

Hilton Zoning Board of Appeals
Meeting Minutes of November 9th, 2021
Approved

ZBA Member's Present: Chairman Kim Fay, Pat Hohenbeck, Harry Reiter, Nicole Pennock and Joe Ruta

Administration Present: Office Clerk; Aimee Doser, Shari Wilson- Pearce, Village Manager/Clerk

Guests: Ray Wenzel, Steve Gabriel, Brian Daggett, Denise and Mike O'Toole, Father Joe Catanise, Maureen Spindler

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

Chairperson Fay declared for the minutes, that a quorum is present so the meeting may proceed as planned.

REPORTS:

Village Board Liaison Larry Speer – There was no report given.

Code Enforcement Officer Mark Mazzucco – he was not in attendance. Shari Pearce noted all items for the application have been received and reviewed.

Member Reiter read the Explanation of the Zoning Board of Appeals procedure.

PUBLIC HEARING -AREA VARIANCE- 1 CROSS LANE -ACCESSORY STRUCTURE (SHED)

- Application of Brian Daggett, 1 Cross Lane for an Area Variance to construct an Accessory Structure (Shed) outside the side foundation line on the side facing the street-- Per Section 275-13E(1)(f), ---If erected on a corner lot, accessory structures must be located behind the street main foundation lines of the principal dwelling and behind the side foundation line on the side facing the street. This property is zoned Residential.

Mr. Brian Daggett stated to the board he is looking to install a 10x20 shed along the foundation line. His first reason for the request is his backyard is not large, he has a patio, play yard, deck and 15 trees. Would need to remove trees and a fence to get the

shed it into his rear yard. He needs the shed for storage. The shed is proposed to be outside of the fence area. He plans on fencing in the shed after it is constructed.

Chairperson Fay opened the public hearing at 6:35 p.m. All who wish to speak please raise your hand and be recognized by the Chairman so your comments may be recorded in the minutes.

Chairperson Fay read aloud a letter that was received by an anonymous homeowner that could not attend the meeting:

In response to this letter, I have received. I cannot attend this hearing as I will be out of Town. So, I send my concern to you in this letter. I strongly oppose this variance to construct this shed outside the foundation lines. This would create an eye sore to the neighbors, and likely reduce our property value. Mr. Daggett has a privacy fence around his back yard, this shed should be placed in that area. So he can look at it and not the neighbors. Your office said I do not need to reveal my name, I prefer to stay anonymous in fear of retaliation. I hope you understand my concerns, thanks – concerned neighbor.

There were no other comments from the public, Chairman Fay closed the public hearing at 6:37 p.m.

Board Discussion:

Member Pennock asked the timeline of the shed, removal of the old fenced and installation of new fence.

The homeowner responded he is planning on installing the shed in January and doing the fence in the spring.

Member Holenbeck commented that January to May is a long time for the shed to be sitting outside of the fence area until spring. She asked if there is any way to get it closer together.

Chairperson Fay asked if the shed will be set on a stone foundation and wood floor? The homeowner responded it would be set on a stone foundation with a wood floor inside. Chairman Fay stated he would like to see the fence in place soon after the shed is constructed. He feels it is unfair for the neighbors to look at the shed without the fence to enclose it.

The homeowner stated he is willing to wait until spring to do the shed and fence together.

Board member Reiter asked how tall the shed is going to be? The owner thinks it may be ten feet with a gable roof. Board member Reiter stated should the board limit the size of the shed. Chairperson Fay responded the shed is within the allowed square footage.

Board member Ruta stated he understands the inconvenience of the shed and the fence, but he really wants to see the fence installed before the shed.

The board majority stated they want the fence installed within 30 days of the shed being set on the property.

Motion made by Board member Holenbeck to approve the application of Brian Daggett, 1 Cross Lane for an Area Variance to construct an Accessory Structure (Shed) outside the side foundation line on the side facing the street--Per Section 275-13E(1)(f), with the condition the fence be installed within 30 days of the shed installation. Seconded by Member Pennock, carried 4-1. Board Member Ruta opposed.

PUBLIC HEARING – AREA VARIANCES – FREESTANDING SIGN – 110 OLD HOJACK LANE- ST. LEO’S CATHOLIC CHURCH

The Village of Hilton Zoning Board of Appeals will consider the application of St Leo’s Catholic Church for the property located at 110 Old Hojack Lane for the following 3 Area Variances to construct a Freestanding Sign with:

1. Internal illumination, per Section 275-37H (1)(c)(3)(d)-Internal lighting is not permitted.
2. A width of 8 feet, and a height of 4 feet (32 square feet), per Section 275-37H (1)(c)(3)(c) --no sign shall be greater than 20 square feet in area.
3. Install an Electronic Message Center--per Section 275-37G (8) --Automatic changeable copy signs, digital message boards, animated signs, or signs utilizing full motion or video technology is prohibited.

This property is zoned Residential.

Denise O’Toole, St. Leos representative is asking for relief from the laws, they are selling the property at 167 Lake Ave, and they will no longer have an entrance sign. The entrance was recently relocated to Old Hojack and there still is an exit on Lake Ave.

Chairperson Fay opened the public hearing at 6:55 p.m.

Maureen Spindler, 175 Lake, she is in favor of the sign. There are similar signs to this such as the Fire Department and St. Paul’s. She remarked she will not be disappointed to see the sign go on Lake Ave and doesn’t see a downside to this proposal.

Mr. O’Toole agrees with the project as well, the message center is a total of 32 square feet, the sign has internal LED lights, the sign itself doesn’t have internal lighting, he feels this is a better-quality sign than the Fire Department or St. Paul’s Lutheran Church. The sign also is light controlled.

Board Member Holenbeck asked does the lighting and message getting adjusted at night? Mr. O’Toole responded they do adjust the lighting and message to reflect the night sky.

It was noted that back in February of 2021, St. Leo's received approval for the variances for the sign.

Board Members Reiter and Ruta are satisfied with the application as proposed.

Board member Hollenbeck made a motion to approve the sign as presented with no conditions. Member Ruta seconded the motion. Carried unanimously 5-0.

No further comments, Chairperson Fay closed the public hearing at 7:04 p.m.

There being no further business, the meeting was adjourned at 7:10 p.m.

Respectfully Submitted,

Shari Wilson-Pearce, Village Manager-Clerk