

**Village of Hilton Zoning Board
Meeting Minutes of October 15, 2007**

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

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

Guests: Patrick Laber, Schultz Assoc.; Jennifer VerWeire, Murae Muir, ; Midge Ball, Lois DeWitt

The meeting was called to order with the pledge of allegiance to the flag at 6:30 p.m.

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

PUBLIC HEARING – 3 WEST AVENUE – AREA VARIANCE

Application of Modern Family Dental, 3 West Avenue, for an Area Variance to construct an addition to the existing building and increase the size to 2,060 square feet. This property is zoned Limited Commercial. Per Section 24-310 (D) (2), which states, "The foundation for the principal structure shall not exceed 1,500 square feet."

The public hearing was opened at 6:35 p.m.

Pat Laber of Schultz Associates was present to represent this application for Dr. Jeffrey Dick. Mr. Laber stated Dr. Dick needs extra room, that his dental practice is expanding. There will be a total remodel of the interior to allow for more "functioning" space. The plan for the exterior is for two additions:

- (1) Enclosing 4'x 35' along the east side of the building where the open porch is now and removing the wall behind it to allow for expansion.
- (2) On the north side an L-shaped addition coming 4' feet out and about 25' across, right now there is an existing overhang. Closing this area and adding an additional 5'x 8' vestibule area facing the east.

Mr. Laber also stated there would be some enhancements to the exterior of the building and lot. Some pavement would be removed from the West Avenue side of the parking lot and replaced with green space.

Mr. Laber stated the footprint of the building will be staying the same except for the addition of the vestibule

Public Comment: None

The public hearing was closed at 6:45 p.m.

Board Discussion:

Bob Cusenz stated he felt the material presented was adequate and sees no problem with this application.

Richard LaForce stated he likes the layout, he feels it would help that corner aesthetically. Mr. LaForce asked Mr. Laber if they had settled on the color of stone? Mr. Laber hopes to go with earthtones but will do whatever is asked of them when they go through Architectural Review.

Jim Bimmler stated he also feels this is a positive move for this particular corner and has no objections.

Pat Holenbeck has no objections. Pat H. stated the parking spaces being taken are for the most part unusable. Pat H. also stressed the importance of making sure that what they do with the green space causes no traffic obstruction at that corner.

Chairman Richard Bjornholm likes the idea of getting a little more green space out there.

With all persons being heard,

Motion to approve the application of Modern Family Dental, LLC, 3 West Avenue for an Area Variance to construct an addition to the existing building and increase the size to 2,060 square feet. This property is zoned Limited Commercial. This will not change the character of the neighborhood, nor does it have any impact on public health or safety. There was no public objection. Per Section 24-310 (D) (2), which states, “The foundation for the principal structure shall not exceed 1,500 square feet.” Motion made by Bob Cusenz, seconded by Richard LaForce. **Motion** approved 5-0.

PUBLIC HEARING – 94 WEST AVENUE – AREA VARIANCE

Application of Richard and Murae Muir, 94 West Avenue, for an Area Variance to construct a fence ranging in height from 42”- 45” in the front yard. This property is zoned Residential. Per Section 24-603 (A), which states, “In any front yard, fences shall not exceed (3) three feet in height above the elevation of the surface of the ground at the point of construction.”

The Public Hearing was opened at 6:50 p.m.

Murae Muir was present to represent this application. Mrs. Muir stated the fence is already up. It is a white, wooden stock fence because it is what they could afford. It wasn't until after work on the fence was underway that they noticed how unlevel the ground was.

When Mike Lissow, Code Enforcement Officer went to do the final inspection on the fence he found the fence to be in violation. The 3' requirement from the Village sidewalk was good, however, the fence measured anywhere from 42" to 45" above the ground. Mike instructed Mrs. Muir they had two options (1) they could try and get a variance from the ZBA or (2) they could cut the height of the fence.

Mrs. Muir feels by cutting the fence it would look tacky and it would have taken a lot of work to "grade" the yard. Mrs. Muir also felt the 6" over in height does not make that big of a difference or change the character of the neighborhood.

Chairman Bjornholm reiterated that a permit was issued before the fence went up and asked Mrs. Muir if it was explained to her that the law required a 3' high fence at that time and asked if she understood that. Mrs. Muir replied "Yes".

Mrs. Muir claimed that no one sells a straight 3' fence (e.g. Home Depot, Lowe's).

Public Comment:

Resident #1, Brook St., states she thinks the fence looks very nice. The Muir's would have had to do a lot of grading to make it work. Feels this is a minor issue compared to other properties she has seen in the Village.

Resident #2, Brook St., states she feels the fence is an improvement.

The public hearing was closed at 7:00 p.m.

Board Comment:

Pat Holenbeck – asked Mrs. Muir if there was some confusion on whether the fence had to be 3' or if it had to be 3' from the ground. Mrs. Muir stated she thought the fence itself had to be 3'. The Muir's could not find the actual fence pieces to be exactly 3', they ran slightly higher so when they started putting them on posts and putting it on the unlevel ground is when they ran into trouble.

Jim Bimmler – clarified the confusion on the perception of the height requirement as what was stated between Mrs. Muir and Board member Holenbeck.

Richard LaForce – Aesthetically looking down the street the fence looks nice. Property well kept.

Bob Cusenz – The law is the law! You are in violation of the Code. Ignorance of the law is no excuse. However, agrees with member LaForce. Does not look that bad and does not see anything that flagrant about it.

Chairman Bjornholm – asked Mrs. Muir if they did the work. Mrs. Muir stated "yes".

Chairman Bjornholm asked Mike Lissow, Code Enforcement Officer, is there anyone in this Village that has a fence higher than 36" in the front? Mike stated he can not answer that 100%, this is the first he has dealt with this type of issue. Mike explained unless they get a complaint they do not go around and measure. Chairman Bjornholm asked Mike if

the grade was unlevel. Mike said “Yes, there are some unlevel areas, but he can not make the call himself”.

Pat Holenbeck added she has spoken to several of the surrounding neighbors who think the fence looks nice.

With all persons being heard,

Motion to approve the application of Richard and Murae Muir, 94 West Avenue, for an Area Variance for a fence ranging in height from 42”- 45” in the front yard. This property is zoned Residential. This will not change the character of the neighborhood. There has been positive public response to the improvement of the aesthetics of this property. The contour of the land necessitated this problem. Per Section 24-603 (A), which states, “In any front yard, fences shall not exceed (3) three feet in height above the elevation of the surface of the ground at the point of construction.” Motion made by Jim Bimmler, seconded by Richard LaForce. **Motion** approved 5-0.

PUBLIC HEARING – 100 CEDAR TERRACE – AREA VARIANCE

Application of Cedar Hill Associates, 100 Cedar Terrace, for a 2’ Area Variance to construct five (5), eight (8) foot high fence enclosures for five (5) refuse dumpsters within the development. This property is zoned Multi Residential. Per Section 24-603 (B), dumpster enclosures shall not exceed six (6) feet in height.

The Public Hearing was opened at 7:15 p.m.

Jennifer and Walter VerWeire were present to represent this application as agents for Cedar Hill Associates (Mayzon Management). Mr. And Mrs. VerWeire live on-site and manage the townhouses. The dumpsters are already placed on cement pads but now the VerWeire’s thought it would look nicer to put a 3-sided “U” type enclosure around each dumpster. They would like to go with the architectural red brick. The dumpsters are taller than 6 feet so they would like the enclosure to just cover the dumpster. There will not be any fences involved.

Public Comment: None

The Public Hearing was closed at 7:23 p.m.

Board Comment:

Pat Holenbeck states it will look better than looking at a dumpster.

Jim Bimmler complimented the effort put forth in this project and feels it will enhance the area.

Richard LaForce feels it will be easier for maintenance.

Bob Cusenz feels as the rest of the members do as does Chairman Rick Bjornholm.

With all person being heard,

Motion to approve the application of Cedar Hill Associates, 100 Cedar Terrace, for a 2' Area Variance to construct five (5), eight (8) foot high block enclosures for five (5) refuse dumpsters within the development. This will not change the character of the neighborhood and will enhance the presentation. This property is zoned Multi Residential. Per Section 24-603 (B), dumpster enclosures shall not exceed six (6) feet in height. Motion made by Richard LaForce, seconded by Pat Holenbeck. **Motion** approved 5-0.

MINUTES

Motion to approve the September 11, 2007 meeting minutes as submitted. Bob Cuseniz made the motion, Richard LaForce seconded the motion. **Motion** approved 5-0.

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 7:35pm. Pat Holenbeck made the motion, Richard LaForce seconded.

Respectfully Submitted,

Debbie Jones
Recording Secretary