

**Village of Hilton Zoning Board
Meeting Minutes of August 8, 2006**

Member's Present: Richard Bjornholm, Richard Laforce, Jim Bimmler,
Robert Cusenz

Administration: Mike Lissow, Fire Marshall, Debbie Buongiorne

Guests: John Emrich, David McCracken, Joseph Davey, Ann LePore, Donald
Woodring, Joanne Clifford, Joe
Bassett

The meeting was called to order with the pledge of allegiance to the flag at 7:00 p.m. Chairman Bjornholm explained the functions of the Zoning Board.

PUBLIC HEARING - 157 EAST AVE - USE VARIANCE

Application of Donald Woodring, 157 East Ave, for a Use Variance to operate a hair salon at this address. The structure is currently used as a residential home. Per Section 24-302. The property is zoned Residential.

Donald Woodring was present to represent this application. Mr. Woodring explained due to financial hardship with this property he would like to rent the house to Joanne Clifford for her to operate a hair salon. Mr. Woodring also submitted a letter to the Board regarding the financial hardship, this letter will be kept on file.

The public hearing was opened at 7:05 p.m.

Public Comments:

Ann LePore, 11 Canning Street (Abbott's), is concerned with Pontillo's moving out why would we want to fill residential space with commercial when there is available commercial space?

The public hearing was closed at 7:07 p.m.

Board Discussion:

Mr. Cusenz explained to Mr. Woodring that New York State has four (4) specific factors that must be met in order to be granted a Use Variance. Mr. Cusenz stated even after reading Mr. Woodring's letter that Mr. Woodring has not met the criteria and would be opposed to the application.

Mr. Bimmler agrees with Mr. Cusenz and is very empathetic to Mr. Woodring's situation.

Mr. LaForce agrees that Mr. Woodring has not met the criteria.

Chairman Bjornholm read the four (4) criteria guidelines:

If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove "unnecessary hardship". To prove this, State Law requires the applicant to show all of the following:

1. That the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted).
2. That the property is being affected by unique, or at least highly common circumstances;
3. That the variance, if granted, will not alter the essential character of the neighborhood; and
4. That the hardship is not self-created

Motion to deny the application of Donald Woodring, 157 East Avenue, for a Use Variance to operate a hair salon at this address. The structure is currently used as a residential home. Per Section 24-302. This property is zoned Residential. There was public opposition for this application. This will not change the character of the neighborhood. The applicant did not meet the 4 criteria guidelines to be granted a Use Variance. **Motion** made by Bob Cusenz, seconded by James Bimmler. **Motion** approved 4-0.

Mr. Woodring asked the Board how else could he have proved his case? Chairman Bjornholm told him accountant, bank records, proof of advertising. Mr. Bimmler added if Mr. Woodring can not rent out this property he would advise him to keep good financial records so that if he comes before the Board again he will have this proof.

MINUTES

Motion to approve the minutes of June 13, 2006 as submitted. Jim Bimmler made the motion. Richard LaForce seconded the motion. Motion approved 4-0.

REPORTS

Liaison's Report -

Joe Lee gave his report.

Zoning Code Officer's Report -

Mike Lissow gave his report.

Chairman's Report -

Chairman Bjornholm gave his report.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully Submitted,

Debbie Buongiorno, Recording Secretary