



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

DECEMBER 7, 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 December 7, 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, December 17, 2021.

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

Present:

Albert F. Meilutis, Chairman

Linda Andreano

Thomas F. Hartwig

Randy T. Jensen

Bradford Shea

Anthony F. Wechsler

Christopher A. Schiano, Esq., Deputy Town Attorney

Ivana Casilio, Planning Assistant

Maryjo Santoli, Planning and Zoning Secretary

Absent

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

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Old Business

1. Applicant: Vision Auto Works
Address: 3950 West Ridge Road
Mon. Co. Tax No.: 073.01-2-27.1
Zoning District: BG (General Business)
Request: Waiver of a special use permit for a motor vehicle dealership, as defined in Section 211-5 and the outdoor storage or display of motor vehicles or trailers. Section 211-17 C(3)(b)[5] & Section 211-17 C(3)(b)[6].

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 3950 West Ridge Road, for a waiver of a special use permit, as outlined above; and

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

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

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from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

WHEREAS, the Applicant Vision Auto Works came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") via zoom, relative to the property at 3950 West Ridge Road, zoned as BG (General Business), for a waiver of a special use permit for a motor vehicle dealership, as defined in Section 211-5, and the outdoor storage or display of motor vehicles or trailers.

WHEREAS, the findings of fact are as follows: The applicant, Vision Auto Works, represented by Mr. Scott Burr, appeared before the board, via ZOOM, on November 3rd and again on November 16, 2021 requesting a waiver of a special use permit for a motor vehicle dealership, as defined in Section 211-5 and the outdoor storage or display of motor vehicles or trailers.

Mr. Burr explained that this pre-owned auto and light-duty truck dealership plan to keep the site as is and plan to abide by all but a few of the same operations of the previous special use permit, including the total number of vehicles and customer parking spaces permitted. The services offered by the repair shop will include inspections, tune-ups, oil changes, and small repairs, but will not include paint or bodywork. The hours of operation will be Mon, Tues, Thurs from 8am to 8pm, Weds and Fri from 8am to 6pm, Saturday from 8 to 5, and Sunday from 11 to 3. The Sunday hours are the hours added from the previously approved request. The number of employees will now total fourteen, from the previously approved number of employees that was eight.

Questions were asked regarding keeping tires stored outdoors and screened from view, and that towed vehicles would also be screened from view. Mr. Burr agreed to both of these requests, and further added that as emergency towing can happen anytime, the towing companies know to place the towed vehicles behind the building, and that such vehicles would be obscured from view.

Based upon the information above, I move to approve this application with the same conditions as the original Special Use Permit granted by the Board of Zoning Appeals on November 27, 2007.

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	Yes	Mr. Meilutis	Yes
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Approved

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2. Applicant: Li-Cycle North American Hub, Inc.
Address: 50 & 205 McLaughlin Road
Mon. Co. Tax No.: 089.04-1-3.21 & 089.04-1-3.22
Zoning District: IG (General Industrial) & EDIO (Economic Development Innovation Overlay)
Request: a) An area variance for the aboveground tank storage capacity to exceed the maximum storage capacity of 10,000 gallons. Section 211-29 C(1)(a)
b) A Special Use Permit for the bulk storage of flammable, combustible materials in aboveground storage tanks which have an aggregate storage capacity greater than 20,000 gallons and/or hazardous materials which have an aggregate storage capacity greater than 1,000 gallons. Section 211-29 C(1)(b) & Section 211-29 (C)(2)

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

Regarding the application of Li-Cycle North America Hub, Inc. (the "Applicant") for request of the following:

- a) An area variance for the aboveground tank storage capacity to exceed the maximum storage capacity of 10,000 gallons. Section 211-29 C(1)(a); and
b) A Special Use Permit for the bulk storage of flammable, combustible materials in aboveground storage tanks which have an aggregate storage capacity greater than 20,000 gallons and/or hazardous materials which have an aggregate storage capacity greater than 1,000 gallons. Section 211-29 C(1)(b) and Section 211-29 C(2)

Whereas, the Applicant has submitted a proposal to the Town of Greece Board of Zoning Appeals (the "Zoning Board"), for approval of a special use permit, as more fully described in the minutes of this public meeting (the "Proposal"), as part of its proposed hydrometallurgical processing facility (the "Project") relative to property located at 205 McLaughlin Road (the "Premises"); and

In accordance with New York State Environmental Conservation Law, Article 8 (State Environmental Quality Review Act) and 6 NYCRR Part 617, *et seq.*, the implementing regulations therefore (the "SEQRA Regulations"), the Project was classified as a Type I action by the Town of Greece Town Board (the "Town Board") which became the lead agency without the objection of any involved agencies, including the Zoning Board. Following the review of information that was prepared by the Applicant's representatives and other interested or involved parties, which included but was not limited to: oral and written descriptions of the Project; site development plans; Part 1 of the Full Environmental Assessment Form (the "FEAF") and Supplemental Information; Eastman Business Park's Site Management Plan for Section EBP-S; supporting documentation for utility services; storm water analysis and a Storm Water Pollution Prevention Plan (the "SWPPP"); reports detailing potential impacts from traffic, dust, noise, and lighting; 3D visual analysis; hazardous and chemical bulk storage information; a Phase 1a, 1b and 2 Cultural Resource Assessment; and a wetland survey (collectively, the "Environmental Analysis"), the Town Board issued a Negative Declaration under the SEQRA Regulations on November 18, 2021, which indicated that there would be no

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significant adverse environmental impact. The Proposal is consistent with the project reviewed by the Town Board. Therefore, the SEQRA Regulations do not require further environmental review by the Zoning Board.

The findings of fact are as follows:

The Applicant, represented by Chief Technology Officer Chris Biederman, along with Project Manager for Hub Capital Projects, Kurtis Boehm, and Engineering/Construction Manager, Ala Hussain, appeared before this board on Wednesday, November 3, 2021, and on Tuesday, November 16, 2021, via ZOOM, regarding the proposed hydrometallurgical processing plant, or what shall be known as and referred to as, the "Hub". The Premises upon which the Hub will be constructed is located at 205 McLaughlin Road and is zoned and surrounded by IG (General Industrial) zoning and like uses and is also located within the Town's Economic Development and Innovation Overlay District (EDIO).

Applicant's Proposal to construct and operate a new hydrometallurgical manufacturing facility, or Hub, which includes a collection of buildings, equipment and bulk storage and process tanks, on approximately 41.06 acres of currently vacant land, on property formerly known as Eastman Business Park. The Hub is approximately 1,400 feet south of residences along Ridgeway Avenue. The Hub will process black mass concentrate – a product generated from spent Li-ion batteries – to produce commercially valuable metals such as Nickel Sulfate, Manganese Carbonate, Cobalt Sulfate, Lithium Carbonate, Graphite, Gypsum, Copper Sulfide, and so on.

The Hub will consist of the construction of approximately 20 separate structures and processing areas, as well as ancillary roads, parking, product loading and unloading areas, storage and delivery equipment on the Premises. Each part of the Facility will be grouped separately in a structure and/or area and enclosed as necessary to maintain operational efficiency and/or to mitigate noise. The Hub facility, including its storage tanks larger than 10,000 gallons, will not be visible from NYS Route 390 other than a crystallizer tower adjacent to the existing RED chiller plant referred to as Building 511 which may or may not be distinguishable from the chiller. From Ridgeway Avenue and Mount Read Boulevard, the facility, including its storage tanks larger than 10,000 gallons, will be visually compatible with other existing industrial facilities in the area. Applicant will install a vegetative buffer to further mitigate visual impacts at the residences along Ridgeway Avenue. Enclosed structures will be heated/cooled/vented as required by health, safety and building codes. Two existing and one new rail spur will also be incorporated on the south side of the Hub.

The Hub operation will use chemicals in a low temperature process to extract scarce metals and other products from black mass concentrate. No spent Lithium-ion batteries will be present at, shipped to, or stored at the Hub. The proposed Hub operations shall include a hydrometallurgical manufacturing facility, truck and rail delivery of chemical inputs, and outdoor storage tanks (liquids), silos (powders) and conveyance piping. All operations shall be within a gated, guarded and secured fencing area, with a traffic loop that will allow misdirected traffic to readily return to the north without impeding access to the Hub's security gate. Hub operations will be a 24-hour operation/365 days a year, and will employ in excess of 100 employees.

Safety measures have been proposed with chemical loading, unloading and storage. All liquid chemicals being loaded, unloaded or stored shall be moved into on-site storage tanks and processed by trained employees using dedicated equipment, secondary containment, and leak detection apparatus for all storage tanks. Dry chemicals shall be contained in silos equipped with dust filters or collectors. Instrumentation and monitoring will be employed, including but not limited to gas monitors and pressure relief mechanisms. No heat or ignition sources will be located in areas of storing or using potentially combustible chemicals, materials and/or

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products. Scrubbers, baghouses and other emission control devices will be connected to standby fans and emergency/backup power as required.

The following hazardous materials have been identified as part of the Hub project and presented to the Zoning Board as a part of this application: Sulfuric acid; Sodium hydroxide; Hydrogen peroxide; Sodium hydrosulfide; Calcium oxide; Sodium carbonate; and process solution(s). Hazardous materials stored at the Hub are either introduced as chemical reagents, or produced as a final product or produced as a temporary intermediate (process chemical).

Upper limits of bulk chemical storage planned for the Hub shall be limited to the following quantities:

- Sulfuric Acid; 250,800 gallons
- Sodium Hydroxide; 206,800 gallons
- Hydrogen Peroxide; 35,200 gallons
- Sodium Hydrosulfide solution; 13,200 gallons
- Sodium Carbonate solution; 39,600 gallons

(collectively, the "Upper Limit Quantities")

These amounts are approximately 10% above what the Applicant foresees as maximum capacity for storage needs of liquid materials. The Applicant has agreed that, if additional storage capacity is required, beyond what has been provided or presented to this Zoning Board, the Applicant will make further application to this Zoning Board for a request of additional tank storage capacity.

Secondary containment proposed will be constructed to hold both the volume of the largest tank within the containment area and the precipitation from a 25 year/24 hour storm event. Concrete containment systems will incorporate coating/lining systems, along with other secondary containment safety measures into the design of the containment area. Piping between storage and process tanks shall be via overhead pipe racks. Rail deliveries will contain anywhere from 85 to 100 tons of chemical (reagents) per car, which based upon the density of the reagent converts to 10,400 gallons to over 20,000 gallons – it has been noted that gallons of each chemical reagent transported in rail cars vary because some reagents are denser than others. There will be approximately 6 rail cars of chemical reagent deliveries per day. Truck chemical deliveries shall contain approximately 24 to 35 tons of chemical reagents and/or black mass concentrate, with approximately 8 to 10 truck deliveries and 15-20 outgoing shipments (and not less than one truck chemical delivery) per day. Given the volumes of reagents being delivered and consumed per day at the Hub, it is impractical to have storage tanks for each of the above reagents of 10,000 gallons or less.

The Hub will have a security system, and as already mentioned, security fencing around the perimeter of the Premises. Applicant will also be providing technical information, training, equipment and support to the Ridge Road Fire Department to assist in the Fire Department's understating of the Hub's raw material, chemical inputs, processes and products. Additionally, Li-Cycle will also provide the Fire Department with space within its maintenance building and pay for pre-planned firefighting supplies and equipment and an area inside the Hub's security fencing near the control center (or an area as determined and approved by the Fire Marshal) to use as a rallying point. Li-Cycle shall also logically and sequentially number its buildings and process areas within the Hub, (also as determined and approved by the Fire Marshal), to allow each area to be intuitively located.

The existing road system serving Eastman Business Park (South) was already developed to fully support vehicular access for deliveries and employees of the overall Park. Expected daily

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traffic during operations will include approximately 40 trucks and/or 160 employee and/or visitor vehicles distributed over the course of the day. Truck traffic will be seven days a week, typically between the hours of 7 am to 7 pm. The Hub will be accessed through a new Li-cycle security gate at the south end of a new truck loop located off an extension of McLaughlin Road, which is also a private drive. Applicant will also be utilizing an internal road system, for delivery from the warehouse to the Hub.

The Project requires an Air State Facility ("ASF") permit issued by the New York State Department of Environmental Conservation ("NYSDEC") prior to the start of construction and operation, and Chemical Bulk Storage and Petroleum Bulk Storage registrations. A full list of agencies that would be regulating the Hub, once it's operational, has been provided to this board and has been made a part of this file.

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

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

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

As already mentioned, this site, being the former Eastman Business Park, is already served by a road network built to serve Kodak Park at peak employment, is capable of accommodating all Project-related and is surrounded by industrial zoning and uses. It was specifically designed for industrial uses and provides for ample access and space for the proposed use, employee and customer parking, traffic flow and for the overall operations of the Project. No variances will be required for any setbacks to any of the proposed structures.

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

The use is in conformity to the IG district, is complimentary to the surrounding industrial uses, and is consistent with the Town's EDIO.

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

The proposed use will be a 24/7; 365-day operation and as mentioned, located within an existing industrial park. The day-to-day operations will be in harmony with like uses and the granting of this special use permit will not alter the essential character of the residences located approximately 1,400 feet to the north along Ridgeway Avenue.

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

The use, being a new hydrometallurgical processing facility, or Hub, is an industrial use and located in an area with like industrial uses, so as not to create a hazard to the health, safety and general welfare of any residential neighborhoods. The proposed combustible and hazardous material bulk storage tanks of the approximate size shown on the plans provided to this Zoning Board are the minimum practicable size tanks to operate the hydrometallurgical processes at the Hub and they will not create a hazard or otherwise have a significant impact on the environment because of the safety measures to which Applicant has committed, including liquid chemicals being loaded, unloaded or stored by trained employees using dedicated equipment, with secondary containment and leak detection apparatus for all

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storage tanks, such as gas monitors and pressure relief mechanisms. No heat or ignition sources will be located in areas of storing or using potentially combustible chemicals, materials and/or products. Scrubbers, baghouses and other emission control devices which as required will be connected to standby fans and emergency/backup power. Based upon the size and configuration of the hydrometallurgical processing undertaken at the Hub and the above safety measures, it is not practical or necessary for Applicant to store its reagents in tanks of 10,000 gallons or smaller because of the volumes of reagents being delivered daily to, and the need to modulate the flow of reagent being introduced into the processes at, the Hub.

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

There is sufficient access for entering and existing the site, both from the intersection of Ridgeway Avenue and McLaughlin Road, and the guardhouse at the southern terminus of McLaughlin Road. The traffic loop at the guardhouse will allow misdirected traffic to readily return to the north without impeding access to the Hub's security gate. The parking lot and flow of traffic for the site are satisfactory for the use and intensity of the project and will not be detriment to the flow of traffic in the area.

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

The proposed use will not place a burden on public utilities, on the facility and/or services for the site because the utilities, Premises and local services were already sufficient to support the use of the site when it was part of Kodak Park at peak development.

Based on the aforementioned information, documentation, testimony, and finding, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Li-Cycle America Hub, LLC, for a special use permit to operate combustible and hazardous material tanks with storage capacity of 10,000 gallons and aggregate storage capacity greater than 20,000 gallons for combustibles and aggregate storage capacity greater than 1,000 gallons for hazardous materials ("Hazardous Material Tanks") and consistent with the Upper Limit Quantities in support of its proposed hydrometallurgical processing facility, or Hub, on property located at 205 McLaughlin Road, in a General Industrial (IG) zoning district, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate its Hazardous Material Tanks for this new hydrometallurgical processing facility, or Hub, operation in conformity with the Upper Limit Quantities and the safety-related details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without public hearing, shall resolve such conflict at a regularly scheduled hearing.
2. The Applicant shall comply with all requirements of the Code of the Town of Greece, New York, Chapter 211, the town's zoning ordinance, or any variance granted therefrom. Failure to comply with these requirements may be grounds for revocation of this special use permit.
3. The maximum occupancy of this new hydrometallurgical processing facility, or Hub operation shall be the limit established by the town's Fire Marshal pursuant to the Building Codes of New York State.

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4. The Applicant shall comply with all applicable federal, state, county, and town laws, ordinances, codes, rules, and regulations, including but not limited to the Building Codes of New York State. Failure to comply with such requirements may be grounds for revocation of this special use permit.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
7. As agreed to by the Applicant's representative, should additional tank storage capacity be required, beyond Upper Limit Quantities, i.e., what has been provided or presented to this Zoning Board, the Applicant agrees to make application to this Zoning Board for request of additional tank storage capacity.
8. As agreed to by the Applicant, Li-Cycle shall provide on an annual basis to the Fire Marshal and the Board of Zoning Appeals Staff Advisor the total amount(s) of all chemicals stored on site in the Hazardous Material Tanks, and the size and location of each of those Tanks on site; and in addition, Applicant shall provide, subject to confidentiality and a mutually acceptable method to prevent Applicant's trade secrets from being disclosed to the public and/or competitors, a full inventory of tanks, containers, material(s) stored and processed, and amounts, to the Fire Marshal and Building Department in order to allow them to determine the Project's compliance with applicable codes.
9. As agreed to by the Applicant, Li-Cycle shall provide a full list of Standard Operating Procedures (SOP's) pertaining to all unloading procedures, to the Fire Marshal, the Board of Zoning Appeals Staff Advisor and any other regulatory agency as required.
10. As agreed to by the Applicant, Li-Cycle shall provide the Fire Marshal, the Board of Zoning Appeals Staff Advisor and any other regulatory agency with records of inspections of all storage tanks/silos on the site; manufacturer of all storage tanks/silos on the site; maintenance logs of all storage tanks/silos on the site and the fabrication of all storage tanks/silos on the site.

Regarding the area variance –

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 not be produced in the character of the neighborhood nor will it be a detriment to nearby properties should this variance be granted.

As discussed in the findings, this site, being the former Eastman Business Park, is surrounded by industrial zoning and uses. It was specifically designed for industrial uses and is within the same uses as surrounding industrial.

2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue.

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The manufacturing operations of this project require the use of storage tanks for chemical applications and are considered essential to the overall operations of the project.

3. The requested area variance is not substantial in the context of this application.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

This item has been fully addressed in the SEQRA determination.

5. The alleged difficulty was not self-created, which consideration is relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

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	Yes	Mr. Meilutis	Yes
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Approved
With Conditions

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3. Applicant: Evadney L. Nesmith
Address: 82 Rockdale Trail
Mon. Co. Tax No.: 045.08-2-48
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed accessory structure (approximately 220 square feet pool deck) to be partially located in a front yard, where accessory structures, including decks, are permitted in rear yards only. Section 211-11 E(3)

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 82 Rockdale Trail, as outlined above; and

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

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

NOW, THEREFORE, be it

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

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	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 Evadney Nesmith, 82 Rockdale Trail, in an R1-E (Single-Family Residential) district, the applicant appeared remotely, via zoom on November 16, 2021, before the Board of Zoning Appeals, requesting an area variance for a proposed accessory structure (approximately 220 square feet pool deck) to be partially located in a front yard, where accessory structures, including decks, are permitted in rear yards only.

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WHEREAS, the findings of fact are as follows. Ms. Nesmith has resided at 82 Rockdale Trail for four years. The applicant mentioned that she hopes to install a 220 sq. ft. pool deck to enhance the use of an existing circular pool now located in the back yard of her corner lot located at Rockdale Trail. It was determined that the proposed deck location would best located there, rather than the other side of the pool, because it would provide the family privacy from the street. To locate the proposed deck in other locations around the pool, such as in the back yard or behind the house, would still require a variance. The deck will be constructed of pressure treated lumber.

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

1. That the applicant obtain all necessary Town permits.
2. And the approval is for the life of the structure.

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	Yes	Mr. Meilutis	Yes
	Mr. Shea	Yes	Mr. Wechsler	Yes

Motion Carried
Application Approved
With Conditions

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4. Applicant: James LiVecci
Address: 1133 Long Pond Road
Mon. Co. Tax No.: 074.06-6-28
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed accessory structure (30.0 feet x 30.0 feet; 900 square feet, detached garage addition), resulting in a total gross floor area of 2100 square feet in all accessory structures, where 1250.0 square feet is the maximum gross floor area permitted for lots less over one acre in area. Section 211-11 E(1), Table I
b) An area variance for a proposed accessory structure (30.0 feet x 30.0 feet; 900 square feet, detached garage addition), to have an overall height of 18.0 feet to the peak, instead of the 13.5 feet maximum permitted. Section 211-11 B(1)
c) An area variance for a total gross floor area of existing and proposed accessory structures totaling 2100 square feet, exceeding the total gross floor area of the existing principal structure, 1410 square feet, on the premises. Section 211-11 E, Table I

The applicant has withdrawn this application.

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5. Applicant: Dennis Edwards
Address: 1857 Edgemere Drive
Mon. Co. Tax No.: 034.08-1-82
Zoning District: R1-E (Single-Family Residential)
Request: The following variances will be required for the proposed Edwards Subdivision:
- Proposed Lot 1:
- a) An area variance for a proposed parcel to have a lot width of 62.0 feet, instead of the 124.0 feet minimum required and established by the neighborhood average. Section 211-11 E(1), Table 1
 - b) An area variance for a proposed parcel to have a lot area of 9,381 square feet, instead of the 18,600 square feet area minimum, established by the neighborhood average. Section 211-11 E(1), Table 1
- Proposed Lot 2:
- c) An area variance for a proposed parcel to have a lot width of 62.0 feet, instead of the 124.0 feet minimum required and established by the neighborhood average. Section 211-11 E(1), Table 1
 - d) An area variance for a proposed parcel to have a lot area of 9,381 square feet, instead of the 18,600 square feet area minimum, established by the neighborhood average. Section 211-11 E(1), Table 1

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1857 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.

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

VOTE:	Ms. Andreano	Yes	Mr. Hartwig	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	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 Dennis Edwards, 1857 Edgemere Drive, in an R1-E (Single-Family Residential) district, Mr. Edwards appeared, before the Board of Zoning Appeals, requesting area variances that are required for the proposed Edwards Subdivision as mentioned above.

WHEREAS, the findings of fact are as follows. The applicant, Mr. Dennis Edwards was to be represented by a Mr. Glogowski for the application. The representative could not attend the meeting, and by request, the Board's staff member Ivana Casilio presented the information to the Board. Upon reviewing the subdivision map for the proposal, it was explained that the request originated by the neighbor, who requested that Mr. Edwards sell him a parcel for his personal use. The requested size of lots is found to be common in this area, and no other comments or objections were brought to the Board's attention regarding this request.

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.

So moved

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

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

Motion Carried

Application Approved

BOARD OF ZONING APPEALS MINUTES
December 7, 2021

6. Applicant: Villa of Hope
Address: 3300 Dewey Avenue (Suite 16)
Mon. Co. Tax No.: 060.73-1-17
Zoning District: R1-10 (Single-Family Residential)
Request: a) An area variance for a proposed second freestanding sign (4.1 feet x 4.1 feet; 17.0 square feet), instead of the one (1) 25.0 square feet sign permitted. Section 211-56 A(2) & Section 211-56 A(2)(c)
b) An area variance for a proposed third freestanding sign (3.0 feet x 5.0 feet; 15.0 square feet), instead of the one (1) 25.0 square feet sign permitted. Section 211-56 A(2) & Section 211-56 A(2)(c)

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 3300 Dewey (Suite 16) Avenue, for a 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.
7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have

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

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

Motion Carried

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

WHEREAS, regarding the application of Villa of Hope, located at 3300 Dewey Avenue (Suite 16), zoning district is R1-10 (Single-Family Residential), the applicants representative, appeared via zoom before the Board of Zoning Appeals, requesting an area variance for a proposed second freestanding sign (4.1 feet x 4.1 feet; 17.0 square feet), instead of the one (1) 25.0 square feet sign permitted and an area variance for a proposed third freestanding sign (3.0 feet x 5.0 feet; 15.0 square feet), instead of the one (1) 25.0 square feet sign permitted.

WHEREAS, the findings of fact are as follows: The applicant, Villa of Hope, represented by Mr. Kurt Edens, of Crystal City Signs Co., appeared before the board remotely on Nov 16, 2021 requesting an area variance for the 2nd and 3rd signs requested, as just described.

Mr. Edens explained that the Villa of Hope is soon opening a 24-hour operable Detox Center at the Dewey Avenue location. Because the entrance for clients and visitors is actually off of Clark Park Road, which runs nearly perpendicular with Dewey Avenue, it would be somewhat difficult to find the facility without directional signage. The requested signs will direct visitors to turn onto Clark Park, off of Dewey, and then to make the correct left turn onto the parking lot access road off of Clark Park.

The question was asked about the lighting of the signs. Mr. Edens explained that the new building itself is well lit, and the intersection at Dewey Avenue has a lot of lighting from various sources including the digital sign at the firehouse. Therefore, the lighting of these signs, while necessary throughout the night, could be minimal to simply ensure recognition of the center and to make the correct directional turns. Thus, he reported that they will use a blackout vinyl on the purple background layer to eliminate over 50% of the light transmission from the sign. This means that the only portion of the sign that will light is the white lettering and the logo. Mr. Edens offered this revised lighting plan in an effort to improve the request conditions on the behalf of the neighbors across from the adjacent street, on Bayberry Lane.

Regarding the neighbors on Bayberry Lane, several letters of concern were brought to the Board's attention. Concerns included not only the lighting, but the words originally planned for the signage. While the Board does not regulate the text of the sign, Mr. Edens took these concerns to his clients at the Villa of Hope. He reported back to the Board that their artwork will now read, "LIVING HOPE TREATMENT CENTER" rather than "LIVING HOPE DETOX CENTER" in the hopes that this change is appreciated by the neighborhood.

Based upon the information above, I move to approve this application with the following conditions:

1. That the revised lighting plan and artwork plan is followed as offered to the Board by Mr. Edens.
2. That the variance is valid only as long as the Treatment Center is in operation. Should the building use change from the 24-hour treatment center, the applicant must remove or change the signs and return to the Board for a new variance request.

SO moved.

BOARD OF ZONING APPEALS MINUTES
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Seconded by Mr. Wechsler and duly put to a vote, which resulted as follows:

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

Motion Carried
Application Approved
With Conditions

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New Business

1. Applicant: Cristobal Ramos
Address: 152 Ledgewood Drive
Mon. Co. Tax No.: 074.12-6-14
Zoning District: R1-E (Single Family Residential)
Request: An area variance for an existing accessory structure, (13.0 feet x 24.0 feet; 312.0 square feet detached car port), to have a (south) side setback of 0.6 feet, instead of the 8.3 feet minimum required. Section 211-11 E(1), Table I

On a motion by Mr. Hartwig and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of January 4, 2022.

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

**Motion Carried
Application Continued Until
Meeting of January 4, 2022**

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2. Applicant: Waste Management of New York, LLC
Address: 1661 Mt. Read Boulevard
Mon. Co. Tax No.: 090.17-1-4.1
Zoning District: IG (General Industrial)
Request: Special use permit (above ground fuel tanks).
Section 211-29 C(2) & Section 211-65 A(3)

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 4, 2022.

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

**Motion Carried
Application Continued Until
Meeting of January 4, 2022**

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3. Applicant: Esporta
Address: 1867 West Ridge Road
Mon. Co. Tax No.: 074.20-2-2.14
Zoning District: General Business (BG)
Request: An area variance for a proposed second (west side) building-mounted sign, (21.5 feet x 5.6 feet; 120.4 square feet "ESPORTA"), where one (1) 275.0 square foot sign is permitted. Section 211-56 B(2)(a)[1] and Section 211-56 B(2)(c)[1], Table VII

On a motion by Ms. Andreano and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of January 4, 2022.

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

**Motion Carried
Application Continued Until
Meeting of January 4, 2022**

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NEIGHBORHOOD NOTIFICATION MODIFICATION:

ADJOURNMENT: 8:30 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: Tuesday, January 4, 2022

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