

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Town of Greece

Local Law No. 1 of the year 2024

A local law Amendment to establish the Economic Development & Innovation Overlay Expansion
(Insert Title)
District and Related Amendments to Chapter 211

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Greece as follows:

[see attached page(s)]

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the (County)(City)(Town)(Village) of the Town of Greece was duly passed by the Town Board of the Town of Greece on June 20 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

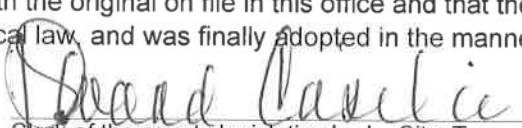
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: July 15, 2024

(Seal)

#184a - Councilman Murphy offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

LOCAL LAW # 1 OF THE YEAR 2024

AMENDMENT TO ESTABLISH THE ECONOMIC DEVELOPMENT & INNOVATION OVERLAY EXPANSION DISTRICT AND RELATED AMENDMENTS TO CHAPTER 211

SEQRA RESOLUTION

WHEREAS, the Town Board (the “Town Board”) of the Town of Greece, Monroe County, New York (the “Town”) has proposed the adoption of Local Law #1 of 2024 in order to amend the Code of the Town of Greece, New York (the “Town Code”), Chapter 211 (Zoning) (the “Zoning Ordinance”) relative to various definitions and permitted uses (the “Amendments”), pursuant to New York State Town Law, Sections 264 and 265; and

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

1. In general summary, the Town Board proposes the following:
 - a. Amendments. The Town Board proposes to: Modify definition of “Senior Citizen Residential Facility”; allow dwellings as a specially permitted accessory use on the second story of commercial buildings in BR (Restricted Business) zoning districts; add service uses and day-care centers as special permitted uses in FOI (Flexible Office Industrial) zoning districts; modify responsibilities in the development review process, allowing actions to be taken by a Board’s representative; add an option for transfer of a special permit, where operations of said use will be substantially the same; amend some special uses to be granted by the Board of Zoning Appeals instead of the Town Board in BP (Professional Office) and BR zoning districts; allow additional flexibility of uses in the EDIO zoning district target areas with a special use permit; increase the permitted capacity of underground storage tanks containing flammable material; and alter parking requirements in portions of the DMU (Dewey Avenue Mixed Use) zoning district.
 - b. Proposal location. Generally, in numerous and various sites throughout the Town, wherever the BP, BR, CHC, DMU, FOI and EDIO zoning districts are located.
 - c. Proposal purpose and intent. The purpose and intent of the Amendments is to provide clarity in the use of terms in the Zoning Ordinance, maintain consistency with and avoid contradictions with other chapters in the Town Code, streamline the development review process, allow appropriately harmonious mixing of uses and new development in existing commercial and industrial areas, and implement

goals and recommendations contained in the Town's 2020 Comprehensive Plan (the "Comprehensive Plan").

2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type I action under SEQRA.
3. On May 17, 2024, in accordance with SEQRA, a Notice of Intent to Become Lead Agency for the coordinated environmental review of the Proposal was sent to involved and interested agencies, notifying them that a lead agency must be agreed upon within 30 calendar days and expressing the Town Board's intent to act as the lead agency for the Proposal.
4. After 30 days, no objections to the Town Board becoming the lead agency were received from any involved agencies, and the Town Board assumed its role as the lead agency for the coordinated environmental review of the Project.
5. On January May 16, 2024 at 6:20 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Amendments, at which time all parties in interest were afforded an opportunity to be heard.
6. Documentary, testimonial, and other evidence relative to the Amendments were presented at the Hearing for the Town Board's consideration.
7. At the conclusion of the Hearing, the Town Board left the hearing open to accept and consider written comments from all parties in interest.
8. The Town Board has carefully considered environmental information that was prepared by the Town's representatives (collectively, the "Environmental Analysis"), which included but was not limited to Parts 1, 2, and 3 of a Full Environmental Assessment Form (the "EAF"), the text of the proposed Amendments, and the locations of the zoning districts that would be affected by the Amendments.
9. The Town Board has carefully considered the Amendments and additional information submitted by the Town's own staff, including but not limited to: additional oral or written descriptions of the Amendments; and various oral or written comments that may have resulted from telephone conversations or meetings with or written correspondence from the Town's own staff.
10. The Town Board has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development.

11. The Town Board has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from parties in interest, and all other comments submitted to the Town Board as of June 20, 2024.
12. The Town Board has carefully considered the Environmental Analysis prepared by the Town Board's representatives. The Environmental Analysis examined the potential effects of the Proposal on the following principal relevant issues: vehicular traffic; storm water management and water quality; and community character. A summary of the analyses of these issues and the Town Board's reasoned elaboration supporting its determination of environmental significance follows.
13. Vehicular traffic. The BP (Professional Office), BR (Restricted Business), CHC (Central Health Care), DMU (Dewey Ave Mixed Use), FOI (Flexible Office Industrial) and EDIO (Economic Development and Innovation Overlay) zoning districts already permit a variety of uses. The Amendments will not inherently adversely affect traffic volumes and patterns. Also, the reduction of parking requirements in the DMU may result in lower trip generation for those areas, as transportation alternatives will be more likely to be used. Furthermore, any specific proposal for a use would be subject to review in the context of its location and surrounding land uses and road network; mitigation measures, if any, would depend on the specific circumstances of such a proposal.
14. Storm water management and water quality. The BP (Professional Office), BR (Restricted Business), CHC (Central Health Care), DMU (Dewey Ave Mixed Use), FOI (Flexible Office Industrial) and EDIO (Economic Development and Innovation Overlay) zoning districts already permit a variety of uses, some of which could be larger (and thus have the potential to generate more storm water runoff) than new permitted and specially permitted uses proposed herein. Any type of new development, and most types of redevelopment must comply with applicable federal, state, and Town storm water management regulations. Any specific proposal for a use would be subject to these storm water management requirements. The Amendments will not inherently adversely affect the quantity or quality of storm water runoff.
15. Community character. The BP (Professional Office), BR (Restricted Business), CHC (Central Health Care), DMU (Dewey Ave Mixed Use), FOI (Flexible Office Industrial) and EDIO (Economic Development and Innovation Overlay) zoning districts already permit a variety of similar uses, some of which could be larger (and thus have the potential for more impact on the character of the area surrounding a particular location) than new permitted and specially permitted uses proposed herein. By allowing for more flexibility of use in already mixed-use commercial and industrial areas, these amendments will decrease commercial and industrial development pressure on new areas adjacent to residential areas. The Amendments will not adversely affect the community character and could help to strengthen it.
16. The Town Board has met all the procedural and substantive requirements of SEQRA.

17. The Town Board carefully has considered (that is, has taken the required “hard look” at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
18. The Town Board concurs with the information and conclusions contained in the Environmental Analysis.
19. Subsequent Actions which may be approved by the town pursuant to the regulations set out in the proposed amendments will be subject to individual SEQRA review, whereby individual impacts resulting from development will be more thoroughly be examined.
20. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided.

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 Town Board’s own initial concerns, and all relevant issues raised and recommendations offered by interested agencies and the Town’s own staff, the Town Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

ADOPTED: Ayes 5 Reilich, DiPonzio, Bloomer, Murphy, Christodaro
Nays 0

#184b - Councilman Murphy offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

LOCAL LAW # 1 OF THE YEAR 2024

**AMENDMENT TO ESTABLISH
THE ECONOMIC DEVELOPMENT & INNOVATION OVERLAY EXPANSION
DISTRICT AND RELATED AMENDMENTS TO CHAPTER 211**

MOTION TO ADOPT

BE IT ENACTED, by the Town Board of the Town of Greece, Monroe County, State of New York, as follows:

Chapter 211 of the Code of the Town of Greece (the “Zoning Ordinance”) shall be amended by modifying Section 211-5, and deleting Sections 211-17, 211-18(A), 211-19, 211-21(C), 211-29, and 211-65 in their entirety and replacing them with new Sections 211-5, 211-17, 211-18(A), 211-19, 211-21(C), 211-29, and 211-65, as follows:

§211-5 DEFINITIONS.

SENIOR CITIZEN RESIDENTIAL FACILITY

(1) A facility which provides residential units and which also may offer or provide services, supervision and care to:

- (a) Senior citizens who may not be able to live independently; or
- (b) In the case of a nursing home or skilled nursing facility, persons who, by reason of chronic or long-term illness, regardless of age, may not be able to live independently.

§211-17 BP, BR, and BG Districts

A. Professional Office District (BP).

- (1) Permitted principal uses.
 - (a) Offices of health care professions licensed by the State of New York, including but not limited to those of veterinarians, physicians, dentists or other health care professionals.
 - (b) Offices, including but not limited to those of lawyers, architects, engineers, accountants, real estate brokers, insurance agents, travel agents or sales or manufacturer's representatives.
 - (c) Data processing or computer service centers which do not include retail sales.
 - (d) Research or testing laboratories.
- (2) Permitted accessory uses.
 - (a) Electric vehicle charging points in accordance with the provisions of § 211-38.
- (3) Special permit uses.
 - (b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-65A:
 - [1] Churches or other places of worship.
 - [2] Day-care centers.
 - [3] Funeral homes, including floor space for residential occupancy by a custodian or mortician.

[4] Salons.

[5] Group instruction facilities

- (4) Development regulations. Area, setback, lot coverage and landscaping regulations are contained in Table III. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.

B. Restricted Business District (BR).

(1) Permitted principal uses.

- (a) All permitted principal uses specified for the BP District.
- (b) Service uses, including, but not limited to, salons, laundromats or dry-cleaning pickup stations, banks, tailors, and other similar uses.
- (c) Retail uses, including, but not limited to, grocery stores, pharmacies, hardware stores, delicatessens or bakeries, liquor stores, clothing stores, and other similar uses.
- (d) Group instruction facilities.
- (e) Day-care centers.
- (f) Commercial recreation facilities.
- (g) Galleries, museums, and other similar uses.

(2) Permitted accessory uses.

- (a) Outdoor storage or display of goods, merchandise or materials in accordance with the regulations established in § 211-28.
- (b) Electric vehicle charging points in accordance with the provisions of § 211-38.

(3) Special permit uses.

- (a) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-65A:

[1] Restaurants.

[2] Bars, taverns and nightclubs.

[3] Hotels.

(b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-65A:

- [1] Schools.
- [2] Churches or other places of worship.
- [3] Funeral homes, including floor space for residential occupancy by a custodian or mortician.
- [4] Fuel dispensing stations as defined in § 211-5, and in accordance with the regulations established in § 211-37.
- [5] Motor vehicle service stations in accordance with the regulations established in § 211-39.

[6] Accessory dwelling units.

- 1. Dwelling units shall not be permitted below the second floor of a building.
- 2. Dwelling units shall be accessory to a principal permitted use.
- 3. The minimum area of said dwelling units shall comply with the New York State Uniform Fire Prevention and Building Code, as updated from time to time.
- 4. Dwelling units are only permitted in existing structures as of the date of this Local Law.

(4) Development regulations. Area, setback and lot coverage regulations are contained in Table III. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.

C. General Business District (BG).

(1) Permitted principal uses.

- (a) All permitted principal uses specified for the BP and BR Districts.
- (b) Hotels.
- (c) Funeral homes, including floor space for residential occupancy by a custodian or mortician.

(2) Permitted accessory uses.

- (a) Outdoor storage or display of goods, merchandise or materials in accordance with the regulations established in § 211-28.

- (b) Electric vehicle charging points in accordance with the provisions of § 211-38.
- (3) Special permit uses.
- (a) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-65A:
 - [1] Restaurants.
 - [2] Bars, taverns and nightclubs.
 - (b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-65A:
 - [1] Schools.
 - [2] Churches or other places of worship.
 - [3] Fuel dispensing stations as defined in § 211-5, and in accordance with the regulations established in § 211-37.
 - [4] Motor vehicle service stations in accordance with the regulations established in § 211-39.
 - [5] Motor vehicle dealerships as defined in § 211-5.
 - [6] Self-service storage facilities, provided such facilities are located within existing buildings, do not exceed 25% of the total gross floor area on a lot or business center, and meet the following criteria:
 - [a] Storage units shall be climate-controlled.
 - [b] Storage units shall only be accessible to customers from a common point of controlled building access.
 - [c] Hours of operation shall be subject to approval by the Board of Zoning Appeals.
 - [7] Manufacture, assembly or processing of the following products, provided such use is located within existing buildings and does not exceed 25% of the total gross floor area on a lot or business center:
 - [a] Scientific, medical, dental, optical, photographic, electronic, electrical, mechanical or tool and die equipment or instruments, or components thereof.
 - [b] Medical, dental or pharmaceutical supplies.

- [c] Plastic products, but not including manufacture of plastics.
 - [d] Business and office equipment.
 - [e] Furniture and cabinets.
 - [f] Food or beverage products, but not including canning or freezing of food products, or slaughtering and packing of meat.
 - [g] Other similar products.
- (4) Development regulations. Area, setback and lot coverage regulations are contained in Table III. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.

§211-18(A) FLEXIBLE OFFICE INDUSTRIAL (FOI).

A. Flexible Office Industrial District (FOI).

- (1) Intent and purpose.
- (a) The intent of the FOI District is to enhance the long-term fiscal well-being of the Town by providing flexible opportunities for expansion of the employment base and tax base throughout the Town of Greece.
 - (b) The specific purposes of this district include the following:
 - [1] To encourage the development of office uses and certain industrial uses by allowing flexibility of design and interchangeability of uses within buildings.
 - [2] To expand employment opportunities.
 - [3] To provide property owners the ability to adapt to changing market trends.
- (2) Permitted principal uses.
- (a) Manufacture, assembly or processing of the following products:
 - [1] Food and beverage products.
 - [2] Scientific, medical, dental, optical, photographic, electronic, electrical, mechanical or tool and die equipment, instruments, supplies, or components thereof.
 - [3] Plastic products, but not including manufacture of plastics.
 - [4] Business and office equipment.

[5] Furniture and cabinets.

[6] Other similar products.

(b) Offices and medical offices.

(c) Data processing or customer service centers.

(d) Computer service and repair centers, including accessory retail sales of computer-related equipment.

(e) Group instruction facilities and training centers.

(f) Research or testing laboratories.

(g) Commercial agricultural facilities such as greenhouses.

(h) Any combination of permitted uses.

(i) Service uses, including, but not limited to, salons, laundromats or dry-cleaning pickup stations, banks, tailors, and other similar uses.

(j) Day-care centers.

(3) Permitted accessory uses and structures.

(a) Pharmacies, provided that at least 50% of the building in which such pharmacies are located is occupied by physicians or dentists and provided that the space that is used for such pharmacies does not exceed 10% of the gross floor area of such building.

(b) Processing and shipping facilities, including warehouses, when used as part of and in conjunction with a permitted use.

(c) Retail sales or service of the products that are manufactured, assembled or produced on the premises.

(d) Accessory or incidental industrial equipment or apparatus, provided that such equipment or apparatus is located indoors or otherwise entirely screened from public view.

(e) Electric vehicle charging points in accordance with the provisions of § 211-38.

(4) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-65A:

- [1] Tier 2 and Tier 3 solar energy systems pursuant to the provisions of § 211-61.
 - [2] Self-service storage facilities subject to the following criteria:
 - [a] Storage units shall be climate-controlled.
 - [b] Storage units shall only be accessible to customers from a common point of controlled building access.
 - [c] Hours of operation shall be subject to approval by the Board of Zoning Appeals.
 - [3] When not used as part of or in conjunction with the permitted principal use:
 - [a] Processing and shipping facilities, including warehouses.
 - [b] Wholesale distribution centers.
 - [4] Enlargement or expansion of legal preexisting structures or uses.
 - [5] Schools.
 - [6] Churches and other places of worship.
- (5) Prohibited uses.
- (a) Intake, dismantling, storage, processing, transferring, or sale of salvageable parts from wrecked automobiles or other machinery, or scrap metal.
 - (b) Uses that may be noxious or injurious due to the production or emission of dust, smoke, odor, gases, fumes, solid or liquid waste, noise, light, vibration, or nuclear or electromagnetic radiation or due to the likelihood of injury to persons or damage to property if an accident occurred.
 - (c) Freight or truck terminals.
 - (d) Oil, gas or mineral extraction or surface mining.
 - (e) Bulk fuel or industrial chemical storage or processing.
 - (f) Outdoor storage of construction materials and equipment.
 - (g) Advertising signs.
- (6) Development regulations.

- (a) Area and setback regulations are contained in Table IV. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.

§211-19 ECONOMIC DEVELOPMENT & INNOVATION OVERLAY (EDIO).

A. Intent and purpose. In accordance with the recommendations of the Town of Greece 2020 Comprehensive Plan Update, the Economic Development and Innovation Overlay (EDIO) District is intended to promote the growth of industry and employment opportunities in the Town by prioritizing permitting and approvals in key locations and industry sectors. The EDIO District is overlaid onto specific geographic areas of the Town where significant opportunity exists for economic growth. The specific purposes of this district include the following:

- (1) Expedite approval processes in designated target areas, when possible, and when doing so is not a detriment to the general health, safety and welfare of the community.
- (2) Promote the growth of industry in the interest of the local and regional economy.
- (3) Expand employment opportunities for Greece's skilled workforce.
- (4) Promote industrial vitality by filling/occupying under used buildings, properties, and spaces.
- (5) Accommodate growth in key industry sectors.
- (6) To balance the tax base.
- (7) Provide flexibility in land use to accommodate changes in the economy.

B. Applicability.

- (1) The EDIO District applies to the following target areas as shown on the Official Zoning Map:
 - (a) Eastman Business Park, and adjoining industrial areas.
 - (b) Canal Ponds Business Park, and adjoining industrial areas.
 - (c) Northampton Landing, and adjoining industrial areas.
 - (d) Central Health Care (CHC) Zoning District.
- (2) All permitted uses and structures and other provisions of the underlying zoning district shall remain in effect, except where provisions of the EDIO District differ; in such cases, the least restrictive provision shall apply.
- (3) Applications eligible for waiver or referral for administrative review.

- (a) Special use permits. The board having jurisdiction over a special use permit which meets the criteria established in this section may waive the requirement for such approval and any associated notification requirement pursuant to the provisions of § 211-65A(7) and § 211-66.
 - (b) Site plans. Pursuant to § 211-65C(2)(d), the Planning Board may waive certain elements of a site plan approval, or, pursuant to the provisions of this section, may refer such site plan for administrative review and approval, whereby the Board's authorized representative may approve such site plan on the board's behalf.
 - (c) Minor subdivisions not associated with residential development. The Planning Board may refer minor subdivisions not associated with residential development for administrative review and approval and waive the notification requirements of § 211-66, whereby the Board's authorized representative may approve such minor subdivision on the Board's behalf.
- (4) Applications not eligible for waiver or referral for administrative review.
- (a) Area variances.
 - (b) Use variances.
 - (c) Rezoning.
- (5) Criteria. The board having jurisdiction over an application may consider a request for waiver or referral for administrative review when one or more of the following conditions are present:
- (a) The proposal is more than 100 feet from the EDIO boundary.
 - (b) The proposal does not include any structures more than 50 feet in height.
 - (c) The proposal is not visible, in the opinion of the Planning Board, from a residential district and/or property.
 - (d) The proposal does not require additional access to a public road.
 - (e) The proposal does not require joint review and approval with a neighboring municipality.
 - (f) The proposal is a Type II or unlisted action pursuant to the SEQRA regulations.

C. Procedure.

- (1) Waivers and referrals for administrative review may only be granted by a resolution of the Board having jurisdiction at a regularly scheduled meeting.

- (2) Application for a waiver or referral for administrative review shall be made in accordance with procedures established by the Department of Development Services, including payment of any fees established by the Town Board.
- (3) A complete request for waiver or referral for administrative review may be placed on the agenda of the next available regularly scheduled meeting of the board having jurisdiction.
- (4) If a request for a waiver or referral for administrative review is denied by the board having jurisdiction, a formal application for such approval must be made in accordance with procedures established by the Department of Development Services. In such cases, fees paid in association with the waiver or referral request may be applied toward the full application.

D. Conditions.

- (1) The board having jurisdiction over the approval to be waived or referred for administrative review may place such conditions upon the waiver or referral as it deems necessary to guard the community's interest. Failure to comply with such conditions shall constitute a violation subject to enforcement under § 211-68 of this Chapter.
- (2) Where a waiver is granted or referral for administrative review is made in accordance with this section, it shall in no way relieve applicants from the rules and regulations of other local, state and federal government agencies.

E. Expanded Special Uses in contiguous EDIO target areas.

- (1) Where multiple zoning districts exist within a contiguous target area as designated in § 211-19(B)(1), the principal, accessory, and special permitted uses allowed in one district may be permitted in any other district within such contiguous target area, upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-65A. This provision does
- (2) not apply to the PL (Public Land) zoning district.
- (3) The Board of Zoning Appeals, in addition to the standard special use permit criteria as set forth in § 211-65A(6) and in its discretion when granting such flexibility of use, may consider the following:
 - (a) Whether the use is in harmony with existing and planned surrounding uses;
 - (b) Whether the granting of the special use permit would be inconsistent with the Town's Comprehensive Plan;
 - (c) Whether the approval of the use will result in a concentration of a type of use that would result in a change in the character of the neighborhood.

- (d) Any potential impact on the physical or environmental conditions in the neighborhood or district.

§211-21(C) MIXED USE DISTRICT DESIGN REQUIREMENTS.

C. Vehicular access and parking.

- (1) Intent: to accommodate vehicular access and parking while prioritizing pedestrian movements.
- (2) Vehicle access and traffic patterns. To the extent practicable, nonresidential and mixed use sites shall be designed to achieve the following:
 - (a) Provide vehicular cross access between adjoining sites.
 - (b) Consolidate vehicle access points to the public highway.
 - (c) Consolidate delivery and service access areas for adjoining businesses.
 - (d) Provide for shared parking and cross access easements and agreements among adjoining businesses and property owners. Access easements may be required so that pad sites or adjacent parcels have adequate access if ownership patterns change.
 - (e) Drive-up facilities, if permitted in the applicable zoning district, shall be located in either the side yard or rear yard.
- (3) Vehicle parking.
 - (a) Location.
 - [1] No parking shall be permitted in the front yard.
 - [2] Off-street parking may be located in the rear yard, side yard or underground.
 - [3] Side yard parking shall be located a minimum of 10 feet behind the front facade.
 - [4] All parking areas shall be set back from adjoining single-family districts:
 - [a] A minimum of 15 feet and include a landscape screen; or
 - [b] A minimum of zero feet and include a decorative masonry wall.
 - (b) Number of spaces required.

- [1] The minimum off-street parking requirement for nonresidential uses shall be three spaces per 1,000 square feet of gross floor area.
- [2] The minimum off-street parking requirement for residential uses shall be 1.75 spaces for each dwelling unit.
- [3] Exempt from these minimums is the Dewey/Stone intersection portion of the DMU. There is no minimum off-street parking requirement for residential and commercial uses in this portion of the DMU.

[Image]

(c) Parking blocks.

- [1] In order to reduce the scale of larger parking areas, the total amount of parking provided shall be broken up into parking blocks containing not more than 40 spaces.
- [2] Each parking block shall be separated from other parking blocks by buildings, access drives with adjacent landscaped areas at least 10 feet wide, a landscaped median or berm at least 10 feet wide, or by a pedestrian walkway or sidewalk within a landscaped median at least 10 feet wide.
- [3] Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows (typically with parking drive aisles perpendicular to customer entrances).

[Image]

- [4] All parking blocks which contain more than 25 stalls must include clearly identified pedestrian routes from the parking stalls to the main building entrance, public sidewalk along the street and/or central location.

(d) Shared parking.

- [1] Shared parking is encouraged to promote efficient use of land and resources by allowing users to share off-street parking facilities for uses located within close proximity to one another with different peak parking demands or different operating hours.
- [2] The Planning Board may approve shared use of parking facilities located on the same property or on separate properties if, in the opinion of the Planning Board:

- [a] A convenient pedestrian connection between the properties exists; and
- [b] The properties are within a reasonable distance of each other; and
- [c] An agreement or easement exists to facilitate such shared parking; and
- [d] The availability of parking for all affected properties is indicated by approved directional signs.
- [e] A sufficient number of parking spaces are available for all users based on total number of parking spaces required for all users, and overlap of user hours of operation. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements.

§211-29 STORAGE OF FLAMMABLE, COMBUSTIBLE OR HAZARDOUS MATERIALS IN TANKS.

- A. All aboveground and underground tanks permitted as hereinafter provided shall be constructed, installed and maintained in compliance with all applicable federal, state, county and Town laws, ordinances, codes, rules and regulations.
- B. Regulations for residential districts. Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-65A, a special permit may be issued for the installation of aboveground or underground tanks. Exempt from this requirement are aboveground or underground tanks which are used exclusively in conjunction with oil-burning equipment used for heating and which have a storage capacity of not more than 660 gallons.
- C. Regulations for nonresidential districts.
 - (1) Flammable or combustible materials.
 - (a) The maximum storage capacity of any aboveground tank shall be 10,000 gallons.
 - (b) The maximum storage capacity of any underground tank shall be 20,000 gallons.

- (2) Hazardous materials. Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-65A, a special permit may be issued for aboveground or underground storage in tanks which have an individual or aggregate storage capacity greater than 1,000 gallons.

§211-65 DEVELOPMENT REVIEW.

A. Special permits.

- (1) Public hearings. Any use for which a special permit is required shall be considered at a public hearing held in accordance with the requirements of § 274-b of the Town Law.
- (2) Decisions. The board which has jurisdiction over an application for a special permit may approve with or without modifications or deny a special permit.
- (3) Expansion of a special permit use. The nature, duration and intensity of the operations which are involved in or conducted in connection with any use for which a special permit has been granted shall not be increased or expanded without the approval of the board which has jurisdiction over said special permit use. Any expansion of a use which requires a special permit shall be considered at a public hearing held in accordance with the requirements of § 274-b of the Town Law.
- (4) Expiration of a special permit.
 - (a) A special permit shall authorize only one specific use. Said permit shall expire if:
 - [1] The use does not begin operation within one year of the date on which approval for said permit was granted; or
 - [2] The use, once begun, ceases operation, for any reason, for more than six consecutive months. Exempt from this requirement are uses which are seasonal in nature.
 - (b) Upon written request, the board which issued the special permit may extend the time periods established in Subsection A(4)(a)[1] and [2] above for two additional periods of time not to exceed three months each. Said extensions may be granted if, in the board's opinion, it is warranted by the particular circumstances of the request.
- (5) Revocation of a special permit.
 - (a) A special permit may be revoked by the board which has jurisdiction over said permit. Said board shall hold a public hearing to consider whether or

not the special permit grantee has violated the terms and conditions of said special permit. Said public hearing shall be held only after the permit grantee has been notified, as hereinafter described, by the Building Inspector of said violations and has failed to correct said violations within the time period established by the Building Inspector. Notice of violations shall be served in the following manner:

- [1] By personal service of a copy thereof upon the owner or some one of the owners, executors, legal representatives, agents, lessees or any other person having a vested or contingent Interest in the premises as shown by the last preceding completed assessment roll of the Town or, if no such person can be reasonably found, by mailing to said owner by certified mail, return receipt requested, a copy of said notice directed to his/her last known address; and
 - [2] By personal service of a copy of said notice upon any adult person occupying the premises on which said special permit use is conducted, or, if no such person can be reasonably found, by mailing to said occupant by certified mail, return receipt requested, a copy of said notice directed to the address of the premises on which said special permit use is conducted, or by securely affixing a copy of said notice upon any building or structure which is located on the premises on which said special permit use is conducted.
- (b) At least 10 days before said public hearing, a legal notice of said hearing shall be published in a newspaper of general circulation in the Town. Written notice of said hearing shall be mailed to the special permit grantee by certified mail, return receipt requested, directed to the last known address of the permit grantee.
- (6) Standards for special permit applications to the Board of Zoning Appeals. No special permit shall be granted by the Board of Zoning Appeals unless and until the applicant has demonstrated to the satisfaction of the Board that:
 - (a) Access to the site and the size of the site are adequate for the proposed use.
 - (b) The proposed use will not adversely affect the orderly pattern of development in the area.
 - (c) 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.
 - (d) The proposed use will not create a hazard to health, safety or the general welfare.

(e) The proposed use will not be detrimental to the flow of traffic in the vicinity.

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

(7) Waiver. Upon written request from an applicant, the board which has jurisdiction over an application, may waive the requirements of this chapter that a special permit be obtained. Said waiver may be granted at a regularly scheduled meeting of the board which has jurisdiction. Waivers may be granted if such board determines it is warranted by the particular circumstances of the request. Said circumstances may include, but shall not be limited to:

(a) A change in the owner, operator or tenancy of a use for which a special permit previously was granted, provided that said use:

[1] Is operated in conformity with the terms and conditions of the special permit which previously was granted; and

[2] Complies with all applicable codes, rules and regulations;
or

(b) A use which is located within a principal use and which is incidental, secondary, or subordinate to said principal use; or

(c) Reapproval of a special permit for a use, provided that said special permit expired without said use having commenced.

(d) Expansion of an existing special permitted use which does not include construction of additional floor space or appurtenances.

(e) Restaurants which serve food or beverages principally on a takeout or delivery basis and which have provisions for not more than 12 persons to consume such food or beverages on the premises.

(f) Because of the particular character or limited nature of a proposal.

(8) Transfer of a special permit.

(a) Upon application to the Town Department of Planning and Economic Development, a special permit may be transferred administratively in the case of a change in the owner, operator or tenancy of a use for which a special permit previously was granted, provided that said use:

the [1] Is operated in conformity with the terms and conditions of the special permit which previously was granted; and

[2] Complies with all applicable codes, rules and regulations.

- (b) In order for a business to qualify for a transfer of special permit, the operation of the use must be substantially the same as the operation at the time the special permit use was approved. Any expansion or intensification of a special use requires application for a new special permit.

B. Variances and appeals.

- (1) Variances. The Board of Zoning Appeals shall have the power, upon an appeal from a decision or determination of the Building Inspector, to grant a use variance or an area variance, subject to the procedures and requirements of § 267-b of the Town Law.
- (2) Appeals. The Board of Zoning Appeals shall hear and decide on appeals from any order, requirement, decision or determination made by the Building Inspector in the administration of this chapter in accordance with the procedures and requirements of § 267-a of the Town Law.

C. Site plans.

- (1) One-family and two-family dwellings.
 - (a) No building permit shall be issued by the Building Inspector for any one-family or two-family dwelling on a lot unless and until a subdivision plat and site design details for such use have been approved by the Planning Board, the Town Engineer and the Commissioner of Public Works and such plat has been filed in the office of the Monroe County Clerk, or, alternatively, a site plan for such use has been approved by the Town Engineer, the Commissioner of Public Works, the Building Inspector, and an authorized representative of the Planning Board. This requirement shall also apply to any lot for which an approved subdivision map, plat or deed has been filed or recorded in the office of the Monroe County Clerk prior to the effective date of this chapter.
 - (b) During the construction of a one-family or two-family dwelling, the Building Inspector, Commissioner of Public Works, or an authorized representative of the Planning Board may authorize minor adjustments to the approved plan which are consistent with such plan, when such adjustments are deemed necessary in light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with laws, ordinances, codes, rules or regulations which are made applicable to the subject property by any agency or instrumentality of the United States, New York State, Monroe County or Town of Greece. The Building Inspector, Commissioner of Public Works, or an authorized representative of the Planning Board, may, in his/her discretion, refer any such proposed change to the Planning Board for review.

(c) Approval of a site plan for a one-family or two-family dwelling shall be valid for the purpose of obtaining a building permit for a period of two years following the date of such approval by the Town Engineer, the Commissioner of Public Works, the Building Inspector, or an authorized representative of the Planning Board. Upon written request from an applicant, the Town Engineer, the Commissioner of Public Works, the Building Inspector, or an authorized representative of the Planning Board together may waive the requirement to obtain reapproval of an expired site plan, provided that they determine that no substantial change has taken place in the particular circumstances of such previous site plan approval. Approval of such waiver shall be valid for the purpose of obtaining a building permit for a period of two years following the date of such waiver by the Town Engineer, the Commissioner of Public Works, the Building Inspector, or an authorized representative of the Planning Board. Upon expiration of such waiver, no building permit shall be issued by the Building Inspector unless and until site plan approval has been granted by the Town Engineer, the Commissioner of Public Works, the Building Inspector or an authorized representative of the Planning Board.

(2) Other uses.

(a) Pursuant to § 274-a of the Town Law, no building permit shall be issued by the Building Inspector for any of the following uses unless and until a site plan for said use has been reviewed and approved by the Planning Board. Exempt from this requirement are minor improvements as provided for in Subsection D.

[1] Multiple-family residential uses;

[2] Office, retail, industrial and other similar commercial uses;

[3] Religious, nonprofit or private institutional uses including private schools;

[4] Any use for which a special permit is required; and

[5] Land disturbances, as defined in § 211-5, which exceed one acre in area, excluding agricultural activities conducted in accordance with the rules and regulations of the New York State Department of Agriculture and Markets.

(b) Application for approval of a site plan, showing the arrangement, layout and design of the proposed use, shall be prepared and submitted in accordance with specifications and administrative procedures adopted by the Planning Board.

(c) The Planning Board may approve with or without modifications or deny an application for site plan approval in accordance with the procedures

and requirements of § 274-a of the Town Law. Upon a finding by the Planning Board that, because of the particular character or limited nature of a new development or change in use or special conditions peculiar to a site, the submission of a site plan or of certain portions of the information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said informational requirements will cause extraordinary and unnecessary hardship, the Planning Board may vary or waive such submission wherever, in the opinion of the Board, such waiver will not be detrimental to the public health, safety or general welfare.

- (d) Site plans which are approved by the Planning Board shall also be subject to the review and approval of the Building Inspector, Fire Marshal, Town Engineer, the Commissioner of Public Works, and any other persons or agencies designated by the Planning Board.
- (e) Approval of a site plan by the Planning Board shall be valid for the purpose of obtaining a building permit for a period of one year following the date of the Board's approval resolution. The Planning Board may, however, upon written request, extend such one-year period for two additional periods of time not to exceed three months each. Such extensions may be granted if, in the Board's opinion, it is warranted by the particular circumstances of the request. Upon expiration of such extensions, no permit shall be issued by the Building Inspector unless site plan approval has been granted by the Planning Board.
- (f) During the construction of an approved site plan, the Building Inspector, Commissioner of Public Works, or an authorized representative of the Planning Board may authorize minor adjustments to the approved plan which are consistent with such plan, when such adjustments are deemed necessary in light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with laws, ordinances, codes, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Monroe County or Town of Greece. The Building Inspector, Commissioner of Public Works, or an authorized representative of the Planning Board may, in his/her discretion, refer any such proposed change to the Planning Board for review.
- (g) Exempt from the requirements of this section are structures which are erected, placed or constructed in order to comply with the requirements of the Americans with Disabilities Act of 1990, as amended.

D. Minor improvements.

- (1) Minor improvements, as hereinafter described, shall not be permitted for any multiple-family residential or nonresidential use, unless and until a minor improvement plan has been reviewed and approved by the Planning

Board or an authorized representative of the Planning Board such as the Chairperson or Clerk of the Planning Board.

- (2) For purposes of this chapter, minor improvements shall include the placement, erection or construction of:
 - (a) Freestanding signs.
 - (b) Light poles.
 - (c) Fences or walls.
 - (d) Accessory structures, or additions to existing structures, provided that said structures or additions do not exceed 4,000 square feet of gross floor area or 25% of the area of existing principal structures.
 - (e) New or enlarged paved or unpaved parking areas, provided that said new parking areas or said parking area enlargements do not contain more than 20 parking spaces.
 - (f) Structures which are erected, placed or constructed on an annual, seasonal or other recurring basis and which are removed from the premises within five months of their erection, placement or construction.
 - (g) Minor alterations of previously approved site plans or minor improvement plans.
 - (h) Other similar minor improvements.
- (3) Application for approval of a minor improvement plan, showing the arrangement, layout and design of the proposed minor improvement, shall be prepared and submitted in accordance with specifications and administrative procedures established in regulations adopted by the Planning Board.
- (4) The authorized representative of the Planning Board may approve with or without modifications or deny an application for approval of a minor improvement plan. Any minor improvement plan approved by said representative of the Planning Board shall also be subject to the review and approval of the Town Engineer, Building Inspector, and Fire Marshal.
- (5) Upon the request of the authorized representative of the Planning Board or an applicant, a minor improvement plan shall be subject to the review and approval of the Planning Board.
- (6) Approval of a minor improvement plan shall be valid for the purpose of beginning said minor improvement for a period of one year following the date of said approval by the authorized representative of the Planning Board or by the Planning Board. However, upon written request, the authorized

representative of the Planning Board may extend said one-year period for two additional periods of time not to exceed three months each. Said extension may be granted if, in the opinion of said representative of the Planning Board, it is warranted by the particular circumstances of the request.

- (7) Waiver of minor improvement plan requirements. Upon written request from an applicant, the Planning Board or an authorized representative of the Planning Board may waive the requirements of this chapter that approval of a minor improvement plan be obtained, subject to the requirements and restrictions of this subsection.
 - (a) Structures and improvements eligible for waiver:
 - [1] Freestanding signs.
 - [2] Accessory electric vehicle charging points.
 - [3] Light poles.
 - [4] Fences or walls, including those which are used to enclose outdoor refuse containers.
 - [5] Sheds, as defined in this chapter (less than 200 square feet in area).
 - [6] Permanent outdoor seating provisions for a restaurant, where the number of outdoor seats provided will not exceed 10% of existing indoor seating capacity, including decks and patios. Outdoor seating shall be in accordance with the regulations established in § 211-28, and guidelines established by the Department of Planning and Economic Development.
 - [7] Pedestrian pathways.
 - [8] Structures which are erected, placed or constructed on an annual, seasonal or other recurring basis and which are removed from the premises within five months of their erection, placement or construction.
 - (b) A waiver of the minor improvement plan requirement shall not be granted for:
 - [1] Structures and improvements which are proposed to be located within a public easement.
 - [2] Structures, uses and improvements which do not comply with the applicable provisions of this chapter, unless such structures, uses or improvements have been granted variances by the Board of Zoning Appeals or are legal preexisting conditions.

(c) Requests for waiver of the minor improvement plan requirement shall be submitted in writing by the property owner, or a duly authorized representative of the property owner, and shall include a recent instrument survey of the project location, including all existing structures and easements. The proposed structure or improvement shall be drawn to scale on the instrument survey map, including all dimensions and setback distances. Additional information may be requested, including but not limited to structural details, manufacturer's specifications, and exterior materials and colors.

(d) Approval of waiver.

[1] Waivers may be approved, approved with modifications, or disapproved by resolution of the Planning Board, or in writing by an authorized representative of the Planning Board.

[2] A waiver of the minor improvement plan requirements shall be valid for the purpose of beginning such minor improvement for a period of one year following the date of the Planning Board resolution granting such waiver, or for a period of one year following the date of the written approval of such waiver by an authorized representative of the Planning Board.

[3] No minor improvement for which a waiver has been disapproved by the Planning Board or its authorized representative shall be permitted unless and until a minor improvement plan has been approved in accordance with the provisions of this chapter.

E. Amendments to Official Zoning Map. In the event that an amendment of the Official Zoning Map is scheduled to expire by reason of a time limit established by the Town Board by resolution at the time that such amendment is made, upon written request by an applicant, which application shall be filed before the end of such time limit, the Town Board may, without public hearing, extend such time limit by time periods of not more than six months each. Such extensions may be granted if the Town Board determines, in its sole judgment and discretion, that such extensions are warranted by the particular circumstances of the request.

ADOPTED: Ayes 5 Reilich, DiPonzio, Bloomer, Murphy, Christodaro
Nays 0