

**Village of Hilton Zoning Board  
Meeting Minutes of January 8, 2008**

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

Member's Absent: Bob Cusenz

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

Guests Patrick Laber; Schultz Associates, Harold Crown, Mike Mucci (Hilton United Methodist Church), Ron Bourret, Maureen Spindler, Joe Julian, Mark Russo, Dennis Fico

The meeting was called to order with the pledge of allegiance to the flag at 7:02 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 2,077 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 7:05 p.m.

Patrick Laber of Schultz Associates was present to represent this application. Mr. Laber explained the initial plans that were presented at the October 15<sup>th</sup>, 2007 Zoning Board meeting have not been changed. Mr. Laber passed out a hand out to the Board members and explained they have two architects working on this project, one locally and another out of state. The architect from out of state works mainly with dental offices. The hand out clearly identified the amended approximate 4'x 4' additional square footage. On the east side of the building at the north end of overhang there are steps, this area would become enclosed, improving to accommodate dental operatory #1.

**Public Comment:**

Resident #1, Mariah Street, Village Photographer, stated she has two issues she would like to discuss and was not sure if this was the meeting to do so. This is the first meeting she has been able to attend and wanted to express how thrilled she is for Dr. Dick for having the patient load and business to be able to expand.

Resident #1 first issue is in regards to parking. Resident #1 stated her business is next door to Dr. Dick's practice and feels in general that parking in that area is an issue. It

does not help that some of the vehicles that park at Dr. Dick's are the large SUV's and with that hang over the sidewalk. It was explained to Resident #1 that it was discussed at the October 15<sup>th</sup>, 2007 meeting that the Village parking lot across from Dr. Dick's office can be used for any excess in parking. Resident #1 stated she was not sure if this was the reason (vehicles over the sidewalk) that the sidewalks were not getting plowed when it snowed? Mike Lissow explained that on Village streets where the sidewalks are flush to the road the sidewalk plow is not used and the DPW tries to do their best when plowing the streets to go over the sidewalk area as much as they can.

Resident #2, South Avenue, asked Mr. Laber if angled parking would fix the problem? Mr. Laber did not feel angled parking was the answer in this situation.

Resident #1 second issue is with the space or alley way between Dr. Dick's building and the Library. The kids hangout here, smoke pot and have spray painted graffiti on the side of Dr. Dick's building. Resident #1 does not want to see Dr. Dick put all this work into the building to have the kids deface the building again.

Resident #3, Trustee for the Hilton United Methodist Church, stated there was a concern among some of their members regarding the possibility of the overflow of parking going into their parking lot but he is comfortable now from what he heard at tonight's meeting that will not be a concern.

Public hearing was closed at 7:13 p.m.

### **Board Discussion:**

**Jim Bimmler** stated he sees no problem with the additional square footage but parking does seem to be an issue. Jim thought we satisfied our requirements at the last meeting when this went through the Planning Board. Jim asked Mike Lissow if he had any additional information on the parking? Mike stated when it was discussed at the Planning Board they would need 10 parking spaces but they only have 9 spaces so it was suggested they use the public lot across the street. Jim stated "our" general consensus was this project was going to make that corner more attractive. Parking is a problem in that area as well as the entire Village so he does not have the answer to the parking issue.

**Pat Holenbeck** asked Pat Laber if they are losing any parking with this additional square footage. Mr. Laber stated "not with this additional square footage." Pat then addressed Resident #1's issues and told her she did not think these were Zoning Board issues that we could address, but should be addressed with someone. It should be looked at as a possible safety or health issue. Mike Lissow stated there was probably about 6' between Dr. Dick's and the Library. Dr. Dick only has about 2' of that. Mike felt that maybe something should be worked out between Dr. Dick and the Library. Resident #1 stated the Town has looked into it but said the Fire Department will not let them close it off.

**Richard LaForce** understands Resident #1 point of view and feels it should be addressed in regards to the alley way between the two buildings. Mr. LaForce does not have any problem with the additional square footage.

**Richard Bjornholm** stated the Zoning Board of Appeals does have some latitude to be able to make some changes to an application to satisfy the needs, we do not have the ability per say to "block off" a piece of property that is not up for review. Chairman Bjornholm stated that the above issues should be handed over to the Code Enforcement

Office. In regards to the parking issue, the Planning Board has looked over this application and has determined the parking spaces are long and wide enough to meet the needs. The only issue the Zoning Board can deal with tonight is the additional 17 square feet that 3 West Avenue is requesting. Chairman Bjornholm did ask Mike Lissow is there anything that can be done so that this new building will not be defaced? Mike Lissow stated he will get together with the Town of Parma, Dr. Dick and the Village of Hilton and discuss the concern. Chairman Bjornholm explained “our” hands are tied but we can at least bring it to another Board’s attention.

After much discussion and all persons being heard:

**Motion** to approve the 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 2,077 square feet. This property is zone Limited Commercial. Per Section 24-310 (D) (2), which states “The foundation for the principal structure shall not exceed 1,500 square feet.” Motion made by Richard LaForce, seconded by Pat Holenbeck. **Motion** approved 4-0.

### **PUBLIC HEARING– 40 SOUTH AVENUE – CONDITIONAL USE PERMIT**

Application of Mr. Joseph Julian, as agent for Lynna Russo, to consider a Conditional Use Permit at 40 South Avenue, tax id 032.06-3-25, for the conversion of a single family dwelling to a two-family rental property. This property is zoned Limited Commercial, per Section 24-302 B (2).

The public hearing opened at 7:30 p.m.

Joseph Julian, agent for Lynna Russo was present to represent this application. Mr. Julian stated the house was bought on foreclosure and was in the process of being transformed into a two-family dwelling by the previous owner. Chairman Bjornholm asked Mr. Julian if he was told it was a single family home? Mr. Julian stated “no.” Chairman Bjornholm asked what the parking situation is like? Mr. Julian stated they had put in a new driveway and there is more than enough parking. The barn-type garage will be used as a garage.

### **Public Comment:**

Resident #2, South Avenue, is it Code to have only one entrance (stairwell) in this structure? Mike Lissow stated “Yes, it is within Code and they are putting in egress windows in the upstairs bedrooms.” Chairman Bjornholm stated that before a C of O is issued the Fire Marshal/Code Enforcement will do the proper inspections. Resident #2 stated as a property owner across the street he is concerned about property value/parking.

Resident #2 stated pulling in and out of his driveway is already a nightmare. Chairman Bjornholm explained to Resident #2 what a Conditional Use Permit is and what that means.

Joe Lee, Village Trustee, stated the east side of South Avenue has been bought and cleaned up and looks very nice so he wishes Mr. Julian well.

Public hearing closed at 7:29 pm.

### **Board Comment:**

**Pat Holenbeck** – could not believe his attorney did not make him aware that this was a single family dwelling. Pat asked Resident #2 if there would be any conditions he would like to see addressed? Resident #2 stated it is nice to look out his front window and not see red paint running off the shutters onto the white house.

**Jim Bimmler** – none

**Rick Bjornholm** – asked Mike Lissow if it was being brought up to code? Mike stated, “Yes, as discussed earlier the upstairs bedroom will be having an egress window installed.” The downstairs is already rented. There was a permit for the addition in the 1990’s but the kitchen area in the upstairs was unknown. Planning Board did review this application and waived site plan approval. Clarified that Joseph Julian is the person to contact with any issues regarding this property but the owner is Lynna Russo who lives in Irondequoit.

**Richard LaForce** – none

With all persons being heard:

**Motion** to approve the application of Mr. Joseph Julian, as agent for Lynna Russo, to approve a Conditional Use Permit at 40 South Avenue, tax id number 032.06-3-25, for the conversion of a single family dwelling to a two-family rental property. This will not change the character of the neighborhood. This property is zoned Limited Commercial, per Section 24-302 B (2). Motion made by Pat Holenbeck, seconded by Richard LaForce. Motion approved 4-0.

### **REPORTS**

Liaison’s Report -

Joe Lee

Zoning Code Officer’s Report -

Mike Lissow

Chairman’s Report -

Chairman Bjornholm gave his report.

## **MINUTES**

**Motion** to approve the December 11, 2007 minutes as submitted, motion made by Jim Bimmler, seconded by Pat Holenbeck. **Motion** approved 3-0-1 (Richard LaForce abstained)

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:09 p.m. **Motion** made by Jim Bimmler, seconded by Pat Holenbeck.

Respectfully Submitted,

Debbie Jones, Recording Secretary