



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**DECEMBER 1, 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

Thomas Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Brian Marianetti, Esq., Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

### **Absent**

Andrew P. Forsythe

Christopher A. Schiano, Esq., Deputy Town Attorney

### **Additions, Deletions and Continuances to the Agenda**

### **Announcements**

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**Old Business:**

1. Applicant: James Pilkenton  
Location: 165 Barcrest Drive  
Mon. Co. Tax No.: 060.09-5-16  
Zoning District: R1-E (Single-Family Residential)  
Request:
- a) An area variance for an existing principal structure to have a (south) side setback of 6.4 feet, instead of the 7.6 feet granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 D (2), Table I
  - b) An area variance for an existing deck (1334.8± square feet) to have a (north & west) side setback of 0.0 feet, instead of the 8.0 feet minimum required. Sec. 211-11 E (1), Table I
  - c) An area variance for existing accessory structures, totaling 1083.4± square feet, instead of the 972.0 square feet granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 E (1), Table I
  - d) An area variance for proposed lot coverage of 42.8%, instead of the 28% granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 D (2), Table I
  - e) An area variance for an existing 6.0-foot-high, closed-construction fence on a deck (35.3± linear feet) to have a (north) side setback of 0.0 to 7.4 feet, instead of the 8.0 feet minimum required. Sec. 211-47 C (2)
  - f) An area variance for an existing 6.0-foot-high, closed-construction fence on a deck (20± linear feet) to have a rear setback of 0.0 feet, instead of the 36.8 feet minimum required. Sec. 211-47 C (2)
  - g) An area variance for an existing closed-construction fence (67± linear feet) to have a height ranging from 7.3± feet to 8.7± feet (measured from the top of said fence to the ground directly beneath it), instead of the 6.0 feet maximum permitted. Sec. 211-47

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**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 5, 2016 in order to give the applicant time to gather more information that the Board requested, and to review his options.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
the Meeting of January 5, 2016**

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2. Applicant: Avid Indoor Golf & Fitness and Ridgemont Properties, LLC  
Location: 3655 West Ridge Road & 3717 West Ridge Road  
Mon. Co. Tax No.: 073.04-2-17.11  
Zoning District: R1-E (Single-Family Residential) & R1-18 (Single-Family Residential)  
Request: a) An area variance for a proposed building-mounted sign ("Indoor Golf & Fitness"; 3.0 feet x 8.9 feet; 26.7 square feet), where none (0) are permitted. Sec.211-52 A  
b) An area variance for a proposed freestanding sign ("Avid Indoor Golf & Fitness"; 4.0 feet x 6.7 feet; 26.8 square feet), where none (0) are permitted. Sec. 211-52 A  
c) An area variance for an existing freestanding sign ("Ridgemont Country Club"; 6.0 feet x 6.0 feet; 36.0 square feet), where none (0) are permitted; and for said sign to be located 6.0 feet from the south right-of-way of West Ridge Road, instead of the 15.0 feet minimum required; and for said sign to be more than four (4.0) feet above the nearest street grade. Sec. 211-52 A, Sec. 211-52 A (1)  
d) An area variance for an existing freestanding sign ("Golf Instruction"; 6.0 feet x 6.5 feet; 39 square feet), where none (0) are permitted. Sec. 211-52 A  
e) An area variance for an existing freestanding sign ("Ridgemont Country Club"; 8.0 feet x 8.0 feet; 64 square feet), where none (0) are permitted. Sec. 211-52 A

**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 3655 West Ridge Road and 3717 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,

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drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").

5. The Board of Zoning Appeals also has included in the Environmental Analysis and 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 also has included in the Environmental Analysis and 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 also has included in the Environmental Analysis and 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.
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.

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

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, with regard to the application of Avid Indoor Golf & Fitness and Ridgemont Properties, LLC of 3655 West Ridge Road and 3717 West Ridge Road, Jamie Cucinelli and Jim Cucinelli appeared before the Board this evening, requesting an area variance for a proposed building-mounted sign ("Indoor Golf & Fitness"; 3.0 feet x 8.9 feet; 26.7 square feet), where none (0) are permitted; an area variance for a proposed freestanding sign ("Avid Indoor Golf & Fitness"; 4.0 feet x 6.7 feet; 26.8 square feet), where none (0) are permitted; an area variance for an existing freestanding sign ("Ridgemont Country Club"; 6.0 feet x 6.0 feet; 36.0 square feet), where none (0) are permitted, and for said sign to be located 6.0 feet from the south right-of-way of West Ridge Road, instead of the 15.0 feet minimum required, and for said sign to be more than four (4.0) feet above the nearest street grade; an area variance for an existing freestanding sign ("Golf Instruction"; 6.0 feet x 6.5 feet; 39 square feet), where none (0) are permitted; and an area variance for an existing freestanding sign ("Ridgemont Country Club"; 8.0 feet x 8.0 feet; 64 square feet), where none (0) are permitted.

WHEREAS, this evening Jamie and Jim Cucinelli, representing Avid Indoor Golf & Fitness and Ridgemont Properties, LLC of 3655 West Ridge Road and 3717 West Ridge Road, appeared before the Board of Zoning Appeals on November 17th and also this evening. At the November 17th meeting, no County comments were received, but we were able to take testimony from the applicants. We have received County comments and there is no problem with this proposed signage.

WHEREAS, on the main motion, the applicants appeared before the Board of Zoning Appeals on November 17th requesting "A," an area variance for a proposed building-mounted sign ("Indoor Golf & Fitness"; 3.0 feet x 8.9 feet; 26.7 square feet), where none (0) are permitted. This area is in a residential neighborhood, but the applicants have been able to put this facility on their property at Ridgemont Country Club. This is, as I stated, single-family residential, but there is commercial. This is somewhat unique to the Town, but it has happened in the past, so the sign is permitted. They are looking for a white LED backlit sign. Item "B," an area variance for a proposed freestanding sign ("Avid Indoor Golf & Fitness"; 4.0 feet x 6.7 feet; 26.8 square feet), where none (0) are permitted. This will be located in the front of the building, and these types of signs are quite common and do not cause any significant detriment to this section of West Ridge Road, and they are quite common. The applicants agreed that there will be no lighting to this sign from the ground, but if they wish to have this sign lighted, it will either be backlit or will have some type of indirect lighting from on top of or around on top of the sign or on the sides. Item "C," an area variance for an existing freestanding sign ("Ridgemont Country Club"; 6.0 feet x 6.0 feet; 36.0 square feet), where none (0) are permitted, and for said sign to be located 6.0 feet from the south right-of-way of West Ridge Road, instead of the 15.0 feet minimum required, and for said sign to be more than four (4.0) feet above the nearest street grade.

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This sign has been in place for approximately 25 years and runs parallel to West Ridge Road. With the West Ridge Road construction over the years, the setbacks have reduced and there once again, this sign is not significant or overly large for this portion of West Ridge Road, and since this sign has been there for 25 years the applicant would like to keep this sign. This sign also has ground lighting, but since this sign is parallel to West Ridge Road, if the lights do move it is only going to be within the front of the actual clubhouse. Item "D," an area variance for an existing freestanding sign ("Golf Instruction"; 6.0 feet x 6.5 feet; 39 square feet), where none (0) are permitted. The applicant has agreed to remove this sign per our request. And item "E," an area variance for an existing freestanding sign ("Ridgemont Country Club"; 8.0 feet x 8.0 feet; 64 square feet), where none (0) are permitted. This sign has been on the property for approximately 15 years and is on Elmgrove Road. This also helps people trying to find the country club, to locate and it just identifies the country club.

For access into the Avid Indoor Golf & Fitness, there is a traffic light on West Ridge Road. With this signage for the building and for the indoor golf and fitness center, it will help people who are going to these facilities and help find it, and the traffic light makes it even easier, and hopefully avoid any confusion for anyone going to this facility. We had one resident from 3639 West Ridge Road who spoke against the project. Her comments were more of a "this area was residential" but it is a commercial business and Ridgemont Country Club has been existence for many, many, many years, and they have just expanded their business to add indoor golf and fitness for not only for their members, but also memberships for residents in the community.

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. Once again, West Ridge Road is a commercial area. These signs will help individuals find not only Ridgemont Country Club, but also the Fitness and Golf Center
2. The benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue. Yes, they can do other types of signage or not have it, but we feel that having these signs will make it easier for individuals to find this location.
3. The requested area variance we believe is not substantial. There is signage all along the West Ridge Road corridor, particularly in this area, so these signs are not larger than what is already in the area.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. If it does anything, it will hopefully make the area safer for people trying to find this place, instead of trying to hunt it down along the roadway; these signs will help customers find it a lot easier.
5. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board of Zoning Appeals, but shall not necessarily preclude the granting of the area variance.

I therefore move to approve the requests for "A," "B," "C," and "E," since the applicant has decided to remove item "D" from the request, with the following conditions:

1. That there will be no ground lighting on the request "B," the proposed freestanding sign on the Indoor Golf & Fitness; the lighting will be either backlit or sign-mounted, attached to the sign.

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2. These approvals are for the life of the signs.
3. The applicant will obtain all necessary permits.

**Seconded by Mr. Shea.**

After the motion was made, the Chairman brought up a procedural issue. Because the applicant agreed to take down the "Golf Instruction" sign, the Board should either deny that request or re-open the public hearing and allow the applicant to agree to withdraw that request. The difference in the two options is that, if the applicant withdrew the request, he could reapply within a year with a different idea to convey that message, but if the Board denied the request, the applicant would be precluded from coming back within a year to ask for that sign.

**On a motion by Mr. Bilsky and seconded by Mr. Shea, it was resolved to re-open the public hearing on this application for further discussion.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried  
Application Re-opened**

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After further discussion, the applicant withdrew the request for item "D," and the public hearing was closed.

**Mr. Jensen's motion was seconded by Mr. Shea and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried  
Items "A," "B," "C," and "E" Approved With Conditions  
Item "D" Withdrawn by Applicant**

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**New Business:**

1. Applicant: Mark Nevada  
Location: 108 Floren Drive  
Mon. Co. Tax No.: 034.03-3-25  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed enclosed porch (16.0 feet x 18.3 feet; 292.8 square feet) to be located 7.0 feet from an existing aboveground pool, instead of the minimum 10.0 feet (measured from the water's edge) required. Sec. 114-12.1 B (2)

**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 108 Floren 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. Bilsky and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Ms. Nigro then offered the following resolution:**

Regarding the application of Mark Nevada for the request of an area variance for a proposed enclosed porch (16.0 feet x 18.3 feet; 292.8 square feet) to be located 7.0 feet from an existing aboveground pool, instead of the minimum 10.0 feet (measured from the water's edge) required.

WHEREAS, the findings of facts are as follows. This parcel is located at 108 Floren Drive and is approximately 85 feet wide by 201 feet deep and lies within an R1-E (Single-Family Residential) district. The applicant is being represented tonight by Mr. Kip Finley, the engineer they have hired, and they are proposing to add a screened porch with removable windows to the back of the home atop of a new deck that will be replacing an existing, deteriorating deck, as well as a sided awning. The applicant has lived in the home for 30 years. The porch will be located between the home and an existing aboveground pool. There will be doors from the porch, one of which will be alarmed, that goes out to the seven-foot deck; the seven-foot deck leads to the pool. That pool area will be enclosed with a separate gate. The owners have given thought to different placement of this porch, as well as bringing back the length of it, but both would be less desirable, since the only other option for placement is next to a bathroom/bedroom area. There is no access to the roof, eliminating the ability for anyone inclined to jump from the roof into the pool. The reason for the porch is to provide protection from the elements and pests, and to provide more outdoor living space as well. The porch will be painted and sided to complement the existing home. Several letters were submitted from neighbors who voiced no concerns. The applicant will comply with the Greece Swimming Pool Law and also will sign a Hold Harmless agreement with the Town.

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

1. That the applicant obtains all necessary permits.
2. That the applicant comply with the Greece swimming pool law
3. And that the applicant signs a Hold Harmless agreement with the Town.

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

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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2. Applicant: H&R Block  
Location: 1100 Long Pond Road  
Mon. Co. Tax No.: 074.06-2-11.2  
Zoning District: BR (Restricted Business)  
Request: a) An area variance for a proposed (north side) second building-mounted sign (2.2 feet x 10.8 feet; 23.8 square feet), instead of the one (1) 113.6-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
b) An area variance for a proposed (west side) third building-mounted sign (2.2 feet x 10.8 feet; 23.8 square feet), instead of the one (1) 113.6-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

**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 1100 Long Pond 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 also has included in the Environmental Analysis and 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 also has included in the Environmental Analysis and 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 also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that resulted

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

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, regarding the application of H&R Block, of 1100 Long Pond Road, their representative, Peggy Deboard, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed (north side) second building-mounted sign (2.2 feet x 10.8 feet; 23.8 square feet), instead of the one 113.6 square-foot building-mounted sign permitted; and an area variance for a proposed (west side) third building-mounted sign (2.2 feet x 10.8 feet; 23.8 square feet), instead of the one 113.6 square-foot building-mounted sign permitted.

WHEREAS, the findings of fact are as follows. Peggy Deboard appeared before the Board, representing the applicant, who is seeking an area variance for a proposed second (north side) building-mounted sign and a third (west side) building-mounted sign. The applicant is upgrading to new brands and is requesting to reflect that change in signage. In discussion, it was determined that there were no permits or variances that existed for any of these signs. The applicant, H&R Block, has been at this location for 15 years, and the existing signs have been there that long as well. They are located in the south corner portion of the building, which is approximately 200 to 206 feet from the road. Ms. Deboard states that this business performs better than other locations. They provide tax advice, payroll and bookkeeping, usually by appointment, with some walk-ins. The sign will have strip lighting.

Therefore, I move to deny item "A," the portico sign, and I move to approve item "B," with the following conditions:

1. This variance is granted only for the life of these signs; that is, "H&R Block."
2. The portico sign "A" is to be removed within 45 days.

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

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Item "A" Denied**  
**Item "B" Approved With Conditions**

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3. Applicant: Greece Town Center, LLC  
Location: 2496 West Ridge Road  
Mon. Co. Tax No.: 074.14-2-12  
Zoning District: BR (Restricted Business)  
Request: a) An area variance for a proposed freestanding sign with a sign area of 260.0 square feet (13.0 feet x 20.0 feet, including decorative support area), instead of the 80.0 square feet maximum permitted. Sec.211-52 B (1) (d), Table VI  
b) An area variance for a proposed freestanding sign (13.0 feet x 20.0 feet; 260.0 square feet, including decorative support area) to have a setback of 2.0 feet (measured from the north right-of-way line of West Ridge Road), instead of the 15.0 feet minimum required. Sec. 211-52 B (1) (b) [1]

**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 2496 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 also has included in the Environmental Analysis and 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 also has included in the Environmental Analysis and 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.

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7. The Board of Zoning Appeals also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that 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.
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:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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

Mr. Chairman, regarding the application of Greece Town Center, LLC, of 2496 West Ridge Road, Mr. Joe Allocco, the new owner, Craig Tesler from Premier Signs, and Evan Walsh from Watchfire Signs appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed freestanding sign with a sign area of 260.0 square feet (13.0 feet x 20.0 feet, including decorative support area), instead of the 80.0 square feet maximum permitted; and an area variance for a proposed freestanding sign (13.0 feet x 20.0 feet; 260.0 square feet, including decorative support area) to have a setback of 2.0 feet (measured from the north right-of-way line of West Ridge Road), instead of the 15.0 feet minimum required.

WHEREAS, the findings of fact are as follows. This evening, Mr. Joe Allocco of Greece Town Center, LLC, the new property owner at 2496 West Ridge Road, appeared before the Board of Zoning Appeals along with Craig Tesler from Premier Signs and Evan Walsh from Watchfire Signs. The applicant is requesting an electronic messaging sign to replace an 18-year-old sign currently in place. The owner of the property stated that this sign is in need of repair and the repairs will be costly and the sign is falling apart. The applicant is looking for an electronic messaging sign made by Watchfire; Premier signs will be the installer and doing the work of installing the sign. This sign is a 19-millimeter monochrome sign, which has a red-black component to it, so it will only have black and red lighting. With that, the applicant has agreed that there will be no scrolling messages to this and the applicant has agreed that the copy on this sign will be changed once a day. The owner of the property will determine what time this message or this sign can be changed. The time and temperature is excluded from the once-a-day sign change. The County was asked for comments and they have no issue with this sign. With this sign, the applicant or the property owner has agreed to no scrolling messages, no flashing messages, no flags waving, no fireworks going off. This message will be a very simple message that will only be changed once a day. The side setback is due to the improvements to West Ridge Road. The property owner has agreed, currently requesting two feet, but meeting with the DOT, along with RGE, he is able to move it back at least, hopefully, four feet and he is hoping to move it back farther from the side setback. The applicant has also agreed that he will not allow on his property vehicles to be parked on the West Ridge Road side with any type of advertising of any of the tenants. There has been at least three businesses, three tenants in there that have parked vehicles there. The property owner has agreed that no vehicles will be parked there and the property owner will not have any advertising-type vehicles on the property. The property owner also stated that the roof on the sign will also match the current roof of the building, and he understands that currently there is no Town code in place and if a Town code is placed within a time period that he is grandfathered in and will comply with Town code regulations.

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

1. There shall be only one sign message change in any given 24-hour period.
2. The applicant agrees that the sign will comply with Town code regulations regarding sign illumination and movement, as may be revised from time to time, and with the condition of not being able to change the message on the sign more than once a day, which is this Board's attempt to ensure that the sign is compliant with the code as it is currently written and as it may be revised from time to time.
3. This approval is for the life of the sign.
4. As offered and agreed to by the applicant, the sign shall be moved four feet north, measured from the north right-of-way line of West Ridge Road.

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5. As offered and agreed to by the property owner, he will not permit any kind of tenants' vehicles with identification of the tenants on the vehicles to be parked on the West Ridge Road frontage and Mitchell Road/Long Pond Road frontages of the property.
6. There shall not be in the grassy areas of the property any banners, lawn banners, A-frame signs, flags or anything like that from tenants.

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

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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**ADJOURNMENT:** 9:50 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 15, 2015