

**Village Board of Trustees  
Meeting Minutes of October 17, 2011**

Present: Mayor Lee, Trustees Horylev, Gates, Speer and Bimmler  
Janet Surridge, Village Manager  
Superintendent of Public Works, Mike McHenry  
Village Clerk, Shari Pearce  
Code Enforcement Officer, Mike Lissow

Guests: Tom Scheg, Dave Wright, Pat Holenbeck, Richard LaForce,  
Richard Bjornholm

Mayor Lee called the meeting to order at 5:00 p.m. with the pledge of allegiance to the flag.

**Proposed Local Laws**

Mrs. Surridge distributed the proposed local laws that would abolish the Planning Board and redistribute the duties to the Zoning Board. The proposed laws read as follows:

**LOCAL LAW #4 2011  
TO ABOLISH PLANNING BOARD**

Section 1: Section 24-1301 (Planning Board) of Article XIII (Planning and Zoning Board of Appeals) of Chapter 24 (Zoning) of the Hilton Code is hereby amended in its entirety as follows: “The Planning Board of the Village of Hilton is hereby abolished. Except as specifically set forth to the contrary in this Village Code, any responsibilities or authorities formerly vested in the Planning Board shall be vested in the Village Board of Trustees”.

Section 2: This local law shall become effective upon publication and filing with the Secretary of State.

**LOCAL LAW #5 2011  
TO AMEND SITE PLAN APPROVAL  
Chapter 24-500 of the Zoning Code**

Section 1: Section 24-501 (Purpose) of Article V (Site Plan Approval) of Chapter 24 (Zoning) of the Hilton Code is hereby renumbered to 24-500

Section 2: A new section 24-501 is hereby added to read as follows: “Compliance Required; exemptions: Prior to issuing a building permit for the construction of a building, or for the alteration of a building if the area of any floor would be increased 25% thereby, and prior to the issuance of a zoning permit or certificate of occupancy for a change of use or occupancy of land or a building such that the off-street parking facilities required for that parcel would be changed, the Code Enforcement Officer shall

refer the site plans of the lot to the Zoning Board of Appeals for its review and approval. Site preparation or the commencement of construction prior to the termination of proceedings under this article is prohibited. The construction or alteration of a one or two-family dwelling and their accessory structures is hereby exempted from this article; and, except for a one or two-family dwelling and their accessory structures, no zoning permit, building permit or certification of occupancy shall be issued except in compliance with the standards and procedures set forth in this article.”

Section 3: Section 24-502 (Authorization to grant or deny) of Article V (Site Plan Approval) of Chapter 24 (Zoning) of the Hilton Code, the first sentence is hereby amended to read as follows: “The power to approve, approve with conditions or deny site plan, as required by this Article, is vested in the Zoning Board of Appeals.” The second , third and fourth paragraphs in this section are hereby deleted.

Section 4: The references to “the Planning Board” in the following sections of Chapter 24, Article V of the Hilton Code shall be changed to “the Zoning Board of Appeals

24-503(A); 24-503 (A)(6); 24-503(B)(1); 24-503(B)(2); 24-503(B)(3);  
24-504(A); 24-504(B); 24-504(B)(1); 24-504(B)(2)  
24-504(C)  
24-506  
24-507

Section 5: : Throughout the entirety of Chapter 24, Article V of the Hilton Code, the words “Building Inspector” is hereby changed to “Code Enforcement Officer.”

Section 6: This local law shall become effective upon publication and filing with the Secretary of State.

**Local Law #6 2011**  
**To amend Chapters #2A, #2B, 20A, and #24 of the Hilton Code**

Section 1: Chapter 2A (Architectural Design District), paragraph 2A-3 is hereby amended by changing the Review Commission from the Planning Board to the Zoning Board of Appeals.

Section 2: Chapter 2B (Amusements), paragraph 2B-5-D, is hereby amended by changing “Planning Board” to “Zoning Board of Appeals”

Section 3: Chapter 20A (Storm Water Pollution Prevention), paragraph 2 is hereby amended by changing “Planning Board” to Zoning Board of Appeals”

Section 4: The following references to “the Planning Board” in Chapter 24 of the Zoning Law of the Hilton Code shall be changed to “the Zoning Board of Appeals” :

24-208 (B)

24-303 (D) (11)  
24-304 (H); 24-304 (I)  
24-305 (E); 24-305 (H)  
24-306 (I)  
24-307 (E)(15),(17),(20); 24-307(F)(1),(2),(3); 24-307(H)(3),(4),(5),(6), 24-307(J)  
24-308(B)(2); 24-308 C(1); 24-308(D)(4); 24-308(E)(3),(4),(6),(7)  
24-309(B)(2); 24-309 C(1); 24-309(D)(5); 24-309(E)(3),(4),(6),(7)  
24-310(E), (H)  
24-311(E),(H)  
24-603(E)  
24-606 C (6),(8)  
24-607 (A)(7),(8),(9)

Section 5: Section 24-1102 (Appeal from ruling of Planning or Zoning Board of Appeals) omit the words “Planning Board or.”

Section 6: Section 24-1105 (Notice of Public Hearing), omit the words “Planning Board or” in the first paragraph.

Section 7: Section 24-1201 (Penalty) omit the words “Planning Board or”

Section 8: Section 24-1202 (Alternative Penalty) omit the words “Planning Board or”

Section 9: This local law shall become effective upon publication and filing with the Secretary of State.

**LOCAL LAW #7 2011  
TO INCLUDE ALTERNATE MEMBERS  
ON ZONING BOARD OF APPEALS**

A local law to establish alternate Zoning Board of Appeals member positions.

Section 1: Section 24-1302 (Zoning Board of Appeals) of Article XIII of Chapter 24 (Zoning) of the Hilton Code shall be amended by adding the following after the second (2<sup>nd</sup>) sentence thereof”

“In addition, pursuant to the provisions of the Village Law and Municipal Home Rule Law, the Mayor, subject to the approval of the Village Board of Trustees, shall appoint two (2) alternate Zoning Board of Appeals members, for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest, illness, absence, or is otherwise unable to serve.”

“In the first year of the application of this law, one (1) alternate member shall serve an initial

term which shall expire at the end of the official year on March 31, 2012, and the other alternate member shall serve an initial term to expire at the end of the official year on March 31, 2013.

Thereafter, each alternate member shall serve a term of two (2) years with each term commencing on the first day of April following the expiration of the prior term and expiring on the last day of the official year of the

term. If a vacancy shall occur for reasons other than the expiration of a term, such vacancy shall be

filled by appointment of the Mayor for the unexpired term, subject to the approval of the Village

Board of Trustees.”

“The chairperson of the Zoning Board of Appeals shall designate an alternate member to substitute for a member in the consideration of any pending matter when such member is unable

to participate as set forth herein and such designation shall be entered into the minutes of the

initial Zoning Board of Appeals meeting at which the substitution is made. When so designated,

the alternate member shall possess all the powers and responsibilities of such member of the board until such matter is concluded. Alternate members of the Zoning Board of Appeals may attend all meetings of the Zoning Board of Appeals but they shall have no power to participate in any actions of the Zoning Board of Appeals except as so designated by the chairperson. All provisions of the Village Law relating to Zoning Board of appeals member training, continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to alternate members.”

Section 2: This local law shall become effective upon publication and filing with the Secretary of State.

**Resolution** to schedule a public hearing on November 8, 2011 at 6:00 p.m. to consider Local Laws # 4, 5, 6 and 7 which would abolish the Planning Board and transfer their duties and responsibilities to the Zoning Board of Appeals and to establish alternate positions on the Zoning Board. Motion made by Trustee Bimmler, seconded by Trustee Speer. Carried unanimously 5-0.

There being no further business, the meeting was adjourned at 5:20 p.m.

Respectfully Submitted,

Shari Pearce, Village Clerk  
Village of Hilton

