

Village of Hilton Zoning Board  
Meeting Minutes of December 9, 2014  
Approved

Member's Present: Chairman Richard Bjornholm, Pat Holenbeck, Shelly Kordish  
Richard LaForce (6:40 p.m.)

Member's Absent: Bob Hunte

Administration Present: Mike Lissow; Code Enforcement Officer, Shannon Zabelny;  
Village Board Liaison, Joe Lee; Mayor, Debbie Jones; Zoning  
Board Secretary

Guests: Tim Thomas, Brian Simpson, Betty Yokobosky, Anna Summa,  
Maureen Spindler

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.

**ZONING SEGMENT**

**PUBLIC HEARING:**

- Application of St. Leo's Church, 167 Lake Avenue for a Conditional Use permit to display used items outside for sale. This property is zoned residential.

Tim Thomas, a parishioner with St. Leo's Church and on the Advisory Board for Second Time Treasures was present to represent this application. Also, present was Anna Summa, the manager of Second Time Treasures Resale Ministry Shop. Mr. Thomas stated the resale shop opened in September 2010. In September 2013 they were notified by the Village of Hilton they could not place items for sale outside.

Mr. Thomas attached with the Zoning Board application a revenue, expense and donation history of the shop and a list of organizations they support with surplus donations. Mr. Thomas expressed his concern of not being able to display items outside because they have seen a substantial hardship on the ministry since they have had to bring the items inside. They have seen a 40% decrease in both customers and income over the last 12 months. Mr. Thomas stated they do not have the funds for advertising or other marketing activities and feels the outside displays generated a significant amount of "foot traffic." Mr. Thomas explained the income generated by the resale shop is used to fund several St. Leo ministries as well as the operating expenses of Second Time Treasures. They also are a significant contributor to several organizations in the Rochester area and it helps individuals fulfill community service.

Member LaForce arrived.

## **BOARD COMMENTS:**

**Member Kordish** asked if the items were outside daily. Mr. Thomas along with Ms. Summa stated weather permitting and only when they are open which is three (3) days a week (Tuesday, Thursday and Saturday's.) Member Kordish also asked if they advertise on Craigslist and if there have been any complaints from the neighbors? Ms. Summa stated they do advertise on Craigslist but appointments must be made and to their knowledge there have been no complaints from the neighbors. Per Code Enforcement Officer Mike Lissow, at one time there was an issue with stuff being dropped off outside but it has since been rectified. Member Kordish feels they are a benefit to the Community and it would be disappointing to see them have to close.

**Member Holenbeck** asked for a clarification on the requirements of this request. Code Enforcement Officer Mike Lissow explained they are in a residential area, as we explained when they opened, if the need for an outside display became necessary they would have to apply for a Conditional Use permit except for special events such as Apple Fest, Community Garage Sale and St. Leo's Annual Rummage Sale.

**Member LaForce** feels it is a benefit to the Church and the Community.

## **PUBLIC COMMENTS:**

**Maureen Spindler, 175 Lake Avenue, Hilton,** stated St. Leo's is growing and have been good neighbors for many years. However; she is "dead set" against the items being on the front lawn. This is something that she and her family have to look at. They are a retail operation and they collect sales tax. Mrs. Spindler stated she had a business that was in a Limited Commercial District and she would have never been able to do any of this. She also stated there was never any notification or communication when Second Time Treasures was going to open and it would have been nice as a neighbor to be alerted Mrs. Spindler added she is not against the special events such as Apple Fest, Community Garage Sale, etc.

Tim Thomas asked if they could just address the "Conditional Use permit" item they are here for tonight.

Anna Summa stated any person/entity that does an event more than three (3) times a year, New York State requires sales tax to be charged.

**Joe Lee, 133 West Avenue, Hilton,** asked if they had put furniture out front. Anna stated "Yes". Mr. Lee asked why they were told not to display items out front. They stated the Village told them they could no longer display the items out front. Code Enforcement Officer stated they were told when they opened up they could not display items outside. Mr. Lee stated he is against it.

**Member Holenbeck** asked if there could be a compromise on the placement of items (e.g. south side of the building.) She stated it does look junkie to have items on the lawn but she can see the

benefit as far as enticing customers. She doesn't want the Ministry to suffer yet it is a neighborhood.

Tim Thomas stated they had thought of expanding into the basement but after speaking with Mike Lissow it didn't meet Code. Mr. Thomas stated they are more than willing to work with the Village to be able to receive the Conditional Use permit.

**Chairman Bjornholm** asked if they had a sign out front. Ms. Summa stated they do have a sign and a flag. Chairman Bjornholm clarified with Code Enforcement Officer Mike Lissow that there has been no complaints on the lawn items. Mr. Lissow stated no. Chairman Bjornholm asked how many items are usually displayed in the front lawn area. Ms. Summa stated in the summer probably up to 15 items and in the winter maybe up to 5 items.

After much discussion,

**Member Holenbeck** made the motion to approve the application of St. Leo's Church, 167 Lake Ave. for a Conditional Use permit to display items outside for sale. This property is zoned residential with the following conditions:

- a. A maximum of five (5) items are to be displayed outside at one time.
- b. Items shall be placed south of the sidewalk that runs east and west to the main entrance.
- c. To be reviewed in six (6) months.

Seconded by Member LaForce, approved 4-0

#### **Conditional Use Permit Review:**

- 1 Year review of David Dix, 122 Hillside Drive, a.k.a. Village Wholesalers, 100 Old Hojack Lane. Conditional Use permit to sell used cars outside.

Code Enforcement Officer Mike Lissow stated Mr. Dix had a lot of trouble getting paperwork through the State and he only just started displaying vehicles, he would like to recommend keeping this item open for another six (6) months. Mr. Lissow stated he has been keeping an eye on the car lot. Chairman Bjornholm and the Board agreed to table this agenda item for six (6) months.

#### **DISCUSSION:**

Code Enforcement Officer Mike Lissow advised the Board of the NYPF Conference in Lake George, April 12-14, 2015. Mr. Lissow needs to know as soon as possible who will be attending.

**REPORTS:**

Code Enforcement Officer  
Village Board Liaison  
Chairman's Report

Mike Lissow gave his report  
Shannon Zabelny gave her report  
Rick Bjornholm gave his report

**MINUTES:**

Member LaForce made a motion to approve the Zoning Board of Appeals August 12<sup>th</sup>, 2014 meeting minutes; seconded by Member Kordish, and approved 3-0-1 (Member Holenbeck abstained).

**DATES:**

Next Scheduled Meeting                      Tuesday, January 13, 2015  
Public Agenda Deadline                      Tuesday, December 30, 2014

There being no further business, the meeting was adjourned at 7:37 p.m.

Respectfully Submitted,

Debbie Jones, Recording Secretary