

Joseph M. Lee, Mayor

TRUSTEES

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

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

VILLAGE OF HILTON

59 HENRY STREET
HILTON, NY 14468

(585) 392-4144
(585) 392-5620 Fax
voh@hiltonny.org



Zoning Board of Appeals
Meeting Minutes of March 12th, 2024
Approved

- ZBA Member’s Present: Chairman Kim Fay, Harry Reiter, Nicole Pennock, Joe Ruta, Elaine Begy, Paul Cliff (Alternate)
- Administration Present: Code Enforcement Officer; Mark Mazzucco, Mayor; Joe Lee, Office Clerk; Aimee Doser, Village Manager; Shari Pearce
- Administration Absent: [redacted] Recording Secretary; Debbie Jones
- Guests: Christine Brower, Becky Flansburg, Mike Douglass, Bruce Schult, Chuck & Elio Conway, Jim & Sandy Tenny, Dave Wright, Jolyon Kramer, Diane Gabriel, Wayne Gurgel, Melissa Levato, Jeanette Tydings, Randi & Kenny Krieger, Ryan Johnson, Beth Heberger, Joe Heberger, Anthony, JonPaul, & Matthew Getty, Bill & Christine Caruso, Scott Stephenson.

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 November 14th, 2023, Zoning Board of Appeals meeting minutes, seconded by **Member Begy** and approved 5-0.

REPORTS:

Village Board Liaison	Mark Mazzucco gave his report.
Code Enforcement Officer	Mark Mazzucco gave his report.

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

ZONING SEGMENT - PUBLIC HEARING – 144 SOUTH AVE.– CONDITIONAL USE PERMIT – JEFF DICESARE/JAMES HAWRYLIAK

- The application of Jeff Dicesare and James Hawryliak, property owner of 144 South Avenue for a Conditional Use Permit to convert a portion of an existing 20,000 square foot building into an indoor climate controlled mini-storage facility. Section 275-15C (3) in part states--- Conditional uses. Upon site plan approval and in accordance with Article IV, Conditional Uses, the following uses are permitted: Warehousing, storage rental and/or storage for hire. This property is Zoned Commercial.

Jeff Dicesare stated he knows there are concerns about the closing of the bowling alley as well as the neighbors not wanting any changes to the “well-maintained building and parking lot”, as stated in a letter submitted by the residents on Panarites Drive, but the intention is not to add fences or eliminate any current businesses in that building. There is

a 5,000 square foot area in the building, currently being used for storage, hallways, portion of the bar and event room – all not being used. The owner James Hawryliak and himself, have considered alterations to use that space and would like to convert to true climate control facility – smaller type lockers than currently in Village already at the other established storage facilities, such as, 5x10 and 5x5. Businesses can use these for records, senior residents can use them for new senior apartments that are being built, etc. They would improve Malarkeys for a brick & mortar which he feels could benefit them as they could open in the morning if they want to and would not need to compete with bowling alley hours and space. The Bowling alley will keep the existing entrance, a wall will just separate the bar and back section, separated by a new bar. They will Partnership with all tenants so patrons can have all the food when bowling, not just Malarkeys. Nobody's leaving, it is just a much-needed facelift. The plan for this front space is to gut it, then create a clean climate-controlled storage facility, instead of raising rent on the bowling alley to make up for the unused part of building.

PUBLIC COMMENTS:

Erika Brinkel – Resident - asked if they will be decreasing bar area. The answer was - yes, opening to regular seating.

A concerned resident asked - No bands or fundraisers.

Jeff Dicesare said no bands, but they are trying to make the most use of the space.

Jim from Cedar Terrace stated he has been bowling for thirty (30) years and a Village resident for forty (40) and he feels that seniors do not use storage, they sell their stuff.

Jeff Dicesare said that would be the risk they would take.

Jim From Cedar Terrace said if they do need storage, the seniors will use the ones closer to them on Old Hojack Road.

Jeff Dicesare stated that these will be different sizes and climate controlled.

Becky Flansburg (Bowling Alley Manager) stated they currently host fundraisers for the high school, sick people, the zoo, and more and would like to know where they will host these if the bar is taken out. She also feels that the bowling center is making money, they do not have a lot of unused space, and Malarkeys does not have restricted hours and have their own keys. She also mentioned that she takes care of the building with a triple contract for snow, grass, and Maintenance.

Christine Brower - Resident– Stated her driveway is opposite driveway of the Bowling Alley. She wanted to know why we should change the use over the good of the community. She feels that storage doesn't help bring community together – people would just drop stuff off and leave. She stated the center of the Village is not an appropriate site, not an industrial park, and is concerned about lighting and fencing for surrounding homes and appearance.

Dave Wright – Resident– Said he has been a resident for forty (40) years , and the whole area was not developed at move in, but now the Southeast(across from his house) is the most developed in Village and he has trouble getting out of his driveway most of the time, so he is absolutely opposed to anything else that will add any more traffic in the Village. He asked if there is a standby generator, if so, who will have to see or listen to it.

Jeff Dicesare stated they haven't gotten that far yet.

Chuck Conway – Parma Resident- stated they hold bowling fundraisers for school, and if the owners were to gut the bar, the alley is going to lose more money, and he feels the owner will use that to justify him coming back later saying it is not doing well and take another 5,000 square feet, and so on. He feels the facelift idea is great, and giving Malarkey's a place to eat, and its own entrance, but feels It's a farse to agree now and then come back later to add more.

Jeff Dicesare-stated that he is an agent for the owner and his role is to get engaged in a property to find what is best for the property, its owner, and the community. If the property owner decides he wants to downsize the alley, he owns

the bldg. and can, but they are trying their best to give a bar area, and whether it is storage or retail they are trying to put something in there, and all will create traffic.

Anthony Getty – Hilton varsity bowling team – stated that his bowling team fundraises in the bar area and has raised so much for the team. He feels it is going to be hard for future generations to raise money if the bowling alley were to be shut down and he has made a lot of friendships there.

Jeff Dicesare said he understands the concerns on fundraising, but the Bowling Alley will not be losing functionality, just some bar space. It could be something other than storage, and asked the residents what they would like to see.

Becky Flansburg said to update scoring boards, paneling, etc.

Chuck Conway said there's nothing to do in this town, if you take this away there will be even less and feels that this is the start of the owner taking it away.

Jeff Dicesare said they are not taking it away.

Christine Brower – said she would like to bring family things into the community. Some other way to support community instead of storage.

Becky Flansburg suggested that Jeff Dicesare invite everyone at the meeting to stop by to see how that supposed wasted space is being used.

Member Reiter asked who pays for the space.

Becky Flansburg - stated that she does, it is all in her rent.

Jeff Dicesare stated that Jim Hawryliak owns it all. So, whether it is decided to go with this option(storage) or something else, they need to make more money.

Mike – Owner of the Gun shop asked if they have thought of other retail space in the Village.

Jeff Dicesare stated that there is not much retail space, the spots next to the Gun Shop came quickly.

Member Begy asked the Bowling Alley Manager, Becky, how many fundraisers they hold monthly. The answer was at least Six (6) per season. She also stated that they raised \$12k for High School Varsity, as well as money for childhood cancer.

Christine Caruso is a Village resident and stated that when she first moved here, she was going to move to Creek Crossing Townhomes but had nowhere to put all her things. She feels if available at the time she probably would've used the storages here. She also commends the owners for trying to keep everything still in the building, as business-wise it is hard to do. She will be happy to see the facelift, and although she understands everyone's concerns, she feels the owner is trying to keep it all in place.

Melissa Lovato - Greece resident but daughter is on the Varsity bowling team. She stated that during Covid a Ten (10) year plan was discussed to bring people back together, and she feels that doing this would not accomplish that. She understands the need to make money, but she doesn't feel like they're losing money from leaving this space as is.

Village Manager Shari Pearce explained to everyone that the Zoning Board cannot regulate what the owner is going to do with the Bowling Alley's lease and use of their space. The Zoning Board & the Village cannot control what they do in the building. Also, this is not a variance, it is a conditional use permit, which means it can have conditions and specific time frames but cannot tell the owner what they can or cannot do with their building if it is within the allowable code regulations. This request is for permitting Industrial use (storage) in a Commercial District. That is all the Zoning Board can vote on.

Dave Wright asked if the storage will be open 24/7.

Jeff Dicesare said he is unsure yet.

CLOSED PUBLIC HEARING AT 7:20PM.

MEMBER COMMENTS:

Member Cliff stated there will be no profit for the Village if they are storage units, but possibly if retail stores.

Member Begy stated that if the owner doesn't do these storages, he will do retail and that space will be taken anyways.

Member Ruta stated anything put in that space will still generate traffic. Retail will create more traffic as well. **Jeff Dicesare** reiterated that the big picture is redesigning the front of the building. He is asking the board to give the small storage lockers a chance to see if it will start generating revenue and then have the option to back out and go retail if it doesn't. They are just asking to start off with lockers. If we build it & they don't come then it's on them, they just want a chance to try. It would be a simple demo & then the focus would be on Malarkey's and improvement of the whole building.

Jeff Dicesare stated that the owner, James Hawryliak, is from Hilton and wants the Bowling Alley to be a separate entity, Malarkey's a separate entity, and Carbones – all on their own leases, and try to help the building as a whole to generate income. He stated that the bowling Alley doesn't generate enough income to stay running alone, but this will help. They want to prevent having to shut everything down and turn the whole building into retail if the owner retires and cannot afford to keep this building.

Member Pennock asked if the storage facility would be created to help the facelift.

Jeff Dicesare said yes it will help & would be a quick flip.

Member Reiter asked if the Zoning Board could give so many years for storage and then have them taken down for retail once the revenue was started. The answer was that the owner would be willing to agree to that.

Member Pennock said the board's decision has no bearing; they cannot make them keep bowling alley open.

Chairperson Fay stated he would say no to storage lockers but would be ok with retail spots as the Comprehensive Plan wants more retail spaces.

Member Reiter said the final goal is to get retail. He is ok with the condition of no more storage units after so many years. Can they do it to start but then it must go.

Jeff Dicesare said retail isn't quick enough, storage is quicker, and they just want the chance.

Member Begy said either way, the bar space will be going.

Member Ruta stated he would rather have something tried out there than have the whole building turned into a grocery store or sit vacant.

Member Pennock stated she would like to deny the application and makes the motion to deny petition for Conditional Use Permit.

Member Reiter stated he is willing to amend for a specific timeframe; at end of seven (7) years the storage units must go, and it will have to ultimately become storefront.

Jeff Dicesare stated himself and the owner, are willing to do anything to get this going and get the remodeling started. They can even hide that it is storage, and they would redo the current black exterior to make it look nicer.

MOTION

Member Pennock made the motion to deny the application of Jeff Dicesare and James Hawryliak, property owner of 144 South Avenue for a Conditional Use Permit to convert a portion of an existing 20,000 square foot building into an indoor climate controlled mini-storage facility. Section 275-15C (3) in part states--- Conditional uses. Upon site plan approval and in accordance with Article IV, Conditional Uses, the following uses are permitted: Warehousing, storage rental and/or storage for hire, seconded by **Chairman Fay. Motion approved to deny 4-1 (Member Reiter opposed)**

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Aimee Doser, recording secretary.