

**Village of Hilton Zoning Board
Meeting Minutes of November 13, 2007**

Member's Present: Richard Bjornholm, Jim Bimmler, Bob Cusen, Pat Holenbeck

Member's Absent: Richard LaForce

Administration: Mike Lissow, Code Enforcement Officer; Joe Lee, Trustee; Debbie Jones, Recording Secretary

Guests: Mike Curran, Sam and Dawn Buscemi, Resident #1 and Resident #2

The meeting was called to order with the pledge of allegiance to the flag at 7:00 p.m.

Chairman Richard Bjornholm explained the functions and responsibilities of the Zoning Board.

PUBLIC HEARING – 20 EAST AVENUE – AREA VARIANCE

Application of Hilton Candy & More, 20 East Avenue, to seek relief from Section 24-602 E (5) the Hilton Zoning Code to allow a projecting sign that exceeds 12 square feet with a minimum clearance of less than 9 feet from the ground level. This property is zoned Central Business District.

The public hearing was opened at 7:03 p.m.

Salvatore Buscemi one of the owners of Hilton Candy & More was present to represent this application. Mr. Buscemi stated he replaced a sign that was already there. It is not the same sign painted over. Pictures of the new sign were available to all Board members as well as a picture of the previous sign owned by Joey's Barber Shop. Mr. Buscemi does not feel it causes any hazard to the public because it does not project over a walkway.

Chairman Bjornholm asked Mr. Buscemi if he appeared before the Planning Board with this request. Mr. Buscemi replied, "yes, that they liked the sign but there was the issue with the size."

Public Comment: None

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

Board Comment:

Chairman Bjornholm asked Mike Lissow, Code Enforcement Officer, if the owner of Joey's Barber Shop ever came before the Zoning Board of Appeals for his sign? Mike Lissow stated that Joe Driffel had gone before the Planning Board before the new Sign Ordinance had gone into effect. The Planning Board told Mr. Driffel there was a new Sign Ordinance being drafted and the sign would have to follow the specifications under the new Sign Ordinance. Joey's Barber Shop went out of business before necessitating the need to go any further in regards to his sign. Chairman Bjornholm asked Mike Lissow if he has physically seen the Hilton Candy & More sign? Mike stated that he has seen the sign. Chairman Bjornholm asked Mike if he had any concerns regarding the safety to the public or changes to the character of the neighborhood? Mike stated there are bushes directly under the sign. Mike feels the Sign Ordinance when it was passed, the concern about the 9' was because it would be projecting over a public sidewalk. There probably wasn't thought about it projecting technically off the side of a building. With the layout of this particular storefront the sign does not project over any walkway. Mike stated the only way someone could walk into this sign is if they jumped into the bushes. Mike feels the size of the sign is appropriate for the size of the side of that building.

Pat Holenbeck asked the Board if the landlord has any responsibility to the tenant of making them aware of Village ordinances? The Board does not believe there are any requirements.

Jim Bimmler asked what the size of the old sign was? Based on the picture with the dimensions of the old sign it equals 12.25 sq.ft. Mr. Bimmler thinks the sign is attractive and is glad to see the store the open.

Bob Cusenz states the sign is attractive but is confused as to why Mr. Buscemi did not check with local authorities in regards to Village ordinance's. Mr. Cusenz understands he went to the Planning Board and asked Mr. Buscemi if the sign had already been made at that time. Mr. Buscemi replied "yes." Mr. Buscemi explained he is new to the area, he moved from Arizona where they do not have such local ordinances or have to go through all of this to open a business. He was totally unaware that this process was necessary. Chairman Bjornholm read the motion from the October 15, 2007 unapproved Planning Board minutes "*Chairman Hedberg asked for a motion to approve this application temporarily for 60 days as submitted, the applicant may consider seeking a variance or consider a smaller sign. If the applicant is granted a variance from the ZBA for the size and height requirement, the approval for the sign will be permanent. The motion was made by Dana Brunett, seconded by Bob Hunte, approved 5-0.*" Chairman Bjornholm finds this confusing and vague. The Planning Board made and approved the motion (5-0) to approve this application temporarily for 60 days as submitted. Chairman Bjornholm feels we need to ask the Planning Board to be a little more cautious on this because this is telling the applicant that he/she can hang the sign for 60 days until they get their approval. Chairman Bjornholm is not placing blame on anyone he just feels the wording could be a little more precise.

With all persons being heard,

Motion to approve the application of Hilton Candy & More, 20 East Avenue, for an Area Variance to seek relief from Section 24-602 E (5) the Hilton Zoning Code to allow a projecting sign that exceeds 12 square feet with a minimum clearance of less than 9 feet from the ground level. The applicant is asking for an additional 2 square feet, which is not excessive. This sign being less than 9' high from the ground presents no potential danger to traffic, parked vehicles nor as a pedestrian walkway. This will not change the character of the neighborhood. This property is zoned Central Business District. Motion made by Bob Cusenz, seconded by Jim Bimmler . **Motion** approved 4-0.

REVIEW CONDITIONAL USE PERMIT – 7 UPTON STREET- JPS IMAGING

Conditional Use Permit granted to Mike Curran, owner of JPS Imaging, 7 Upton St., to operate a metal etching business. This application will be reviewed in one (1) year to make sure it is in compliance with 24-306 D(4). This property is zoned Industrial.

The public hearing was opened at 7:20 p.m.

Mike Curran was present to represent this review. Mr. Curran stated everything is going well for him and does not have any complaints.

Chairman Bjornholm asked Mike Lissow, Code Enforcement Officer, if he has received any complaints regarding this business. Mike Lissow stated there have been no complaints.

Chairman Bjornholm asked Mr. Curran if he wanted to address the Board with any issues, Mr. Curran declined stating he was “comfortable” with the way things were going. Mr. Curran understood the primary concern at the original meeting was noise. He feels he has been very quiet.

Mike Lissow stated he has been at 7 Upton Street several times. It is a small fan, you do not hear it running.

Public Comment:

Resident #1 and Resident #2, Salmon Run, they were also present at the November 14, 2006 meeting and at that time addressed their concerns with noise. Resident #1 stated tonight that he has walked down in the area of the business during regular business hours and there is no noise. Resident #1 and Resident #2 feel that Mr. Curran is operating his business as he stated he would at the original meeting and have no objections to the current operation of this business.

Public hearing closed at 7:26 p.m.

Board Comment:

Pat Holenbeck thanked Resident #1 and Resident #2 for coming back to the Review meeting to follow up on this matter especially with favorable comments.

Jim Bimmler – no comment other than he frequents the Fitness Warehouse and he hears no noise coming from the building.

Bob Cuzenz – no comment

With all persons being heard,

Motion for Mike Curran, owner of JPS Imaging, 7 Upton Street, to continue to operate a metal etching business as noted in the November 14, 2006 Zoning Board of Appeals meeting minutes. This Conditional Use Permit is now permanent. There has been no public objection, in fact public approval. This property is zoned Industrial. Motion made by Pat Holenbeck, seconded by Jim Bimmler. **Motion** approved 4-0.

MINUTES

Motion to approve the October 15, 2007 meeting minutes as submitted. Jim Bimmler made the motion, Bob Cuzenz seconded the motion. **Motion** approved 4-0.

REPORTS

Liaison's Report - Joe Lee gave his report.

Code Enforcement Officer's Report- Mike Lissow not present.

Chairman's Report - Chairman Bjornholm gave his report.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:40pm. Pat Holenbeck made the motion, Jim Bimmler seconded.

Respectfully Submitted,

Debbie Jones
Recording Secretary

