

Joseph M. Lee, Mayor

TRUSTEES

Andrew J. Fowler  
Sherry A. Farrell  
Larry W. Speer  
Shannon Zabelny

Shari Pearce Village Manager/Clerk  
Jeff Pearce Supt. of Public Works

# VILLAGE OF HILTON

59 HENRY STREET  
HILTON, NY 14468

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Zoning Board of Appeals  
Meeting Minutes of February 9<sup>th</sup>, 2021  
Approved

ZBA Member's Present: Chairman Kim, Pat Holenbeck, Murray Weaver, Shelly Kordish, Harry Reiter

Administration Present: Mayor Joe Lee, Village Board Liaison; Larry Speer, Code Enforcement Officer; Mark Mazzucco, Village Manager, Shari Pearce, and Recording Secretary; Debbie Jones

Guests: Linda Viney, Stacy Fleming, Donna Chambers, Rita Parks, Wendy Osborne, Shirley MacFarland, Rodney Crandall, Pat Littlefield, Greg Colavecchia, Laurie Baxter, Dennis Draper, William Mikels, Sharon Smith, Tom Smith, Ann Kolb, Pam Merrill.

**Chairman Kim Fay** called the meeting to order at 6:30 p.m. with the Pledge of Allegiance and a moment of silence.

## MINUTES:

**Member Holenbeck** made the motion to accept the January 26<sup>th</sup>, 2021 Village of Hilton Zoning Board of Appeals meeting minutes, seconded by **Member Reiter**, and approved 5-0.

## REPORTS:

Mayor	Joe Lee gave his report
Village Board Liaison	Larry Speer gave his report
Code Enforcement Officer	Mark Mazzucco no report given.

## ZONING SEGMENT:

**Member Kordish** read the Explanation of the Zoning Board of Appeals procedures.

**Chairman Fay** opened the Public Hearing at 6:42 p.m.

## PUBLIC HEARING - CONDITIONAL USE PERMIT – 100 EAST AVE.

- Application of Stacy Fleming for the property located at 100 East Avenue for Conditional Use Permit for an in-home Business (Dog Breeding) per section 275-13B (3). This property is Zoned Residential.

Stacy Fleming stated to the Board she has lived in Hilton and her current residence since May 2010. She breeds dogs for support and therapy and currently has 12 dogs that are housed at 100 East Ave. Stacy provided in writing to the Board letters of credentials, Pet Dealer License, Veterinarian information, property insurance information, Certificate for being a Dog Trainer/Behavior Consultant and a complete list of day-to-day operation of the business and care of the dogs. These letters will be on file in the Village Office, in the address file. Stacy shared in the 11 years she has lived here she has never had one complaint on the business, she keeps in contact with the neighbors to make sure they do not have any concerns, etc. Ms. Fleming stated that Dr. Heidi Wendel from Apple Country Veterinary Hospital comes to the house for their veterinary care, knows her plan if something should happen to Ms. Fleming and is familiar with her helpers.

Stacy told the Board when she moved here and decided to start the business, she called the Village office and spoke with Office Staff as to what her responsibility would be to start the dog breeding business. Stacy was told at that time nothing needed to be done so she proceeded with her business. Fast forward to now when she applied for the in-home Business (Online Firearms Sales) at 115 East Avenue, our current Code Enforcement Officer, Mark Mazzucco informed her that the Dog Breeding business at 100 East Avenue goes against the Village of Hilton Zoning Code which would be, operating an in-home business without a Conditional Use permit issued by the Village of Hilton Zoning Board of Appeals.

Village Manager Shari Pearce interjected and wanted to make clear when Ms. Fleming originally called the Village office, Mark Mazzucco was not working for the Village of Hilton. The Code Enforcement Officer at that time has since retired.

**PUBLIC COMMENT:** Opened at 7:05 p.m.

Ann Kolb, 148 Railroad Ave asked how many dogs can Ms. Fleming have for breeding? Chairman Fay stated three (3) dogs. Village Manager, Shari Pearce stated the three (3) dog limit is for Village residents. Mrs. Kolb mentioned she hears the dogs barking at 6:30 a.m. especially when the windows are open. Ms. Fleming apologized and without knowing that until now she could not fix the issue. However, now that she knows she will see if she can do something with the walls, etc. Ms. Fleming added both houses have camera's with sound inside and out and are always on. She really feels if they were barking as stated she would know.

Several letters of positive feedback were received to the Village Office on behalf of the applicant. These letters will be kept on file.

**PUBLIC COMMENT** Closed at 7:20 p.m.

**BOARD COMMENT:** Opened at 7:21 p.m.

**Member Holenbeck** is concerned about the number of dogs and their exercise regimen. Ms. Fleming stated, and she also outlined this information with her application that she runs a structured exercise program, and the backyard has plenty of room for their exercise. **Member Holenbeck** fully understands this is Ms. Fleming livelihood but asked her if it would still be beneficial for her to run it with less dogs. Ms. Fleming stated she does not breed the dogs unless the puppies already have homes. Many times, she has to let the puppies go for less than what she is asking because some families just can't afford them but they really need the support dog. Ms. Fleming commented there will be 2 dogs that will be retiring in the very near future and will not be replaced bringing the count down to 10. Financially going any lower in the number of dogs would not be beneficial to her.

**Member Weaver** was adamant with Ms. Fleming on the fact she presented with 2 Code violations 1.) Too many dogs. and 2.) Residential neighborhood. **Member Weaver** feels as a business owner she should be aware of the Village/Town codes, not just for Hilton but wherever she would be opening a business. Ms. Fleming reiterated she did call the Village Office when she initiated plans of starting the breeding business but was told she did not need to do anything. Ms. Fleming stated obviously even after the Code changed still no one contacted her about having to apply for a Conditional Use Permit knowing she was operating the business.

**Member Reiter** asked Ms. Fleming how it is that she can live at two addresses, 100 and 115 East Avenue. Ms. Fleming stated 100 East Ave is where she stays if there is a litter of puppies. Upstairs is the living quarters, 3 bedrooms and 1 bathroom. Downstairs is where the dog's kennels are. If she is not at the house, she has helpers who help with the many chores, feeding, exercising, and may even sleep at the house.

**Chairman Fay** spoke to a neighbor who told him it is quite odiferous in the summertime. Ms. Fleming apologized and will be more than happy to be more diligent on keeping the backyard cleaned up.

**Member Kordish** asked Ms. Fleming if there are different times of the year the breeding is done, she stated no, it depends on when the females go into heat. **Member Kordish** inquired what is done with waste. Ms. Fleming states she has Stericycle, they remove medical waste, needles, etc. Deceased animals are cremated.

**Chairman Fay** stated he is still stuck on the number of dogs that are housed at the location.

**Board Comment** closed at 7:35 p.m.

**Chairman Fay** would like to table this application until the March 9<sup>th</sup>, 2021 meeting so the Zoning Board members can have more time to review this information. The Board agreed with this decision.

**PUBLIC HEARING -CONDITIONAL USE PERMIT – 115 EAST AVE.**

- Application of Stacy Fleming for the property located at 115 East Avenue for Conditional Use Permit for an in-home Business (Online Firearms Sales for a Federal Firearms License) per section 275-13B (3). This property is Zoned Residential.

Stacy Fleming would like to sell firearms and ammunition online; this business would be a hobby. There would be no one coming to the house and nothing stored at the house. This would all depend on the application for the dog breeding business. There is surveillance on both properties and is currently working with the ATF (Alcohol, Tobacco, Firearms and Explosives) to become a licensed firearms dealer.

**Chairman Fay** feels this application should be tabled along with this applicant's dog breeding application until the March 9<sup>th</sup>, 2021 meeting.

**PUBLIC COMMENT:** Opened at 7:37 p.m.

Pat Littlefield, 9 Country Creek Lane he is the current Board of Christian Education Chairperson for St. Paul Lutheran Church and School. Mr. Littlefield read a letter (letter will remain on file in the Village Office) referring to mass firearm target statistics that could oppose this application being close to a school and a Church. This letter also referenced the dog breeding business and how approving both applications could be a trend of turning a residential neighborhood into a "pseudo-commercial area." Mr. Littlefield continued to read that St. Paul's Lutheran Church and School has a "long and loyal relationship" with the Village of Hilton and Town of Parma Community, and to be clear they are not here to debate or take a position on the 2<sup>nd</sup> Amendment, or to infringe on anyone's ability to own a business they just would like the Board to be cautious in their decisions.

Greg Colavecchia, 37 Fraser Dr. stated he is a Village resident and has 2 children that attend St. Paul's Lutheran school. Mr. Colavecchia was hoping this application would be alleviated, could not be a worst location for this business. Mr. Colavecchia feels too much time was spent on the dog breeding business application. He is strongly opposed to this application and hopes the Board is capable of making the right decision for the safety of the community.

**Chairman Fay** wants to table this application until the March 9<sup>th</sup>, 2021 meeting until the Board rules on the dog breeding business. The Board agreed.

**Public Hearing** closed at 7:45 p.m.

**DATES:**

Next Scheduled Meeting	Tuesday, February 23, 2021
Public Agenda Deadline	Tuesday, February 23, 2021

There being no further business, **Member Holenbeck** made the motion to adjourn the meeting at 7:56 p.m.

Respectfully Submitted,  
Debbie Jones, Recording Secretary

Chairman Fay, Board members, Liaison Speer,

Thank for allowing me to provide open forum feedback on the variance request at 115 East Avenue.

My name is Pat Littlefield. I am the current Board of Christian Education Chairperson for St. Paul Lutheran Church and School, and just ended a three year term as Vice-President of our Congregation. My role as Board of Christian Education Chairperson places me as a member of the St. Paul Lutheran Church and School Council, the governing Board representing our Congregation. Out of respect for the orderly conduct of business by your Board, we have not encouraged our members to personally attend this evening to show their extreme support of the concern we bring to you.

St. Paul has a long and loyal relationship with the Village of Hilton and the greater Parma community. Our outreach and compassion to our community citizens in need began with the establishment of our Church on 400 East Avenue in 1898, and continues to this day. Our Church family has faithfully supported the Hilton Food Shelf and is its largest donor of goods each year. Over the years we have continued to quietly support those in need when they had nowhere else to turn.

In addition to our Church, we established our Christian Day School at 400 East Avenue in 1956, which continues to thrive in 2021. For 65 years we have provided an educational opportunity to our local families, and have grown to over 210 children each year as we welcome students from across eight county school districts.

Statistics show that over the last several years, mass firearm targets have been schools and places of worship. "FBI statistics show a 35 percent increase in hate crimes at churches, synagogues, temples and mosques from 2014 to 2018, the most recent year for which data is available. The nonprofit Faith Based Security Network found a 60 percent increase in "non-accidental deaths" at such sites from 2014 to 2017. And of the 88 people killed in mass shootings at places of worship since 1966 — defined as incidents in which four or more people were killed — more than half the deaths came in the last five years, according to [The Washington Post's mass shootings database](#)."

[Ref. [https://www.washingtonpost.com/national/too-small-to-hire-guards-too-worried-to-go-gun-free-churches-are-now-arming-themselves/2020/02/14/8eabb574-3ee9-11ea-baca-eb7ace0a3455\\_story.html](https://www.washingtonpost.com/national/too-small-to-hire-guards-too-worried-to-go-gun-free-churches-are-now-arming-themselves/2020/02/14/8eabb574-3ee9-11ea-baca-eb7ace0a3455_story.html)]

"Since 2013, 66 people have been killed and 107 injured in 43 school shootings, according to a school shooting tracker NBC News is making public. As of February 3, 2021, it has been 71 days since the last school shooting." [Ref. <https://www.nbcnews.com/news/us-news/school-shooting-tracker-n969951>]

While we are a locked school facility, each day during the academic year our school has Parents, Grandparents, Students and Staff exposed during entrance and pick-up hours as part of our normal operations. In addition, our Church extends its welcome to the community at-large for Worship services throughout the year, as well as nightly Church functions, exposing innocent citizens that visit.

From a Federal level, the United States Department of Justice's Bureau of Alcohol, Tobacco, Firearms, and Explosives has established Gun Free School Zones, defined as being within a distance of 1,000 feet from the grounds of a public, parochial, or private school. While we recognize that FFL holders may be exempt from this condition, we also refer to the Village of Hilton's restrictions for use in a Residential District (275-13; B) as well as the consideration of the Zoning Board's responsibility per Article IV; 275-25; B which

## Debbie Jones

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**From:** Arnie Johnsen <arnie403@gmail.com>  
**Sent:** Tuesday, January 26, 2021 3:35 PM  
**To:** Debbie Jones  
**Subject:** Zoning for 100 East Avenue, Hilton, NY 14468

Although I don't live in Hilton, I have done business with the owner of 100 East Avenue in Hilton, Stacy Fleming. After doing a couple of months of research prior to purchasing our golden doodle puppy for my wife, who is being treated for stage 4 cancer, I chose Golden Doodles Driven to Doodles LLC and Stacy Fleming, the breeder. Her in depth knowledge of this breed and the questions she asks an interested buyer prior to agreeing to selling a puppy to a person shows the care she has for the animals. She asks many questions regarding the household the puppy will be living in and many questions about the people that will care for the puppy and through her knowledge, matches the puppy to the family. We could not be happier with the match she gave us. She has also kept in touch with us over the past 15 months since our pup was born making sure that we re happy with the puppy and asking how the pup is doing. 15th I know she needs a zoning variance for her "dog house" and would like to strongly recommend you grant it to her so she can continue to many the quality of her business.

If you would like to contact me regarding this recommendation please feel free to either email me at arnie403@gmail.com or on my cell (917) 968-6200.

Sincerely,

Arnold Johnsen  
403 Sundial Lane  
Middletown, De 19709

Sent from my iPad

## Debbie Jones

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**From:** jane Oliver <joliverbyrum@msn.com>  
**Sent:** Thursday, January 28, 2021 8:04 PM  
**To:** Debbie Jones  
**Cc:** Stacy, Golden Beauties Driven to Doodles  
**Subject:** Zoning for 100 East Avenue, Hilton, NY 14468

I am writing to tell you about my experience with Stacy Fleming and Golden Doodles Driven to Beauty. I recently (1/2/21) got a puppy from Stacy and the puppy, Molly, is incredible. She is loving, secure and both calm and playful.

In the "New Puppy Tips" sent by Stacy well before the puppies were to be delivered to their new homes, Stacy writes:

"You are getting an extremely well socialized dog ... [raised to be] family members that I have given every ounce of energy to caring for and making the most kind, socialized and calm dispositioned pups because of the pairings I carefully choose for each family/facility, most of my doodles and Goldens are homed with people that have special needs so I am super careful to choose the best match for everyone!"

I don't know how she does it, but Stacy knows what she's doing and delivered as promised. Stacy's words proved to be true. Molly was very secure in her new home from the get-go, even after a 13-hour drive from Hilton NY to Chapel Hill, NC. I used a crate as recommended by Stacy and Molly acclimated to it immediately. I was concerned about my giving in to her crying in the crate but she never cries! Molly learns the rules incredibly quickly. She is such an incredibly good dog!

I could go on but I think Stacy's expertise and professionalism are clearly reflected in Molly. When I picked her up from the vet after her 12 week vaccines, the vet said: "This is a beautiful dog. She is very special. I gave her a treat and she took it so gently." This was an unbiased opinion from a professional. The vet wanted to know where I got Molly so she could tell her parents, who like me had previously adopted rescues.

I know from corresponding with Stacy that she is extremely careful and serious in her breeding and socialization techniques. She is a true professional. I am so fortunate to have gotten one of her dream puppies!

Jane Oliver  
446 A Henley Rd  
Chapel Hill, NC 27517



## Debbie Jones

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**From:** Tia McHargue <tiamchargue4@gmail.com>  
**Sent:** Thursday, January 28, 2021 10:43 PM  
**To:** Debbie Jones  
**Subject:** Zoning for 100 East Avenue, Hilton, NY 14468

Subject: Zoning for 100 East Avenue, Hilton, NY 14468

To whom it may concern,

Our family would like to take a quick minute of your time to express our sincere appreciation and gratitude for Stacy Fleming and her Hilton-based business, "Golden Beauties Driven to Doodles." It is our understanding that Stacy's business-based residence is subject to a zoning variance, presumably from residential to commercial property. We'd very much like to let you know that Stacy's professionally run business has brought an abundance of joy and happiness to our family. We are forever grateful for the gift she provided to our family- a sweet and gentle golden retriever puppy named, "Maui".

I personally grew up in Victor, NY but now I live in southern California with my wife and four kids. We ended up choosing to purchase a puppy from Golden Doodles based on a myriad of positive online reviews from her previous clients. The reviews were so great and our initial interactions with Stacy were so special that we all agreed that it was worth the travel costs, time and effort to come get our new pup from what we believe is one of the top golden retriever breeders in the United States.

From start to finish she has shown the utmost professionalism and dedication to her business and us as a client. It's our opinion that Stacy and her business truly add unique value to Hilton, western New York and even as far as California! Please consider the joy and happiness she and her business have brought to our lives and countless other families when considering the zoning matters.

Kind regards,

Kyle, Tia, Lexi, Averie, Savannah, Dakota and of course Maui McHargue

## Debbie Jones

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**From:** Shyla Streb <shyshy0214@icloud.com>  
**Sent:** Sunday, January 31, 2021 12:12 PM  
**To:** Debbie Jones  
**Subject:** Stacy Fleming

Hello,

I'm in writing this email in reference to zoning 100 East Avenue, Hilton NY.

We have knows Stacy Fleming for almost 5 years. We met her when she helped us rehome a puppy that needed extra care and also we have a goldendoodle puppy from her.

Every interaction with Stacy was wonderful. She showed us her dogs and her house and guided us throughout the whole experience. She is a wonderful dog owner and loves them like they are her children. Stacy always responded via phone or text when we had questions and also helped us train our puppy. These dogs that she breeds are high quality, loved animals. She only allows families to get them that are deserving and will treat these dogs like their own children. I think the the dogs she owns probably eat better than we do with her cooking them steak dinners and homemade treats. Some of these pups that she had have been service dogs for families. Not only does she run an excellent business, but Stacy loves the Hilton community and supports local businesses. This is so important to me because my husband grew up in Hilton and our children attend Hilton schools.

I understand that Stacy needs a zoning variance for this address. It would be well deserved and I hope she can continue to spread joy with the wonderful pups she's provided for so many families like she did for ours.

Please let me know if you need any more information or would like to speak personally.

Thank you,  
Shyla Streb

Sent from my iPhone

## Debbie Jones

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**From:** Schwartz, Eric <esch@lle.rochester.edu>  
**Sent:** Sunday, February 7, 2021 3:38 AM  
**To:** Debbie Jones  
**Subject:** Stacy Fleming

Hello, my name is Eric Schwartz. It is my understanding that Stacy Fleming will be meeting with the zoning board for Hilton.

I would like to make a statement in support of Miss Fleming. I have worked for Stacy's breeding business for the past two years, delivering the puppies to clients throughout the northeast. On numerous occasions, and in several very stressful situations, I've been witness to her professionalism first hand. In the feedback that I receive from many of the clients, the most common theme is what high regard the dog-loving community holds for her business. The number of repeat clients says it all. As a resident of Hilton, I'm happy to see the number of small businesses that are able to thrive. Miss Fleming's business is quite inspiring, and rewarding to be a part of.

Thank you for your time.

Sincerely~

e.m.schwartz



STATE OF NEW YORK  
 DEPARTMENT OF AGRICULTURE AND MARKETS  
 10B AIRLINE DRIVE  
 ALBANY, NEW YORK 12235

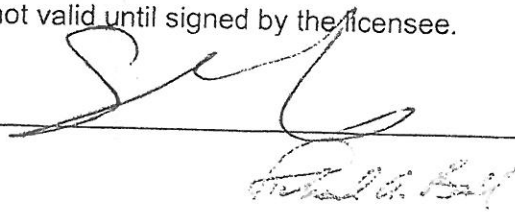
### PET DEALER LICENSE

The lower portion of this notice is your license to operate as a pet dealer in New York State. Please sign the license immediately upon receipt and post the license portion conspicuously in the public place where you act as a pet dealer. The following general requirements apply:

- Your license must be renewed each year. A renewal application will be mailed to you and must be filed not less than 30 days prior to the expiration of your current license.
- If you change or add locations or plan to sell or discontinue your business, please contact us so that we can update our records.
- All advertisement, publications, or notices announcing the availability of any dog or cat must include the pet dealer's license number. This license number appears on the license portion of this notice.

If you have any questions about your responsibilities as a pet dealer, please call the Division of Animal Industry at (518) 457-3502.

Please post the license portion of this notice conspicuously.

Fee Paid: \$100  Expires: 10/10/2021	<b>NEW YORK STATE</b> <b>DEPARTMENT OF AGRICULTURE</b> <b>AND MARKETS</b> <b>ALBANY, NY 12235</b>	License No.: 638
<b>PET DEALER LICENSE</b>		
Pursuant to Article 26-A of the Agriculture and Markets Law the licensee is authorized to operate as a pet dealer, in compliance with such law, at this location.		
This license cannot be sold or transferred. This license is not valid until signed by the licensee.		
Licensee Signature _____		 Richard A. Ball Commissioner
GOLDEN BEAUTIES/DRIVEN TO DOODLES, LLC  100 EAST AVE HILTON, NY 14468		