

Village of Hilton Zoning Board
Meeting Minutes of July 11th, 2023
Approved

Member's Present: Chairman Kim Fay, Nicole Pennock, Joe Ruta, Elaine Begy, Paul Cliff (Alternate)

Member's Absent: Harry Reiter

Administration Present: Code Enforcement Officer; Mark Mazzucco, Recording Secretary; Debbie Jones, Office Clerk; Aimee Doser

Guests: Steven & Kristen Drexler, Laura & Robert Schrenker

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

Minutes: **Chairman Fay** made the motion to accept the June 13th, 2023 Village of Hilton Zoning Board meeting minutes, seconded by **Member Ruta** and approved 5-0.

Reports:

Village Board Liaison Mark Mazzucco
Code Enforcement Officer Mark Mazzucco

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

PUBLIC HEARING OPENED AT 6:41 P.M.

ZONING SEGMENT – 9 FAIRWOOD DR. – AREA VARIANCE – DECK

- Application of Steven Drexler, for the property located at 9 Fairwood Drive for a 5-foot Area Variance to construct an Exterior Deck 3-feet from the interior side yard property line. Per Section 275-13C (2) -- The minimum interior side yard and rear yard shall be eight feet. This property is zoned Residential District.

Steven Drexler stated he is asking for a 5-foot area variance to construct a deck, as he is only 3-feet from the property line already due to the way his house was built, and the previous owner's old deck was only off the property line by 5 feet to begin with. He is asking for the 2-foot difference.

BOARD QUESTIONS/COMMENTS:

Member Begy stated she is concerned that it is quite a variance from 8 feet, however, the way the house is on the lot, the lot not being that big, and after seeing the old deck, she believes this is nicer.

Chairman Fay stated that he walked the yard of this property, and there is no question that it is close to the lot line, but he used to live on a lot that was close like this and his suggestion then was to put up a privacy panel. He feels a panel between 5 & 6 feet, would block neighbors from being seen or heard.

Member Cliff stated his concern is that the new deck will be larger than the old deck and he would be fine with it if it didn't go past the length of the old one.

Mr. Drexler explained that in order to do that, he would have to cut the square footage in half and then it would be more like a patio than a deck, which just would not work with Three (3) children. He also stated that they were planning on installing a privacy fence anyways, he was just never asked about it prior to this meeting.

Member Pennock stated she had no questions.

Member Ruta stated that the pictures the board received from the neighbors at 17 Saveria Drive, Laura & Robert Schrenker, present concern, as you can see into their house from the deck. He did state that the framing so far does look well built.

PUBLIC COMMENT:

Mrs. Schrenker lives next door at 17 Saveria Drive, she stated that she is opposed to this variance, as she was fine with the old deck but feels the new deck will be too big and should be shifted over more. She said the stairs line up with their windows and she is concerned for the safety and privacy of all involved. She is also concerned about noise if their windows are open while the applicants are enjoying their deck. She wants them to enjoy it, but also not have to see or hear anything from either party. She said she hasn't heard any talk of a privacy panel until now.

Ron Schrenker stated if a privacy panel is put up then he won't be able to see the village, just a wall.

Chairman Fay informed him that he can't decide what the neighbor can and cannot put up.

Member Pennock said that she feels that 2-feet will not make a difference in sound, if the deck is 2-feet closer than the old deck.

Chairman Fay reiterated that the privacy panel with help with sight and sound.

Mrs. Schrenker feels that we should not set 3 feet as the new precedence, and that the deck should be moved over.

Member Pennock asked if she prefers 5-feet.

Mrs. Schrenker said she would like 8-feet.

Member Pennock told her that would be impossible, as it would then be at the middle of his kitchen door.

Chairman Fay feels this is a justifiable request to not have the deck under a bedroom window and if he cuts it down to 5-feet from the property line he would have no deck left.

their own potential for building a deck in the future if they chose to.

Member Pennock Mrs. Schrenker said her dining room is close to the property line and feels it would limit said she does not feel that the side setback will be an issue.

Mrs. Schrenker said that if both decks are too close to each other, it could be a safety issue.

Member Pennock stated that rear and side setbacks are not in place for "Safety" reasons.

Mr. Drexler stated that the neighbor to the left of them (not present), has a deck only 5-feet from their lot line and they have no privacy fence, but he was planning on a privacy fence all along as he feels that everyone is entitled to their privacy.

Mrs. Schrenker asked if the previous owner had a permit or variance for his deck.

Code Enforcement Officer Mark Mazzucco stated that the zoning regulation is 8ft x 8ft but the house is not 8 feet, it is shifted to the left. The requirement was to give space and fire separation greater or equal to 5 feet for walls. There was no variance for the house being built under 8 feet from the property line, there is a permit on file for an old deck, but it is not dated and has no permit number on it. There is no variance for an old deck or for house being built shifted to the left 5 feet, but the former deck was inspected and was rated satisfactory at 96 Sq Ft.

Chairman Fay said we cannot change 40 years ago, and asked if there were any other comments from anyone. With no other comments, the public hearing was closed at 7:04pm.

Chairman Fay said according to NYS guidelines, they have met all the criteria for their request.

He made a motion to approve the variance request Application of Steven Drexler, for the property located at 9 Fairwood Drive for a 5-foot Area Variance to construct an Exterior Deck 3-feet from the interior side yard property line. Per Section 275-13C (2) -- The minimum interior side yard and rear yard shall be eight feet. With the condition of the placement of a 5'x6' privacy panel on the northwest side of the deck.

When asked for someone to second the motion, Member Ruta said he just doesn't know, as he sees both sides, and it is an obstruction.

Member Pennock said that the old deck was 5 feet off the property line and the new deck would be 3 feet off the property line, so we are looking at just a 2-foot difference.

Chairman Fay said this situation was not self-created, the house was built wrong, and he feels it is justifiable to not want a deck under a bedroom window.

Member Cliff said even to put the deck back where the old deck was located, would still need a variance as well.

Chairman Fay stated that even if Mr. Drexler made the deck longer instead of wider, he would still need a variance due to the lot shape, and there are not many other ways to do it, so he feels they have met the criteria and the motion stands.

Member Pennock seconded the motion.

Motion Approved 3-2 (Nay Members Ruta and Cliff)

DATES:

Next Scheduled Meeting
Public Agenda Deadline

Tuesday, August 8, 2023
Tuesday, July 18, 2023

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 7:13 p.m.

Respectfully Submitted,
Aimee Doser, Office Clerk

