

**Village of Hilton Zoning Board
Meeting Minutes of May 13, 2008**

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

Member's Absent: Pat Holenbeck

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

Guests: Frank Crocetta, Fran Crocetta, Dale Crocetta, Guy Lovejoy, Linda Lovejoy, Paul Havens, Viola Tompkins, Joe Davey, Arda Davey, Michele Kent-Killeen

1. Call the meeting to order at 7:04 p.m. with the pledge of allegiance.
2. Chairman Rick Bjornholm explained the Zoning Board functions and responsibilities.

3. PUBLIC HEARING - 9-11 SOUTH AVENUE - AREA VARIANCE

1. Application of Attecorc Inc., 9-11 South Avenue, for an Area Variance to install one exterior, 5' x 4', (20 square feet) illuminated, projecting sign on the front (west facing) elevation. Per Section 24-602-E (5), projecting signs shall not exceed a maximum of 12 square feet. This property is zoned Central Business District.
2. Application of Attecorc Inc., 9-11 South Avenue, for an Area Variance to install one exterior, 5' x 4', (20 square feet) illuminated, sign on the rear (north facing) elevation. Per Section 24-602 -D (1), no sign shall exceed 16 square feet.

Dale Crocetta, co-owner of the new Hilton Hardware store, n.k.a Hilton Pro Hardware was present to represent this application. Mr. Crocetta explained Attecorc, Inc. would like to keep the existing signs but change the panels to read Hilton Pro Hardware. The store is no longer operating as an Ace Hardware store. Mr. Crocetta stated this would be the least expensive option as they must cease using the ACE Hardware name and begin using Pro Hardware.

Public hearing was opened at 7:05 p.m.

Public Comment: None

With there being no public objection the public hearing was closed at 7:10 p.m.

Board Discussion:

Bob Cusenz stated it is an established business, one that has been in the Village for many, many years. Mr. Cusenz states he does not have any problem with this Area Variance.

Member's **Richard LaForce, Rick Bjornholm and Jim Bimmler** stated they agree with Member Cusenz and wished them well.

Motion to approve the application of Attecorc Inc., 9-11 South Avenue for an Area Variance to install one exterior, 5' x 4' (20 square feet) illuminated, projecting sign on the front (west facing) elevation. Per Section 24-602-E (5), projecting signs shall not exceed a maximum of 12 square feet. This will not change the character of the neighborhood. This property is zoned Central Business District.

Motion made by Jim Bimmler, seconded by Richard LaForce. Favor 4-0.

AND

Motion to approve the application of Attecorc Inc., 9-11 South Avenue for an Area Variance to install one exterior, 5' x 4' (20 square feet) illuminated sign on the rear (north facing) elevation. Per Section 24-602-D (1), no sign shall exceed 16 square feet. This will not change the character of the neighborhood. This property is zoned Central Business District.

Motion made by Jim Bimmler, seconded by Richard LaForce. Favor 4-0.

4. PUBLIC HEARING - 22 MAIN STREET - CONDITIONAL USE PERMIT

Application of Sean Kent-Killeen, 22 Main Street, for a Conditional Use Permit to allow an outdoor dining area. Per Section 24-311-C (4) Retail sales, eating or non-alcoholic drinking not conducted entirely within a completely enclosed building is permitted upon Site Plan approval and in accordance with Article IV. This property is zoned Central Business District.

Michelle Killeen was present to represent this application. Mrs. Killeen explained they would like to place two tables with two chairs each against the south side of the building front, under their two front windows on the sidewalk. They would be sure not to block the pedestrian walkway. They would also like to place a 6' folding table with attached bench seats in the rear entrance area under the canopy against the north side of the building, again not to block the flow of pedestrian traffic. Mrs. Killeen stated the tables and chairs would be brought in each night at the end of business.

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

Public Comment: None

With there being no public objection the public hearing was closed at 7:15 p.m.

Board Discussion:

Jim Bimmler stated he sees no problem with this Conditional Use permit and personally feels this is the most successful business we have had in the Village in a long time.

Richard LaForce agrees with Member Bimmler.

Bob Cusenz stated based on past experience he is fine with it.

Rick Bjornholm asked Mrs. Killeen if the picnic type style table will be to the right of the rear door and if trash containers will be made available? Mrs. Killeen answered yes to both questions.

Motion to approve the application of Sean Kent-Killeen, 22 Main Street, for a Conditional Use Permit to allow an outdoor dining area. Per Section 24-311-C (4), Retail sales, eating or non-alcoholic drinking not conducted entirely within a completely enclosed building is permitted upon Site Plan approval and in accordance with Article IV. This property is zoned Central Business District.

With the following conditions:

- a. Tables and chairs will be brought in each day at the end of business.
- b. This permit will be reviewed in one (1) year.

Motion made by Richard LaForce, seconded by Jim Bimmler. Favor 4-0.

5. PUBLIC HEARING – 158 EAST AVENUE – (2) AREA VARIANCES

Application of St. Paul Lutheran Church, 158 East Avenue for two (2) area Variances to construct a sign with:

1. A width of 6 feet, and a height of 6 ½ feet, per Section 24-602-D 11 (C) no sign shall be greater than 20 square feet in area and per Section 24-602-D 11 (D) the highest side of sign shall not exceed 6 feet above the ground.
2. Internal illumination, per Section 24-602 D (1) no sign shall be illuminated.

This property is zoned Residential District.

Paul Havens, 64 Orchard Hills Dr., Spencerport, NY 14559 was present as agent for St. Paul Lutheran Church to represent this application. Mr. Haven's stated they would like to replace the old sign and move it to a new location. The sign would basically be the same size but lower than the old sign.

Public hearing was opened at 7:20 p.m.

Public Comment: None

With there being no public objection the public hearing was closed at 7:25 p.m.

Board Discussion:

Jim Bimmler – no objection

Richard LaForce – no objection

Bob Cusenz – no objection

Richard Bjornholm asked Mr. Havens if the internal illumination would be much brighter? Mr. Havens stated it would be a little brighter than it is now but to take into consideration the one now has yellowed with age.

Motion to approve the application of St. Paul Lutheran Church, 158 East Avenue, for two (2) Area Variances to construct a sign with:

- 1a. A width of 6 feet, and height of 6 ½ feet, per Section 24-602-D 11 C no sign shall be greater than 20 square feet in area; and

1b. Per Section 24-602-D 11 (D) the highest side of sign shall not exceed 6 feet above the ground.

This will not change the character of the neighborhood.

This property is zoned Residential District.

Motion made by Bob Cusenz, seconded by Jim Bimmler. Favor 4-0.

AND

Motion to approve the application of St. Paul Lutheran Church, 158 East Avenue, for an Area Variance to construct a sign with:

2. Internal illumination, per Section 24-602 D (1), no sign shall be illuminated.
This property is zoned Residential District.

Motion made by Bob Cusenz, seconded by Jim Bimmler. Favor 4-0.

6. PUBLIC HEARING – 136 SHERWOOD DRIVE – AREA VARIANCE

Application of Guy & Linda Lovejoy, 136 Sherwood Drive, for an Area Variance to construct a 24' x 18' garage addition with a front setback of 21.45'. Per Section 24-302-C (3), the minimum front setback for corner lots shall be 35 feet.

This property is zoned Residential District (R-1).

Guy and Linda Lovejoy were present to represent this application. Mr. Lovejoy stated they have been living on Sherwood Drive since 1992 and presently the house is 1,040 sq. ft. They would like to turn their current garage into living space and build a two (2) car garage attached onto the west of the existing house. They need additional living space for their family of four and this would be the most feasible and economical solution for them.

Public hearing was opened at 7:26 p.m.

Public Comment:

Resident #1, stated she understands the need for Lovejoy's to do this project and that they are good neighbors but is concerned with what this will look like from her view? Resident #1 inquired if the Lovejoy's would be willing to put up a fence?

With all persons being heard, the public hearing was closed at 7:35 p.m.

Board Discussion:

Bob Cusenz stated he understands Resident #1's feelings of the project but he sees the need for relief for the Lovejoy's and there is no other alternative to position the garage.

Richard LaForce asked if there would be any problem in moving the fence? Mr. Lovejoy stated he understands Resident #1's concern.

Jim Bimmler agreed with the above member's suggestions and concerns.

Rick Bjornholm visited the property and stated the way the houses are situated in the Circle make it very difficult to do this project any differently. Chairman Bjornholm asked the Lovejoy's if they would be willing to add on to the fence? The Lovejoy's stated "yes". Chairman Bjornholm advised them it would have to be the same height and general construction, the Lovejoy's agreed.

Motion to approve the application of Guy & Linda Lovejoy, 136 Sherwood Drive, for an Area Variance to construct a garage addition with a front setback of 21.45'. Per Section 24-302-C (3), the minimum front setback for corner lots shall be 35 feet. This property is zoned Residential District (R-1).

With the following conditions:

- a. that the north fence be extended the same length as the garage of similar construction and material as existing fence.
- b. there were no negative public comments.

Motion made by Bob Cusenz, seconded by Richard LaForce. Favor 4-0.

REPORTS

Liaison's Report -

Larry Speer - Absent

Zoning Code Officer's Report -

Mike Lissow - Absent

Chairman's Report -

Chairman Bjornholm gave his report.

MINUTES

Motion to approve the March 11, 2008 minutes as submitted, motion made by Jim Bimmler, seconded by Rick Bjornholm. **Motion** failed 2-2. Bob Cusenz and Richard LaForce abstained from voting (absent at March meeting). Minutes will be re-addressed when 5 members are present to vote.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:01 p.m. **Motion** made by Richard LaForce, seconded by Jim Bimmler.

Respectfully Submitted,

Debbie Jones, Recording Secretary

