

Village of Hilton Zoning Board of Appeals
March 13, 2012
Approved April 11, 2012

Members Present: Vice-Chairman Tom Scheg, Richard LaForce, Bob Hunte, Dave Wright, Pat Holenbeck

Members Absent: Richard Bjornholm

Others Present: Mike Lissow, Code Enforcement Officer, Mayor Joe Lee, Trustee Larry Speer, Trustee Walt Horylev, Amy Harter, Recording Secretary

Guests: Ken Sixt, Doug McPherson, Lou Terragnoli, Matthew Oates, Jim Rumsey, Karen DeVay, Howard Engle, Eric LePore, Frank LePore,

1. Call the meeting to order at 6:30 p.m. with the pledge of allegiance to the flag.
2. Vice Chairman Scheg explained Member David Wright is an alternate ZBA member. Due to the absence of Chairman Bjornholm, Member Wright's status is changed from alternate to member for this meeting.

3. ZONING SEGMENT

Vice Chairman Scheg explained the Zoning Board's responsibilities and functions.

PUBLIC HEARING

Application of Ken Sixt, 10 Canning Street, for an Area Variance to construct a building with 1. A side set back on the north property line of 14 feet. 2. A rear set back on the west property line of 17.6 feet. Per Section 24-305 D (2) Rear and side setbacks shall be 20 feet where they abut a residential district. This property is zoned Commercial.

- a) Ken Sixt was present to represent this application. This proposal is to construct a building at this site that requires variances. An overhead site plan of the property was provided and displayed via projector for all in attendance.

- b) Vice Chairman Scheg opened the Public Hearing at 6:36 p.m. No one from the public had questions or statements for this application; the public portion of the meeting was closed immediately.
- c) Member Hunte explained the application was reviewed last month and he is satisfied with the proposal. He conducted the Area Variance balance test. Member Wright said he is concerned for the neighbors that would be affected by the proposal however, no neighbors are present. Member Wright stated he too conducted the balance test. Member LaForce also conducted the balance test. Member Holenbeck did not conduct balance test, but is familiar with the property.
- d) Mike Lissow explained this application is a SEQR Type II unlisted action; therefore, no further action required. Monroe County Department Planning and Development does not need to review this application as it is exempt per an agreement with the Village of Hilton.
- e) Member Holenbeck made a motion to approve an Area Variance Request of 10 Canning St. for a side set back on the north property line of 14 ft. Per Section 24-305D.(2), rear and side setbacks shall be 20 ft. where they abut a residential district. This property is zoned Commercial. A review of the Area Variance-Balance Test supports this approval as follows:
 - 1. No undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.
 - 2. Applicant cannot achieve a reasonable placement of the intended commercial building without sacrificing a significant number of parking spaces.
 - 3. The variance is not substantial.
 - 4. The variance will not have an adverse impact on physical or environmental conditions in the neighborhood of district.
 - 5. There has been no self-created difficulty to cause this variance.

The motion was seconded by Member LaForce. This approval becomes valid upon transfer of ownership from the Village of Hilton to Ken Sixt, approved 5-0.

- f) A motion was made by Member Wright to approve an Area Variance Request of 10 Canning St. for a side set back on the west property line of 17.6 ft. Per Section 24-305D.(2), rear and side setbacks shall be 20 ft. where they abut a residential district. This property is zoned Commercial. A review of the Area Variance-Balance Test supports this approval as follows:
 - 1. No undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.
 - 2. Applicant cannot achieve a reasonable placement of the intended commercial building without sacrificing a significant number of parking spaces.
 - 3. The variance is not substantial.

4. The variance will not have an adverse impact on physical or environmental conditions in the neighborhood of district.
5. There has been no self-created difficulty to cause this variance.

The motion was seconded by Member Hunte, approved 5-0. This becomes valid upon transfer of ownership from the Village of Hilton to Ken Sixt.

- g) This application will be placed on the April agenda to consider Site Plan Review.

5. PLANNING SEGMENT

Vice Chairman Scheg read the responsibilities of the Zoning Board during the Planning segment of the meeting.

Action- Public Hearing – Façade changes
Name- Benderson Development
Address- 98 South Avenue

- a) On February 29, 2012 an interim workshop was held at the Community Center. Present from the Village were Tom Scheg, Bob Hunte and Mike Lissow. Lou Terragnoli, Jim Rumsey and Matt Oates were present from Tops and Benderson Development. There were differences of opinion on architectural features that were discussed at the February 14th ZBA meeting. At the 2/29 workshop there was discussion about changes to the plans. Amendments have been made by Benderson and the board is now in agreement with the revised proposal. Member Hunte made a motion to approve Preliminary Site Plan Review, seconded by Member LaForce, approved 4-0-1, Member Holenbeck abstained as she was absent from the February 14th meeting.
- b) Jim Rumsey was present to represent this application. He explained the changes to the first Preliminary plan that have been made. Those changes include: Columns will be mounted to the wall under Tops gable; columns will not be placed the CVS entrance. The existing brick will not change. The roof facade that encompasses only Tops will be changed to architectural shingles, the existing roof over CVS and the rest of the plaza will remain metal. There will be a small bump out for the bottle return area.
- c) Vice –Chairman Scheg opened the Public Hearing at 7:05 p.m. Trustee Horylev stated design is interesting. He suggested a cupola similar to the Spencerport Tops store on the plaza portion of the building.
- d) Karen DeVay, 38 Parkwood Lane, asked what businesses will not be in the plaza? Mr. Oates stated no tenants at this time will be displaced. Trustee Horylev asked if a sign for the plaza will it have tenants’ names. Vice-Chairman Scheg explained it was suggested that the west facing area house a “plaza name” sign.

- Lou Terrangoli explained they are considering something of the like. They are not currently proposing new signage at this time. Trustee Horylev suggested a clock tower.
- e) Vice Chairman Scheg closed public hearing at 7:17 p.m.
 - f) Member Hunte clarified the size of CVS's opening. He also clarified that the proposed columns under the Tops gable will not be visible from inside the store. The windows will be bricked and dry-walled inside if necessary. Propane storage: it was agreed that wherever the location there will be bollards to protect the area.
 - g) Member Wright questioned if there would be any garden plants displayed outdoors. Mr. Terragnoli stated they may. Member LaForce stated overall the presentation is improved and he is very pleased. Member Holenbeck is pleased and feels the application is complete.
 - h) Mike Lissow explained this application is a SEQR Type II unlisted action; therefore, no further action required. Monroe County Department Planning and Development does not need to review this application as it is exempt per an agreement with the Village of Hilton.
 - i) Member Holenbeck made a motion to approve Site Plan Application for Building façade upgrades to the retail shopping center located at 98 South Ave. This property is zoned Commercial. This approval is based on an Applicant submitted rendering dated 9.1.11 with latest revisions of 3.8.12 and the following list of features which is not considered all inclusive:
 - 1. South facing tower totally removed.
 - 2. Façade will become a single plane surface from relief at CVS to the southwest corner of building.
 - 3. Jut-out over Chinese restaurant & FAMILY DOLLAR is eliminated.
 - 4. Current pavement safety bollards will be removed.
 - 5. It may be necessary to suspend a safety bollard off the corner at CVS.
 - 6. The outward most plane will become common from southwest corner through the "entrance" at TOPS. (except for the set-back relief at CVS)
 - 7. Façade surface above TOPS will be converted to shingles.
 - 8. Remainder of façade will continue to use current metal skin. Color will be matched as closely as possible.
 - 9. Building brick will NOT be painted or stained.
 - 10. Façade section over cart queue and recycling alcove will be projected outward to provide roof/weather protection.
 - 11. Linear roof lines will be finished with appropriate highlighting edging.
 - 12. An architecturally harmonious wall will be constructed to create an exterior shopping cart queue from existing pillar at entrance eastward towards recycling alcove. East end of wall to provide enough space to maneuver in carts so that they are always forward facing in the queue. Height of this wall will be only that necessary to HIDE the stored carts.

13. Recycling alcove will be constructed using clear or translucent curtain wall acrylic material.
14. Simulated columns under primary TOPS' gable will be (similar to) Fypon material with simulated bases. Projection off wall may be less than 4".
15. The West facing tower (South Ave. front) stays as is.

The motion was seconded by Member Hunte, approved 5-0.

6. Action- Preliminary Site Plan
Name- Howard Engle
Address- 162 Parkwood Lane

- a) Steve Wyse was present to represent this proposal. The proposal is to install a door and to build a 7'.5" x 8' elevated deck. Photos were provided and reviewed by all in attendance. Currently, there is no access to the rear yard. There are 5 decks in this development; therefore precedence has been set in this neighborhood. Drawings were provided at the meeting.
- b) Member Hunte stated ownership is different within the development, this unit is owned by Mr. Engle and rented to a tenant. Member Wright stated there are other decks.
- c) Member LaForce stated the need is obvious and will improve curb appeal of the property. Member Hollenbeck agreed. Motion to approve Preliminary Review was made by Member Wright, seconded by Member Hollenbeck.

7. Reports

- Liaison report given.
- Code Enforcement report given.

8. Minutes

The minutes from the February 14, 2012 meeting as submitted, Member LaForce made the motion, seconded by Member Hunte, approved 4-0.

9. Dates

Next Scheduled Meeting	Tuesday, April 10, 2012
Public Agenda Deadline	Tuesday, March 27, 2012

10. Adjournment

Vice Chairman Scheg asked for a motion to adjourn the meeting at 7:45 p.m. Member Wright made the motion, seconded by Member Hunte.

Respectfully Submitted,

Amy Harter, Recording Secretary