Christine Payne. Also, regarding the lot coverage of 36.9%, currently the home is already above the 25% maximum permitted, and 36.9% lot coverage in this section of Edgemere Drive is very common.

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

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welfare of the neighborhood or community and that the benefit to the Applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant obtain all necessary building permits.
2. The approval of these variances will be valid and applicable if the transfer of ownership of the property is from the Whites to Paul Appel and Christine Payne.

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

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

Motion Carried
Application Approved
With Conditions

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5. Applicant: Bob Johnson Buick GMC
Location: 4389 West Ridge Road
Mon. Co. Tax No.: 073.01-3-17.1, 073.01-3-17 through 073.01-3-30, inclusive, and 073.03-1-27.1
Zoning District: BG (General Business)
Request: An area variance for a proposed third (north side) building-mounted sign ("Bob Johnson"; 21.0 square feet), instead of the 13.85 square feet granted by the Board of Zoning Appeals on September 15, 2015. Sec. 211-52 B (2) (a) [1]

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 4389 West Ridge Road, as outlined above; and

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

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, regarding the application of Bob Johnson Buick GMC, 4389 West Ridge Road in a BG (General Business) district, Mr. John Love appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed third (north side) building-mounted sign ("Bob Johnson"; 21.0 square feet), instead of the 13.85 square feet granted by the Board of Zoning Appeals On September 15, 2015.

WHEREAS, the findings of fact are as follows. This evening Mr. Love mentioned that the need for this sign is as a result of the ownership of the agency changing from Doan to Bob Johnson. As such, the amount of letters on the building will be going from four to ten, plus the spacing; as such more space is required. The sizing of the lettering will be reduced from the previous owner from 22 inches per letter to 16 inches per letter. That height is necessary because the sign will be 200 feet off the road and it needs to be that high in order for traffic to realize and to read the sign. The sign will be individual letters that will be placed on the building and each letter will be illuminated. As such, I move to approve this application, with the condition that all necessary permits be obtained.

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

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

Motion Carried
Application Approved
With Condition

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6. Applicant: Ridge Mart, Inc.
Location: 2534 West Ridge Road
Mon. Co. Tax No.: 074.14-2-11
Zoning District: BR (Restricted Business)
Request: a) A special use permit to operate a gasoline dispensing station in accordance with the regulations established in Sec. 211-34. Sec. 211-17 B (3) (b) [2]
b) An area variance for a proposed 16,000-gallon underground fuel storage tank, instead of the 10,000-gallon maximum permitted in non-residential zoning districts. Sec. 211-26 C (1) (a)

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2534 West Ridge Road, as outlined above; and

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

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

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

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

Motion Carried

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

WHEREAS, with regard to the application of Ridge Mart, Inc., 2534 West Ridge Road, Matthew Mies, from Noco Energy Corporation appeared before the Board of Zoning Appeals on behalf of the applicant this evening, requesting a special use permit to operate a gasoline dispensing station in accordance with the regulations established in Sec. 211-34; and an area variance for a proposed 16,000-gallon underground fuel storage tank, instead of the 10,000-gallon maximum permitted in non-residential zoning districts.

WHEREAS, the findings of fact are as follows. Mr. Mies, from Noco Energy Corporation, appeared on behalf of Ridge Mart, Inc., which is requesting the special use permit, and is authorized by Mary Ann Ali—Mr. and Mrs. Ali, the owners of the property—to operate this gasoline and convenience store. The applicant states the intent is to operate it in a similar manner as previously run businesses at this site. The building has been there since approximately 1964, but has been vacant for approximately two years. In addition to the sale of gasoline, it will consist of a small convenience store, which will cater to serve the gas patrons, with a small percentage of just convenient store use. There will be no oil changes performed or car repairs. Deliveries are intended to be done in an efficient manner and will not disrupt traffic flow. The hours of operation will be seven days a week, from 6:00 a.m. to 10:00 p.m., and there will be three employees. The applicant has withdrawn item "B," the area variance for a proposed 16,000-gallon underground fuel storage tank, for re-advertisement of the application for the next Zoning Board meeting, with the property owner listed as the applicant.

WHEREAS, 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. As stated this will be operated in very much the same manner as the previous business.
2. The proposed use will not adversely affect the orderly pattern of development in the area. As stated, it will be similar to its previous use.
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. This is an existing station, which has been vacant for approximately two years and has become somewhat of an eyesore. It will benefit the community to revitalize this parcel.
4. The proposed use will not create a hazard to the health, safety or the general welfare. It will be operated in the same manner as before.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity. As proven, customers are able to get in and out of this location safely without disruption to traffic flow.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities. There is adequate gas, water and sewer service along West Ridge Road and the type of use will not burden said facilities.

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, subject to the following conditions:

1. The Applicant shall operate this gasoline dispensing station in conformity with all details of the Proposal, as presented in the written descriptions and various maps,

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plans and illustrations 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 various maps, plans and illustrations 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 maximum occupancies in this arrangement center shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. 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.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
7. Upon the sale or other transfer of controlling interest in this gasoline dispensing station to any person or entity other than Ridge Mart, 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.
8. The hours of operation shall be Mondays through Sundays, 6:00 a.m. to 10:00 p.m.
9. There will be no oil changes or car repair done on-site.
10. Approval is subject to Fire Marshal and Building Department review and approval under applicable building and fire codes.

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

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

Motion Carried
Application for Special Use Permit Approved
With Conditions

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ADJOURNMENT: 8:55 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: December 11, 2018