

Village of Hilton Zoning Board
Meeting Minutes of March 8, 2016
Approved

Member's Present: Richard LaForce, Pat Holenbeck, Shelly Kordish and Murray Weaver

Administration Present: Code Enforcement Officer Mike Lissow, Mayor Joe Lee, Village Board Liaison Jim Gates, and Recording Secretary Debbie Jones

Guests: Gary Inzana

Code Enforcement Officer Mike Lissow called the meeting to order at 6:30 p.m. with the Pledge of Allegiance to the flag.

Code Enforcement Officer Mike Lissow explained the functions and responsibilities of the Zoning Board.

ZONING SEGMENT – 9 SOUTH AVENUE – PUBLIC HEARING

Application of Gary Inzana, 9 South Avenue, for an area variance to construct a building without a basement, per section 24-311 D (5) all building shall have a full basement. Also build with a pitched roof; per Section 24-311 D (7) all buildings shall have flat roofs.

This property is zoned Central Business District.

Mr. Inzana stated the main structure at 9 South Avenue has a pitched roof and a full basement. He would like the addition to coordinate with the existing building having the pitched roof but feels having a basement in the addition is not necessary.

BOARD COMMENTS:

Member LaForce had a question regarding the grading on the east and west side, if there could be changes made? Mr. Inzana stated it is going to be addressed when they get to the Architectural Review. Member LaForce felt it was an excellent presentation and he had no further questions.

Member Kordish has no questions.

Member Holenbeck directed the question to Code Enforcement Officer Mike Lissow as to why "section 24-311 D (5) all buildings shall have a full basement" is required? Mr. Lissow stated he feels this "section" is antiquated and other than for storage and utility purposes there isn't a viable reason for a basement in commercial buildings. Member Holenbeck just wanted clarification so in years to come not having a basement doesn't become an issue. Mr. Lissow stated he feels that would not be the case. Member Holenbeck had no further questions.

Member Weaver stated all of his questions have been answered.

PUBLIC COMMENT opened at 6:41 p.m.

Code Enforcement Officer Mike Lissow reported this is a Type II SEQR with no further action required. This was also referred to County Planning and was returned with no comments as this is a matter for local determination.

PUBLIC COMMENT closed at 6:42 p.m.

The Board read through and answered the Area Variance Criteria questions.
Whether the benefit can be achieved by other means feasible to applicant; they feel it cannot.
Is this an undesirable change to neighborhood character or detriment to nearby properties; the Board feels allowing the pitched roof is better for the neighborhood character.
Whether the request is substantial; the addition is a large section of the new construction project, however; as previously stated they feel the pitched roof is better.
Whether request will have adverse physical or environmental effects; they all agreed no.
Whether alleged difficulty is self-created (which is relevant, but not determinative)? The Board felt is relevant, but not determinative.

After some discussion,

Member LaForce made the motion to grant the Area Variance to Gary Inzana, 9 South Avenue, to construct a building without a basement and with a pitched roof, Member **Weaver** seconded, and approved 4-0

REPORTS:

Mayor's Report	Joe Lee gave his report.
Village Board Liaison	Trustee Jim Gates gave his report.
Code Enforcement Officer	Mike Lissow gave his report

DISCUSSION

Code Enforcement Officer Mike Lissow addressed the Board on clarification of two Zoning Codes.

1. Two, possibly three Churches are looking into updating their signs. They have expressed interest in the electronic signs (e.g. reference High School and Fire Department.) In our Code, electronic signs are prohibited. The above referenced are exempt from Zoning code requirements, however; Mr. Lissow feels at some point we cannot make people feel some are above these code requirements by not allowing them to have the same choices. After some discussion, the Board was in agreement (Members Weaver, Holenbeck, Kordish and LaForce) to

addressing these sign applications if or when the time comes with the stipulation that conditions would be put in place (e.g. hours the sign is lit, background, etc.)

2. There seems to be a misinterpretation of Code 24-602 E (6) “One construction or home improvement Sign per construction project, not exceeding six square feet in area in residential districts or 12 square feet in all other districts, provided that such Sign shall be removed five days after the completion of construction. Such Signs shall be confined to the property on which the construction is taking place.” Mr. Lissow would like to hear from the Board as far as clarification on the wording “construction project” vs. “property maintenance” Does the Board consider the weekly mowing and upkeep of a lawn by someone other than the homeowner a “construction project?” Should the property maintenance/landscape company be able to advertise said business by installing signs on these properties and around the Village because they feel they fall under Code 24-602 E (6)? After some discussion, the Board was in agreement (Members Weaver, Holenbeck, Kordish and LaForce) that unless the Property Maintenance/Landscape Company is doing a landscape project (e.g. new porch/steps, removing/adding greenery/gardens) they do not fall under the Code 24-602 E (6). Mr. Lissow stated he will move forward with an issue that he has received complaints on in regards to this matter.

Code Enforcement Officer Mike Lissow stated there are a few codes that need updating and explained the process of having a law changed. Mr. Lissow would bring the Code before the Zoning Board, once it is re-written it goes before the Village Board of Trustees, and then it goes to the State to be filed as a new law. The process can take several months for completion.

MINUTES

Member Weaver made the motion to accept the Zoning Board of Appeals February 9, 2016 meeting minutes; seconded by **Member Holenbeck**, and approved 4-0.

DATES

Next Scheduled Meeting	Tuesday, April 12, 2016
Public Agenda Deadline	Tuesday, March 29, 2016

There being no further business, **Member LaForce** made the motion to adjourn the meeting at 7:30 p.m., seconded by **Member Kordish**, and approved 4-0.

Respectfully Submitted,

Debbie Jones, Recording Secretary

