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Zoning Board of Appeals Meeting Minutes of December 10th, 2024 Approved

ZBA Member's Present: Chairman Kim Fay, Harry Reiter, Nicole Mazzucco, Elaine Begy, Paul Cliff (Alternate)

ZBA Member's Absent: Joe Ruta

Administration Present: Code Enforcement Officer/Village Board Liaison; Mark Mazzucco, Village Board Liaison; Larry Speer, Recording Secretary; Aimee Doser, Village Mayor; Joe Lee

Guests: Michael DiMauro, Gabrielle DiMauro, Jeff Dicesare for JBH of New York LLC, William Sean Byam, Larry Gursclin

Chairman Kim Fay called the meeting to order at 6:28 p.m.

Chairman Kim Fay declares, for the minutes, that a quorum is present so the meeting may proceed as planned.

MINUTES:

Chairman Fay made the motion to accept the November 12th, 2024, Village of Hilton Zoning Board meeting minutes, seconded by **Member Cliff**, approved 5-0.

REPORTS:

Village Board Liaison Larry Speer	Gave his report.
Code Enforcement Officer Mark Mazzucco	Gave his report.
Village Mayor Joe Lee	Gave his report.

Member Cliff read and explained the procedures of the Zoning Board.

Chairman Kim Fay opened the public hearing at 6:45 p.m.

**PUBLIC HEARING – 35 SHORT HILLS DRIVE – AREA VARIANCE –
MICHAEL DIMAURO, JR**

- Application of Michael DiMauro, Jr, for the property located at 35 Short Hills Drive, for an Area Variance to construct a fence six (6) feet in height in the side yard of a corner lot adjacent to the street. Per Section 275-38(C) – On a corner lot, no fence, wall hedge or screen planting over three (3) feet above grade in height shall be constructed within the yards required adjacent to the streets. The current zoning is Residential.

Michael DiMauro stated that he would like to extend his current privacy fence to include the side yard and connect to the front of the house.

BOARD COMMENT/QUESTIONS:

Chairman Fay asked the reason.

Michael DiMauro said he has owned his home for 10 years now and the back yard is not kid friendly. There is concrete, a swimming pool, and no grass. In spring he would like to section off the pool to the side yard.

Chairman Fay stated that he has driven by a few times to see where the side meets the sidewalk, trying to get a feel for how much of the line of sight will be interrupted. He feels a fence would cut it down to half of the visibility when coming down Little Tree Lane, but he would like to have the other Zoning Board members weigh in.

Member Reiter said that other corner lots in the Village have fences but not right up to the sidewalk, and he feels this fence will be massive.

Michael DiMauro stated that he just wanted to be clear that the fence will not be going into the front yard at all. It will stop at the corner of the house. If we move it back, the tree is in the way, and he is not planning on cutting down any trees.

Member Reiter said he is assuming that the fence line will follow 6 feet from the ground all the way around, and the homeowner said yes.

Member Begy stated that we have approved other corner lots to do this, an example is 1 Cross Lane.

Code Enforcement Officer Mark Mazzucco read code 275-39 - Establishment and measurement of clear-vision areas, stating that the vision clearance in any residential district, the minimum distance shall be 25 feet.

Chairman Fay asked if the fence will be the same material, color, style, etc. The answer was yes.

Member Mazzucco stated that Village corner lots do not have much of a back yard, so they use their side yards, and that she is always in favor of it unless it is some monstrosity which it doesn't sound like it is.

Chairman Fay asked the homeowner if he has considered a 3-foot fence on the backside (Little Tree Lane side).

Michael DiMauro said that height would not give them much privacy and would look weird.

Member Cliff stated that after hearing Code Enforcement Officer Mark Mazzucco say that the minimum setback is 25 feet, this is almost double, and it is all uniformed, so he doesn't see a problem with it.

Member Reiter said he would like to see it further from the sidewalk.

Chairman Fay agreed and stated he is worried about the snowplow coming through and would recommend just pushing it back one foot.

Michale DiMauro said that he could push it back 2 more feet to make it a total of 5 feet if that is what the board would like.

Code Enforcement Officer Mark Mazzucco said that the minimum is 3 feet, if he wants 5 feet he can.

Michael DiMauro asked if he could have it approved at 3 feet but then at install decide to move it to 4 feet.

Chairman Fay answered yes.

PUBLIC COMMENT: Opened at 6:54 p.m.

There was no public comment.

PUBLIC COMMENT: Closed at 6:56 p.m.

Member Mazzucco made the motion to approve the application for the property located at 35 Short Hills Drive, for an Area Variance to construct a fence six (6) feet in height in the side yard of a corner lot adjacent to the street, consistent with the existing fence.

Seconded by **Member Begy**, approved 5-0.

CONCEPTUAL – 144 SOUTH AVE – JEFF DICESARE FOR NICAL MANAGEMENT

- Jeff Dicesare would like to have an informal discussion with the Zoning Board in reference to an addition to the existing building for a Dunkin Donuts.

DISCUSSION:

Jeff Dicesare handed out a rendering of what the new Dunkin building would look like added on to the existing building. He stated that it fits into the Commercial District, and he is simply looking for the boards blessing looks wise. He said he is not looking for any variances, he just wants opinions on the look, the flow, the parking, etc.

Chairman Fay asked if it is a walk-in establishment, Jeff Dicesare answered yes.

Member Reiter asked if there will be seating as well, Jeff Dicesare answered yes to that as well.

Jeff Dicesare stated that this location will have indoor seating, outdoor picnic tables, garbage cans, etc.

Member Mazzucco asked how soon it could open

Jeff Dicesare said about a year or sooner.

Larry Speer stated that 17 definitions have been added.

Chairman Fay said that the district changes were big, and the lot dimensions were big.

Member Reiter stated that he would like to be sure the language for small home/tiny homes is added.

Code Enforcement Officer Mark Mazzucco said that the committee decided that the structure has to be attached, or it will not be allowed.

Member Reiter stated so that it cannot be rented out later.

Chairman Fay informed the Zoning Board about the upcoming Public Workshop on 11/14/24 at 5:30 p.m. to display and inform the public what progress has been made so far with the project.

He also stated that the committee is looking to finalize the draft to present to the Village Board at the next meeting and send to the Village attorney.

DATES:

Next Scheduled Meeting

Tuesday, December 10th, 2024

Public Agenda Deadline

Tuesday, November 19th, 2024

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 7:26 p.m.

Respectfully Submitted,
Aimee Doser, Recording Secretary