



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

MAY 5, 2015

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

Robert J. Bilsky

Andrew P. Forsythe

Thomas Hartwig

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Randy T. Jensen

Additions, Deletions and Continuances to the Agenda

Announcements

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NEW BUSINESS:

1. Applicant: Allison Marley
Location: 488 East Manitou Road
Mon. Co. Tax No.: 033.02-2-4.11
Zoning District: R1-44 (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 126 linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46L

On a motion by Mr. Forsythe and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of June 16, 2015. The applicant did not attend this meeting.

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

**Motion Carried
Application Continued Until
Meeting of June 16, 2015**

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2. Applicant: Brian Romeo
Location: 151 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 173 linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46L

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 151 Shoreway Drive, as outlined above; and

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

1. Upon review of the 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 not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

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

Motion Carried

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

WHEREAS, with regard to the application of Brian Romeo, 151 Shoreway Drive, Mr. Romeo appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 173 linear

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feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction.

WHEREAS, the findings of fact are as follows. This evening, Mr. Romeo, who has lived at this address for five years, has requested a variance to construct a 6-foot-high closed-construction fence approximately 173 linear feet to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. The Board members realize that the front yard is the side of Shoreway and Lowden Point. The purpose of the fencing is to provide safety and security to the applicant's property. He has some small children that he is concerned about and he is also concerned about the fisherman in the parking lot near it and he has demonstrated to the Board that there have been some issues where the police have been called, and also that he has presented some photos that show some bottles and other debris that have been littered into his yard. Also, there are no sightline issues with this property.

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

1. That the applicant shall obtain all necessary permits.
2. That this approval is for the life of the new fence.
3. And that the fence not be in the county or any other right-of-way that may exist, but certainly not in the county's right-of-way because of their comments and concerns that we have received from them.

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

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

Motion Carried
Application Approved
With Conditions

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3. Applicant: Robert Vacchetto
Location: 316 South Drive
Mon. Co. Tax No.: 026.18-4-29
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed deck addition (222± square feet) to be located in a front yard, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)
b) An area variance for a proposed aboveground pool (12.0 feet x 23.0 feet; 276 square feet) to be located in a front yard, where accessory structures, such as pools, are permitted in rear yards only. Sec. 211-11 E (3)
c) An area variance for a proposed aboveground pool (12.0 feet x 23.0 feet; 276 square feet) to be located 6.0 feet from an existing sunroom, instead of the 10.0 feet minimum required. Sec. 114.12.1 B (2)
d) An area variance for proposed lot coverage of 36%, instead of the 29.7% approved by the Board of Zoning Appeals on March 7, 2000. Sec. 211-11D (2), Table I

On a motion by Mr. Bilsky and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of May 19, 2015 in order to give the applicant time to review his options.

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

**Motion Carried
Application Continued Until
Meeting of May 19, 2015**

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4. Applicant: Mark Sundquist
Location: 115 College Avenue
Mon. Co. Tax No.: 044.04-2-56
Zoning District: R1-18 (Single-Family Residential)
Request: a) An area variance for a proposed two-story detached garage (22.0 feet x 24.0 feet; total gross floor area 768 square feet) to have a west side setback of 4.9 feet, instead of the 10.0 feet minimum required. Sec. 211-11 E (1), Table I
b) An area variance for a proposed two-story detached garage (22.0 feet x 24.0 feet; total gross floor area 768 square feet) to have to have a height of 21.7 feet, instead of the 17.0 feet maximum permitted for accessory structures. Sec. 211-11 E (1), Table I

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 115 College Avenue, as outlined above; and

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

1. Upon review of the 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 not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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

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

Motion Carried

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

WHEREAS, with regard to the application of Mark Sundquist, 115 College Avenue, residing in an R1-18 Single-Family Residential district, Mr. Mark Sundquist and his wife, Diane, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed two-story detached garage (22.0 feet x 24.0 feet; total gross floor area 768 square feet) to have a west side setback of 4.9 feet, instead of the 10.0 feet minimum required; and an area variance for a proposed two-story detached garage (22.0 feet x 24.0 feet; total gross floor area 768 square feet) to have to have a height of 21.7 feet, instead of the 17.0 feet maximum permitted for accessory structures.

WHEREAS, the findings of fact are as follows. They have mentioned that they have owned the property for 24 years. The house was originally built in the 1950s, as was the garage. The need for the new garage is because the existing structure is deteriorating; the sill plate is rotting and the roof is in a deteriorating position or situation and could come down. The existing garage measures 22 feet x 24 feet. The new garage will have the same measurements so that the existing garage will be demolished and the new garage will utilize the same foundation that is currently in place. As such, the 4.9-foot setback will remain as it was, in accordance with the previous structure. As for the height of the garage, the existing height is needed for a half story because there is not sufficient storage capacity in their house at the current time. There is also no intent to create that half story for inhabitable room. The new garage, once constructed, once again will use the existing foundation, and the finishes will match the house. As far as utilities to the new garage, it will be the same electric line that is currently in place so that no additional electric service or utilities would be required. They have spoken to the neighbors and they have received all favorable comments

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

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

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

Motion Carried
Application Approved
With Condition

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5. Applicant: Mark Freedman
Location: 160 Wildwood Drive
Mon. Co. Tax No.: 060.72-1-10
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 75 linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-46L
b) An area variance for a proposed 6.0-foot-high, closed-construction fence (approximately 30 linear feet) to be located in a front yard, where fences located within the clear visibility portion of a front yard shall not exceed 3.0 feet in height and shall be of open construction. Sec.211-46 D, Sec. 211-46 L
c) An area variance for an existing 4.0-foot-high, open-construction fence (approximately 30 linear feet) located in a front yard, where fences located within the clear visibility portion of a front yard shall not exceed 3.0 feet in height and shall be of open construction. Sec. 211-46 D, Sec. 211-46L

On a motion by Ms. Nigro and seconded by Mr. Bilsky, it was resolved to continue the public hearing on this application until the meeting of May 19, 2015 in order to give the applicant time to review his options.

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

**Motion Carried
Application Continued Until
Meeting of May 19, 2015**

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6. Applicant: Sunscape Farms
Location: 1510 & 1532 Maiden Lane
Mon. Co. Tax No.: 059.19-3-1.1 & 059.19-3-26
Zoning District: R1-18 (Single-Family Residential)
Request: A special use permit to allow the sales of farm- and garden-related goods, materials or merchandise that are not produced on the premises, provided that said sales also include produce, flowers or other plants grown on the premises. Sec.211-11 C (2) (d)

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 1510-1532 Maiden Lane, as outlined above; and

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

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

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

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, with regard to the application of Sunscape Farms, 1510-1532 Maiden Lane, the owner, Nathan Savage, appeared before the Board of Zoning Appeals this evening requesting a special use permit to allow the sales of farm- and garden-related goods, materials or merchandise that are not produced on the premises, provided that said sales also include produce, flowers or other plants grown on the premises.

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WHEREAS, on the main motion, the findings of facts are as follows. Nate Savage appeared before the Board seeking a special use permit to allow the sales of farm- and garden-related goods. During the course of testimony, Mr. Savage stated that the property will operate in a way very similar to which the previous owners operated it, with the addition of a roadside stand, a roadside canopy that will be lit with the existing lights. It will be of a temporary nature and will be able to withstand varied weather conditions. The farm will provide residents with fruits and vegetables grown both on- and off-site; off-sites will be grown by other New York State growers. The hours will be: weekdays, 10:00 a.m. to 7:00 p.m.; weekends, 9:00 a.m. to 6:00 p.m., from May to November, seasonally. Produce will be brought in by a 16-foot box truck during normal business hours; there will be four to five employees. Produce will be stored in a cooler during off-hours, trees will not be cut down, homes will not be built, and no bulk stone, mulch or trees will be sold. Additionally, two neighbors spoke to express concerns about the operation of it.

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.
2. The proposed use will not adversely affect the orderly pattern of development in the area.
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.
4. The proposed use will not create a hazard to health, safety or the general welfare.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

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"), the request submitted by Nathan Savage for a special use permit to operate a farm market, to be known as Sunscape Farms, on property located at 1510-1532 Maiden Lane, in an R1-18 (Single-Family Residential) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this farm market in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without hearing, shall the determine resolution of such conflict.
2. The maximum occupancies in this farm 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.

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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 designees, 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 authority.
7. Upon the sale or other transfer of controlling interest in this farm market to any persons or entity other than Mr. Nathan Savage or Sunscape Farms, his wholly owned subsidiaries, or his franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.

Therefore, I move to approve this application with the following conditions:

8. Deliveries shall be made within normal business hours.
9. If additional outdoor lighting is required, the applicant shall return for approval.
10. The applicant shall comply with the Town's Fire Marshal requirements.

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

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

**Motion Carried
Application Approved
With Conditions**

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7. Applicant: West Herr Automotive Group
Location: 4545 West Ridge Road
Mon. Co. Tax No.: 073.01-3-5, 073.01-3-6.1, 073.01-3-7, 073.01-3-8, 073.01-3-9.1, 073.01-3-10, and 073.01-3-11
Zoning District: BG (General Business)
Request: A special use permit to expand an existing business for the sale or lease of new and used cars and trucks, including related repair or service facilities; and a special use permit to expand an existing outdoor storage or display area for sale or lease of such motor vehicles. Sec. 211-17 C (3) (b) [3] & Sec. 211-17 C (3) (b) [4]

Mr. Bilsky 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 4545 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 were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals has carefully considered an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals has carefully considered additional information and comments that resulted from telephone conversations or meetings with or written correspondence from the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
7. The Board of Zoning Appeals has carefully considered information, recommendations, and comments that resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

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8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
11. The Board of Zoning Appeals has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
12. The Board of Zoning Appeals has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
13. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
14. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

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

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

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

Motion Carried

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

Mr. Chairman, with regard to the application of West Herr Automotive Group, 4545 West Ridge Road, their representative appeared before the Board of Zoning Appeals this evening requesting a special use permit to expand an existing business for the sale or lease of new and used cars and trucks, including related repair or service facilities; and a special

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use permit to expand an existing outdoor storage or display area for sale or lease of such motor vehicles.

WHEREAS, on the main motion, the findings of facts are as follows. Regarding the standards for a Special Permit, the Board of Zoning Appeals is required to address the following points:

1. Access to the site and the size of the site are adequate for the proposed use. West Herr Auto Group is one of the newer occupants of this site, previously occupied by other dealerships, including Vanderstynne Ford, etc., and there are no known problems of access to this site as it sits today. The applicant has planned to acquire some additional parcels of land on the Manitou Road side, thus expanding his parking, and the question came up during the course of this conversation about access to the site off Manitou Road. A concern was expressed by Monroe County on the traffic implications. The applicant has agreed to locate the access from the Manitou Road site in accordance with whatever will satisfy the Planning Board.
2. The proposed use will not adversely affect the orderly pattern of development in the area. As I said before, this is a long-time site that has been used as an automobile dealership.
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 particular site is in accordance with many other car dealerships in the area, so it is quite consistent with the neighborhood and it is in harmony with nearby uses.
4. The proposed use will not create a hazard to health, safety or the general welfare. Especially after the applicant has properly addressed the access to the site, as he has agreed to do so.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity. Once again, the applicant has agreed to address any concerns expressed by Monroe County and by this Board regarding access to this site from Manitou Road, and also has agreed to help mitigate any concerns about delivery of vehicles during and after work hours.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

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"), the request submitted by West Herr Ford for a special use permit to operate a vehicle sales leasing and service business, to be known as West Herr Ford, on property located at 4545 West Ridge Road, in a BG (General Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this automobile sales and leasing business in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.

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2. The maximum occupancies of this automobile business 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 designees, 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 authority.
7. Upon the sale or other transfer of controlling interest in this automobile leasing and sales business to any persons or entity other than West Herr Ford, his wholly owned subsidiaries, or his franchisees, a new application for a special use permit must be submitted to the Board of Zoning Appeals.
8. The applicant shall install proper signage on Manitou Road and on West Ridge Road to direct truck deliveries of new vehicles to the site.
9. There shall be no offloading or loading on Manitou Road or on West Ridge Road relative to this business.
10. And this approval shall be subject to Planning Board approval.

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

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

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
May 5, 2015

OLD BUSINESS:

1. Location: 1599 Long Pond Road
Mon. Co. Tax No.: 089.03-2-8
Zoning District: BR (Restricted Business)
Request: A public hearing for the Board of Zoning Appeals to consider whether or not a special permit grantee, G.P. Custom Auto, has violated the terms and conditions of the special permit to operate a motor vehicle service station which the Board of Zoning Appeals granted on May 20, 2014, and whether said special permit should be revoked. Sec. 211-60 A (5) (a)

On a motion by Mr. Meilutis and seconded by Ms. Nigro, it was resolved to continue the public hearing on this application until the meeting of July 21, 2015, in order to give the applicant time to comply with all prior agreed-to, stipulated conditions of the Special Use Permit.

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

**Motion Carried
Application Continued Until
Meeting of July 21, 2015**

BOARD OF ZONING APPEALS MINUTES
May 5, 2015

ADJOURNMENT: 9:20

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, May 19, 2015

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