



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS MINUTES**

**DECEMBER 15, 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

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

### **Absent**

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

### **Announcements**

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**New Business:**

1. Applicant: Salvatore Alonci  
Location: 41 Mont Morency Drive  
Mon. Co. Tax No.: 045.16-2-9  
Zoning District: R1-E (Single-Family Residential)  
Request: An area variance for a proposed shed (8.0 feet x 10.0 feet; 80.0 square feet) to be located in a side yard, where accessory structures, such as sheds, are permitted in rear yards only; and for said shed to have a (east) side setback of 3.0 feet, instead of the 4.0 feet minimum required. Sec. 211-11 E (3), Sec. 211-11 E (1), Table I

**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 41 Mont Morency Drive, as outlined above; and

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

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
2. According to SEQRA, Type II actions have been determined 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>Yes</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. Shea then offered the following resolution:**

Regarding the application of Salvatore Alonci of 41 Mont Morency Drive, residing there for five months, for the request of an area variance for a proposed shed (8.0 feet x 10.0 feet; 80.0 square feet) to be located in a side yard, where accessory structures, such as sheds, are permitted in rear yards only; and for said shed to have a (east) side setback of 3.0 feet, instead of the 4.0 feet minimum required.

WHEREAS, the findings of facts are as follows. Mr. Alonci appeared tonight and wants to build an eight-foot x ten-foot shed on the lot alongside the garage about two feet from the garage. The purpose of this new shed would be to house a snowblower and bicycles for the four children. Right now, the snowblower sits covered with a canopy alongside the garage, and the bicycles are in the back shed. Consideration came up tonight to expand the back shed, but that proved to be probably a wash from one side to another and with that being said, the shed will follow the same contour as the garage. There will not be any utilities in it, the doors are open to the front, the shed will not be constructed on a concrete pad—it will be constructed on the earth—and the shed in the front will be more practical; there is more use for it in that location for the snowblower and the children’s bikes.

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

1. That the applicant signs a Hold Harmless agreement with the Town for any damages created as a result of the placement of the shed.
2. That there will be no utilities installed in the shed.
3. That the applicant will obtain a building permit according to Town code.
4. That this approval is for the life of the shed.
5. That the shed will be constructed similar to the current house design.

**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>Yes</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: Ozgur Ercan  
Location: 83 Brick Landing  
Mon. Co. Tax No.: 058.03-3-90  
Zoning District: R1-E (Single-Family Residential)  
Request: a) A special use permit for an existing in-law apartment. Sec. 211-11 (C) (2) (e)  
b) An area variance for a proposed addition to an existing in-law apartment (13.0 feet x 18.0 feet; 234 square feet) resulting in a gross floor area of 813± square feet, instead of the maximum floor area permitted (that is, the lesser of 600 square feet or 30% of the gross floor area, exclusive of attached garages, of the single-family residence in which said in-law apartment is located). Sec. 211-11 C (2) (e) [2]  
c) An area variance for a proposed deck (202± square feet) to be located in a side yard, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)

**On a motion by Ms. Nigro 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 review their options.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</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  
Meeting of January 5, 2016**

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3. Applicant: William Dell  
Location: 883-887 Long Pond Road  
Mon. Co. Tax No.: 059.01-5-20  
Zoning District: BR (Restricted Business)  
Request: An area variance for a proposed building-mounted sign (2.5 feet x 30.0 feet; 75.0 square feet), instead of the one (1) 50-square-foot building-mounted sign maximum permitted. Sec. 211-52 B (2) (C) [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 883-887 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 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. 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>Yes</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 William Dell, of 883-887 Long Pond Road, also known as 1799 English Road, Mr. Dell of 112 Stoneycreek Drive appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed building-

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mounted sign (2.5 feet x 30.0 feet; 75.0 square feet), instead of the one (1) 50-square-foot building-mounted sign maximum permitted.

WHEREAS, the findings of fact are as follows. Mr. Dell is the prospective new owner of the English Road Market, which will be stated as two addresses for Town records—it is 883–887 Long Pond Road. Over the past several years, approximately 25 years, the address of this business through advertising has been known as 1799 English Road.

WHEREAS, on the main motion; the applicant, William Dell, who will be the new owner of the English Road Market, is just requesting a piece of Lexan plastic to be replaced on the current sign; the current sign has been in place for 25 years. The applicant will not do anything to the internal parts of the sign; it will be kept the same. This sign has been there for, like we said, 25 years. The applicant was asked if there would be a financial hardship for him to reduce the sign to meet code and this would be a significant hardship since he is the new owner of this long-time existing business within the Greece community.

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

1. This approval is for the life of the sign.
2. The applicant will obtain all necessary permits.

**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>Yes</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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4. Applicant: Speedway, LLC  
Location: 3860 West Ridge Road  
Mon. Co. Tax No.: 073.02-1-47.1  
Zoning District: BG (General Business)  
Request: a) An area variance for a proposed freestanding sign (8.0 feet x 10.0 feet; 80.0 square feet), instead of the 40.0 square feet granted by the Board of Zoning Appeals on July 14, 1992. Sec. 211-52 B (1) (d), Table VI  
b) An area variance for two (2) existing canopy-mounted signs (2.2 feet x 11.3 feet; 25.0 square feet each), totaling 50 square feet, instead of the two (2) canopy-mounted signs (1.87 feet x 8.0 feet; 13.33 square feet each) with a total sign area of 26.66 square feet granted by the Board of Zoning Appeals on July 14, 1992. Sec. 211-52 B (2) (a) [1]  
c) An area variance for an existing second (east side) building-mounted sign (1.5 feet x 7.8 feet; 11.7 square feet), instead of the one (1) 25-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1]  
d) An area variance for an existing third (west side) building-mounted sign (1.5 feet x 7.8 feet; 11.7 square feet), instead of the one (1) 25-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1]  
e) An area variance for twenty (20) existing building-mounted signs (10 existing "Speedway" pump signs of 3.6 square feet each and 10 existing "Speedway" logo pump signs of 6.7 square feet each), instead of the one (1) 25-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1]

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

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3860 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.

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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 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

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Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

**Seconded by Ms. Nigro 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>Yes</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. Hartwig then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Speedway, LLC, of 3860 West Ridge Road, Betsy Brugg of Woods Oviatt, and Andy Lautenbacher of Speedway, appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed freestanding sign (8.0 feet x 10.0 feet; 80.0 square feet), instead of the 40.0 square feet granted by the Board of Zoning Appeals on July 14, 1992; an area variance for two (2) existing canopy-mounted signs (2.2 feet x 11.3 feet; 25.0 square feet each), totaling 50 square feet, instead of the two (2) canopy-mounted signs (1.87 feet x 8.0 feet; 13.33 square feet each) with a total sign area of 26.66 square feet granted by the Board of Zoning Appeals on July 14, 1992; an area variance for an existing second (east side) building-mounted sign (1.5 feet x 7.8 feet; 11.7 square feet), instead of the one (1) 25-square-foot building-mounted sign permitted; an area variance for an existing third (west side) building-mounted sign (1.5 feet x 7.8 feet; 11.7 square feet), instead of the one (1) 25-square-foot building-mounted sign permitted; and an area variance for twenty (20) existing building-mounted signs (10 existing "Speedway" pump signs of 3.6 square feet each and 10 existing "Speedway" logo pump signs of 6.7 square feet each), instead of the one (1) 25-square-foot building-mounted sign permitted.

WHEREAS, the findings of fact are as follows. This evening, Betsy Brugg of Woods Oviatt and Andy Lautenbacher of Speedway came before the Board to speak on behalf of Speedway LLC in order to request signage variances to be installed on a Speedway location located at 3860 West Ridge Road. This location was previously a Hess Station; the Hess Station had been in existence since 1992. Speedway has currently purchased the rights to all the Hess gas stations and are currently in the process of rebranding their name over the existing Hess names. This has been a corporate policy for them to do throughout all the locations that they are assuming and taking control over. As such, the variances that they are requesting—the canopy mounted signs, the existing east side, west side, and the pump signs—are just taking the place of existing Hess signs that are already there, and in some instances they are taking less square footage. The second (east side) building sign and the west side sign are being requested even though they are under the canopy; they are being requested to help customers being directed into the retail store that is located on the property. As for the pylon that is being requested, it is going to be 80 square feet instead of 40 square feet. The additional square footage is due solely for price notation; that is consistent with other gasoline and petro outlets in the West Ridge Corridor. It was also stated that the price notation will remain constant, but will be changed only once a day or

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once in a 24-hour period. As such, I move to approve this application, with the following conditions:

1. That once again, if there is any further permitting process needed for the pylon, that it be obtained.
2. That all Town codes are followed.
3. And that once again, as I stated in the findings of fact, that the prices are to remain constant and are only to be changed once a day or once in a 24-hour period. The sign will not be flashing, rotating, not strobing or anything like that, this is constant illumination.

**Seconded by Ms. Nigro 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>Yes</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:** 8:30 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:** January 5, 2016