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Zoning Board of Appeals
Meeting Minutes of August 13th, 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/Village Board Liaison; Mark Mazzucco, Village Board Liaison; Larry Speer, Village Mayor; Joe Lee, Recording Secretary; Aimee Doser

Guests: Geoff Nichols, Christina Nichols, Patrick Laber (Schultz Associates), Lance Brabant (MRB), Sheryl Sullivan

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

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 July 9th, 2024, Village of Hilton Zoning Board meeting minutes, seconded by **Member Ruta**, approved 5-0.

REPORTS:

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

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

PUBLIC HEARING – 21 ROLLING MEADOW DRIVE NORTH – AREA VARIANCE – SHERYL SULLIVAN

- Application of Sheryl Sullivan, for the property located at 21 Rolling Meadow Drive North, for an Area Variance to move an existing 6-ft by 10-ft Storage Shed six (6) feet into the side yard of a corner lot adjacent to the street. Per Section 275-13(E)(1)(f)--- Accessory buildings and structures--- 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.

Sheryl Sullivan stated she was seeking a variance due to the fact that she never wanted the shed behind the garage to begin with but that was all that was allowed. Both the garage and the shed are getting moldy from touching. She would like to move the shed to the side yard. Currently, it is not very useable as it sits up high and it is hard to get mower out without lifting it up.

BOARD COMMENT/QUESTIONS:

Chairman Fay stated that on the East side of the shed is a fence and asked if the intent is to move the fence out with the shed or just the shed on its own

Sheryl Sullivan stated that the shed will become part of the fence. She will take part of fence down and the shed will fill that space with its doors opening into the backyard. She said the shed is like-new, only one year old, has a nice door, windows, and siding to match her house. She feels it will not be an eye sore.

Member Ruta asked if the doors will open to street

Sheryl Sullivan said No, doors will open into her yard so she can easily get her mower out into the backyard to mow.

Member Begy asked how far the shed will be from the garage

Sheryl Sullivan stated that it will be about seven (7) feet

Member Pennock asked if it is not obstructing visibility on either street? Hers or the side street since she is on a corner lot.

Code Enforcement Officer Mark Mazzucco said not at all.

Member Reiter said that he thinks moving the fence out six (6) feet and keeping the shed inside of the fence would look nice too

Sheryl Sullivan asked if it would be preferable to the board and said it would be more money for her though , and that she thought it would be nice this way with landscape all around it

Member Ruta asked if the fence is six (6)ft

Sheryl Sullivan stated yes, and that she feels it would look better with the shed according to this plan than moving the fence out further since it is corner lot.

Member Reiter stated that he thinks the landscaping will look nice

Sheryl Sullivan stated that she agrees because the landscaping job she is planning on getting will be very expensive

Chairman Fay was unaware the shed would be sticking out, thought the fence was coming out around the shed but thinks it would be better this way

Member Ruta said that he agrees and with landscape and flowers it will look nice

Member Reiter asked if the shed windows are on the street side

Sheryl Sullivan stated no, they are on the sides, with shutters, and that they look just like her house.

Chairman Fay said he feels that he would agree if the Zoning Board allowed her to do that with the condition that it is landscaped around the shed

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

There was no public comment.

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

Member Pennock made the motion to approve the application for property located 21 Rolling Meadow Drive North, for an Area Variance to move an existing 6-ft by 10-ft Storage Shed six (6) feet into the side yard of a corner lot adjacent to the street, with the conditions that the doors are flush to the existing fence, and area around the shed will be landscaped.

Seconded by **Chairman Fay**, approved 5-0.

PUBLIC HEARING – 163 SHERWOOD DRIVE – CONDITIONAL USE PERMIT – CHRISTINA NICHOLS

- Application of Christina Nichols for the property located at 163 Sherwood Drive for a Conditional Use Permit to operate an In-home Occupation (Dog Boarding). Per Section 275-13B (3) ---Conditional uses. Upon site approval and in accordance with Article IV, the following uses are permitted---Customary home occupation incidental to a residence, including a professional office of a person actually residing on the premises. This property is zoned Residential.

Christina Nichols stated that she was a licensed Veterinary Technician for thirty (30) years, and that caring for animals is who she is. She said that she had to quit in 2022 for health reasons, so doing this was her only way to continue caring for animals. The dogs that she boards are not in kennels, are treated like family, only small to medium dogs, that may not be able to be caged or have anxiety and therefore cannot go to traditional boarding. A home environment puts them more at ease. The dogs are required to be up to date on vaccines, healthy, and the owners sign waivers. She stated that she has spoken to neighbors, all are ok with it, and this is her only income. They have her husband's income but with today's economy it would be hard without her having any.

BOARD COMMENT/QUESTIONS:

Member Reiter asked how many dogs she will you have at one time, and stated that if she has three (3) of her own and then takes in three (3) more, that can be up to six (6) dogs at once. Christina Nichols stated that her dogs are small, the dogs she takes in are small, with the biggest weighing forty (40) pounds. She also said she is respectful of neighbors, if they bark, they go inside

Member Begy asked how long she usually boards them

Christina Nichols said the longest is fourteen (14) days. Usually, long weekends or week long vacations

Member Pennock asked if she also does daycare during the week during daytime business hours
Christina Nichols said that yes, she has one (1) or two (2) that come, not even regularly, it depends on if she has boarders there. If so then she cannot have daytime daycare clients at the same time. When she does have them though, the hours are usually 9am – 5pm.

Member Ruta asked if she is planning on obtaining a business license, kennel license, and health license, as NYS requires certifications to care for dogs. He stated that it does not sound like she is registered through the state, just has all the experience.

Christina Nichols stated that she did not know it was a requirement, but she is going for her DBA (Doing Business As).

Member Ruta stated that only three (3) dogs are allowed on the premises in the Zoning Code and now she may have six (6) dogs at any given time, and having a business in a residence. He feels that the Village tries to keep residences as a residence and businesses in a business, and those are his concerns

Member Pennock stated that she does think you should be able to have home run businesses such as hair, daycare, etc.

Christina Nichols said that she has the dogs in her home not in kennels like a business. They are with her all the time around the house, especially because some need medical attention and have anxiety.

Geoff Nichols stated that they are providing a home setting, giving them attention, playing with them, etc. and it is only a few dogs at a time, unlike a boarding business

Member Pennock stated that they are situated with a backyard with no one really behind them, there are no neighbor complaints, if the total number of dogs is kept small and reasonable so it does not become a more inappropriate large business in a home business, where it would need to be out in the country or in a commercial building, then she feels it is not a problem.

Chairman Fay said that he agrees that if they are willing to keep it at three (3) dogs aside from her own, a lot of people don't even know that she is doing it, so he feels that she has it under control and knows what she is doing

Member Pennock stated that she would like to support someone trying to make a living

Geoff Nichols said that they are also trying to put up another privacy fence instead of chainlink to match other side of their yard

Chairman Fay stated that his only other stipulation is that if the property changes hands then the permit becomes null and void

Member Reiter said that no constant barking would be a condition he would like to see in place as well

Code Enforcement Officer Mark Mazzucco said that it is not needed as there is a code for excessive dog barking not exceeding fifteen (15) minutes

Member Fay said another condition would be returning in one year to see if any complaints are on record or disturbances

Member Pennock said that the applicant can investigate certifications or licenses through NYS

Member Ruta said he would like for her to look into Business, Kennel, Zoning, and Health licenses

Member Pennock stated that she may not need a kennel license as she is not kenneling

Geoff Nichols stated that they do not want to be a kennel or a big business

Member Ruta said to look into the Business license, not to worry about zoning as that is what we are doing here now, and Health Department license. He wants her just to look into it to make sure she is legit. In case the permit is issued, and something happens.

Member Pennock said that they can do a six (6) dogs max at a time

Chairman Fay stated that he feels she has obviously proven herself, as long as these 4 conditions are put on the permit.

Member Fay asked to limit to three (3) dogs at a time

Member Pennock said if one of her own is gone, she could take in another. Right now, three (3) are hers and three (3) are customers. Should state a total of six (6) including her own.

Code Enforcement Officer Mark Mazzucco asked the applicant, at her busiest time, how many dogs in the house including her own

Christina Nichols said the most she has taken is four (4), so seven (7) total in the home with her own.

PUBLIC COMMENT: Opened at 7:20 p.m.

There was no public comment in person, however, several letters of support were submitted prior to the meeting from neighbors.

PUBLIC COMMENT: Closed at 7:22 p.m.

Chairman Fay made the motion to approve the application for 163 Sherwood Drive to operate an in-home Dog Boarding Business, with the following conditions:

- The number of pets shall not exceed six (6), which includes the homeowner's own dogs
- If the property owner changes hands, the Conditional Use Permit expires
- Owner is to obtain the necessary licensing needed for the business, if applicable
- This permit will be reviewed by the Village of Hilton Zoning Board in 12 months (August 2025)

CONCEPTUAL – 745 EAST AVE – LARRY SPEER

- Request to have two 2 recreational vehicles
- To build a non-permanent second storage

Larry Speer stated that he lives on East Avenue, next to the Thomas E. Burger Funeral Home, and across from the High School, and has three (3) acres of land. He said his first request is to have two (2) recreational vehicles, as the code states he can only have one (1), and he has a boat and a camper. The other request is to build a non-permanent storage building. He stated he does a lot of plowing around the village and mostly salting. He said that he salts for quite a few businesses in the Village and has expanded in the last two (2) years and lifting fifty (50) pound bags of salt into buckets and filling a hopper is getting hard. He stated that it will not be very big, not even half of the size of the one in the picture he submitted to the Zoning Board but must be twelve (12) feet high to get his tractor in there. He also said that he would put it along the hedge row, most people would not see it. He feels it would be very handy for him as he currently gets pallets of salt and dumps them in buckets, which is hard and expensive.

BOARD COMMENT/QUESTIONS:

Chairman Fay asked if he would put salt in this shelter

Larry Speer said yes, and that he is trying to find the smallest one, which so far is 20 x 30. The style would be blocks stacked up with a removable dome.

Chairman Fay asked if he can't get his boat or RV into his existing barn

Larry Speer said unfortunately not, he puts other things in there so there is no room.

Chairman Fay asked if he could come by and take a look

Larry Speer said yes.

Member Reiter asked him what the other options are for storing his salt.

Larry Speer said he can ask a landscaping place but he usually works in the middle of the night so most places won't allow it because then they can't meter it

Member Reiter asked how much salt he typically goes through per night

Larry Speer stated about forty (40) bags per half a yard

Member Pennock requested that Mr. Speer try to draw a picture with an overhead and where he wants it specifically on his property

Chairman Fay stated that his request for extra RV storage bothers him more than this request

Member Pennock agreed, stating that she knows he has a lot of land, but we have the law and do not allow others to store more than one, and that he may have to pay to store them too unfortunately

Code Enforcement Officer Mark Mazzucco said that the Zoning Board can table this for thirty (30) days to look into it and have him come back to the board

Member Reiter asked if Mr. Speer can draw something up for when they stop by so they can see where the RVs are going and where the salt is going

Larry Speer stated that he would.

CONCEPTUAL – PARKLAND PLACE – WEGMANS SPECIALTIES, DAN WEGMAN

Patrick Laber from Schultz Associates stated that the site is located at 261 East Avenue, and 231 East Avenue, and they are looking to build thirteen (13) duplex residential buildings, for twenty-six (26) units total. The plan is to access this section, via the private road that accesses the back of Hilton East, built to constructed standards. Water will be coming from the Village main past East Avenue, master meter, and backflow preventer, then the water main will be private to each unit. As for the sanitary sewer; there is a manhole to Salmon Creek Park, and the buildings would connect into that sewer system. There would be a full storm sewer, water management plan, taking water from Hilton East. There are currently no plans for streetlights at this time, only proposing standard light fixtures like you would see on a private home, it would be up to the resident.

Member Reiter said he would be concerned if all the residents had their outdoor lights turned off at the same time, then that whole area would be dark.

Patrick Laber stated that he would bring that feedback back to the developer. He then stated that they did provide a landscaping plan, stormwater management pond, and had a traffic assessment done by Passero, which obtained data from peak A.M. and P.M. right around thirty-one (31) trips in and out from this project and concluded that it would not have any negative impact on East

Ave according to the compiled data. He also said that there would be a flood zone on site, to make sure all codes were met with FEMA, Village of Hilton, and MRB.

Chairman Fay stated that the buildings need to be moved out more away from flood zone. He feels that if there were a flood it would all come back as it has no place to go and it just doesn't feel right to him.

Member Reiter stated that he is surprised that they would put this development in a flood zone

Member Ruta added also near a creek

Member Reiter asked if they are planning on moving soil to move this up, and said he is concerned about erosion.

Patrick Laber stated that yes, they have to build them up higher

Lance Brabant (MRB) - EAF, stated that a large part of this project is in a flood zone. The Village code has a requirement that they at least have to meet, and that part of this process was to meet with Schultz to clarify if there would be a negative impact. What the effect would be downstream and upstream. He also said that it is not uncommon that a facility be placed in a floodplain area. However, there are basements proposed and some are below the floodplain elevation, so they need to adjust the plans to be compliant. A study is to be done to offset comments that have been raised.

Patrick Laber stated that they want to do whatever it takes to please the Village

Member Pennock stated that the Zoning Advisory Committee conducted a survey in the Village and most residents wanted to keep the spaces green and leave them undeveloped, as well as limit rentals, and keep the Village small. She said she would like the board to keep this in mind.

Code Enforcement Officer Mark Mazzucco asked if all units will be rentals

Patrick Laber stated yes, they will all be rentals.

Chairman Fay reiterated that the Zoning Advisory Committee conducted a survey and read the following results: most want to reuse vacant buildings but do not want a lot of rentals, and residents feel the Village of Hilton has more rentals than most villages. He stated that he went back to the comp plan under parks, recreations, cultural preservation, and in general he is not sure the Village of Hilton is looking to have more townhouses. He stated that he just wanted to bring it up, so the developers are aware of what residents are thinking.

Patrick Laber stated that he believes the plan is possibly upgrading the commercial to the West of the site and this space is just outside of that study. He is not sure what else you would put in there other than apartments or multi-family units, as that is what it is zoned for, other than green space, but being next to commercial, you would think you would want people within walking distance to support those local businesses.

Member Pennock said not at this density. She feels we already have enough going on with the water pipes. She said if she is thinking of all those residents and guests, and if a catastrophic event were to occur, there wouldn't be enough space for emergency vehicles. She said she does not even see room for sidewalks back there. She would like to know where guests would park, who would plow, and stated that the Village already has other "problem" complexes, she said she would like to see all this, especially the density, infrastructure, lack of lighting, parking, etc.

Code Enforcement Officer Mark Mazzucco stated that Creek Crossing overflow parking went onto Archer Drive and an accident happened. The Board does not want to see that happen again

Chairman Fay said that he would like to see a walking path leading into Canning Street, and that he does not see any green space in the plans. It just looks too dense. He feels they should remove the ones on floodplains. He then asked if they are going to have walkout basements and stated that no senior citizens or kids are going to go out back with a six (6)-foot drop, and that it

just doesn't work for families. No swing sets or room for any like they have in other communities, and he just does not like this. Too dense.

Member Pennock said that she feels that this plan is just not fitting the villages visions

Patrick Laber stated that is why he is here, to get everyone's thoughts

Member Ruta asked if there is just one way into the new complex

Patrick Laber said yes but it loops. It will be a standard residential road like Unionville Station, and if we need to add to it for fire we can but fire trucks can still get through.

Lance Brabant(MRB) asked Patrick Laber if there is the ability to add to the existing park road

Patrick Laber said that they could

Lance Brabant(MRB) said that he has seen some communities where it can be gated and only used for emergency purposes therefore reducing traffic output

Member Reiter asked if this new complex is for all senior citizens

Patrick Laber stated that it is not age restricted

Chairman Fay asked what economic value are they trying to draw

Patrick Laber stated higher end, not low income

Chairman Fay stated that he would like to raise the standard, draw more professionals to the area, wealthier, different socioeconomic levels. He said he is not happy with this design, and he feels it is pretty plain. He stated that he has seen better brick, covered porches etc. on townhomes and that he would like to see floor plans, and color renderings if this project is going to move forward.

Member Ruta asked if they are cookie cutter and all look the same

Patrick Laber said yes

Member Ruta asked if the size of the complex can go down to twelve (12) buildings instead of twenty-six (26) so they are nice and have more green space. He feels that the issue here is the size and everything on top of each other. He said if you're going to bring in a project like this - bring in better people, and more parking. not another Parkwood.

Member Pennock asked about plowing and garbage.

Patrick Laber stated the garbage would be kept in garage with totes

Member Ruta asked if it's not going to be the responsibility of the Village

Patrick Laber said on the owner, one owner

Member Begy stated that she doesn't care for the loop exiting into the parking lot due to there being lots of residents and workers at Hilton east

Patrick Laber stated there would be an easement in place to cover that

Chairman Fay asked the Village's Representative from MRB if he has any comments to bring to us

Lance Brabant (MRB) stated that he is not as familiar with this project, not sure if its preferred to be for the village or under an easement. Monroe County DOT, fire dept for access roads. some sewer connectivity will be modified.

Chairman Fay said that he thinks they know how the board feels now, and he can take their feedback back to the owner and the board will continue to review

Member Ruta stated that it is a lot to digest

Patrick Laber said they want to make everyone happy and will tell the owner.

DATES:

Next Scheduled Meeting
Public Agenda Deadline

Tuesday, September 10th, 2024
Tuesday, August 20th, 2024

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 8:17 p.m.

Respectfully Submitted,
Aimee Doser, Recording Secretary

