

Hilton Village Board and Zoning Board of Appeals Joint Meeting
Meeting Minutes of November 12, 2019
Approved

ZBA Member's Present: Chairman Richard Bjornholm, Richard LaForce, Pat Holenbeck, Murray Weaver, and Shelly Kordish

Village Board Present: Mayor Joe Lee, Trustees Gates, Speer, Zabelny and Fowler

Administration Present: Code Enforcement Officer; Mike Lissow, Village Manager/Clerk; Shari Pearce, DPW Superintendent; Mike McHenry, Deputy Clerk; Amy Harter, and Recording Secretary Debbie Jones

Guests: Myke Merrill, Loren Ranaletto, Lisa Marcello, Courtney McGinnis, Mike Weldon, Sr., Joe Gibbons, Angela Eicholtz, Robert Holden, Melinda Holden, Steve Gabriel, Paul & Maureen Spindler, Jason & Ryan Hodges, Linda Viney, Laurie Gavigan, Carol Gillette, Cheryl Miles, Clemens L. Janowski, Don Green Tom Palumbo, Mark Greisberger

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

Mayor Lee read a letter recusing himself from the Village Board meeting. At this time, he turned the meeting over to Vice-Mayor Jim Gates. This letter will remain on file with these meeting minutes.

Chairman Richard Bjornholm read and explained the procedures of the Zoning Board.

Myke Merrill questioned Article 78 and the process, Chairman Bjornholm explained the process.

ZONING SEGMENT - PUBLIC HEARING – 169 and 171 LAKE AVE.– AREA VARIANCES

The application of Providence Housing Development Company for the following area variances for the properties located at 169 and 171 Lake Avenue:

1. To allow 4.03 acres to be considered for Planned Residential District-Senior. Per Section 275-19 D. 6 – Properties less than 15 acres in area cannot be considered for Planned Residential District-Senior zoning.
2. To allow development of a senior housing project with 15 units per acre. Per Section 275-19 D. 4 – Planned Residential District-Senior density shall not exceed 8 units per acre.

3. To allow development of a senior housing project with no buffer zone to the properties within a residential district. Per Section 275-19 D. 5 – Effective buffering area shall be provided where a Planned Residential District-Senior borders on a Residential District.
4. To allow construction of an apartment building with no basement. Per Section 275-19 D. 3 (g) – Full basements are required for all single-family homes and apartments.
5. To allow construction of an apartment building with no garages. Per Section 275-19 D. 3 (c) – A minimum 12 feet wide single car garage, either attached or detached is required for each unit.
6. To allow construction of an apartment building with no sump pumps. Per Section 275-19 D. 3 (d) – A sump pump for each unit is required to be connected to the Village storm sewer.

PUBLIC HEARING: Vice Mayor Gates opened the Public Hearing at 6:35 p.m.

Tom Palumbo, Stantec, stated this is a continuation of the October 8th, 2019 meeting. Mr. Palumbo will go over the key points to this project rather than duplicate the complete presentation of last month. Mr. Palumbo will be happy to answer any questions. The proposal is to build a two story 50-unit building for adults 55 years old and over. 4.03 acres of property is under contract sold to Providence Housing from St. Leo's Church for this action. This action requires rezoning of the property and six variances in order to move forward. Mr. Palumbo clarified a question brought up at the October 8th meeting about the impervious surface acreage calculation of 1.68 acres. The calculation of 1.68 acres is correct as follows: current space .78 acres + .9 acres of future land = 1.68 acres. The proposal also includes 53 parking spaces with bank parking for future development, if Providence Housing deems necessary. Mark Greisberger, Providence Housing states the average age of the residents is between 65 and 75. They anticipate about 8 cars traveling during the peak morning hours and 10 cars at the peak in the afternoon. Because of the age range, most are not expected to have a vehicle, there is one space per resident provided.

Code Enforcement Officer, Mike Lissow addressed the public with clarifications regarding the rezoning application. Mr. Lissow explained the applicant is seeking approval to rezone from Residential to Planned Residential District – Seniors; the applicant opted for this zoning to keep the existing vacant church building on the parcel to create space to be used for all residents of the public. Mr. Lissow further explained the applicant could have proposed rezoning to Multi-Residential; this would not have required as many variances, however; the former church would have been razed. St. Leo's and Providence both preferred to utilize the church building as part of their proposal.

PUBLIC COMMENT: Vice Mayor Gates opened the meeting for public comment.

Code Enforcement Officer, Mike Lissow read a letter from Klock Oil Company stating their opposition to the project. A copy of this letter will be on file with these minutes in the office.

Maureen Spindler, 175 Lake Ave, asked if this project must be in the Village. Mr. Palumbo stated no. Mrs. Spindler then asked the applicant for assurance to the neighbors that the water/drainage issues will be addressed. She stated water collects in her yard and in her basement and it is time to address flooding in the Lake Avenue area. Not adding adequate landscape to the neighbors would be a disservice to the neighborhood. She explained she would be open to a smaller, one story building that would fit into the character of the neighborhood. She asked the Board to consider alternatives to this plan. Mrs. Spindler also noted that her house is 115' from the southeast corner of the proposed building.

Cheryl Miles, 15 Overlook Dr, asked if Providence Housing is part of the Diocese, which is in bankruptcy? Mr. Greisberger stated there is no financial relationship. Providence is not part of Diocese and does not receive financial support from them. He stated it is a Catholic social organization, but the proposed development is not religion restricted.

Robert Holden, 27 Peach Blossom Road South, asked if the drainage study had been done. He explained in detail the amount of water he has on his property after rain or snow melt, he feels this project will only add to the existing water problems. Mr. Greisberger stated they will do a study if the application for rezoning and the variances are approved for financial purposes. Mr. Holden stated the SEQR form also contained an error of the impervious surface. Mr. Palumbo explained earlier how the calculations were done and the form was correct as submitted. Mr. Holden noted he visited Union Park in Chili, which is similar in size to the St. Leo's project and he noted there was more traffic than what is being led to believe. He feels because the Hilton area does not have a hospital nearby or shopping mall, residents tend to travel outside of the Village for these services, hence; more traffic. He also noted there is quite a bit of light that illuminates onto the neighbors from Union Park.

Myke Merrill, 202 Lake Ave, has concerns regarding traffic, parking and flooding. He stated parking for family members or guests for the residents will not be adequate and traffic along Lake Avenue will increase. Traffic on Lake Avenue is already heavily traveled especially at peak times. He is concerned with the project of this size having only one access. His other concern is the drainage and flooding issues that already impact existing homes in the area. Myke stated if this project needs so many variance approvals, it is too large for the piece of property. He stated he bought his property based on the existing Village zoning and he is against the proposal. He has not heard from one person that is present from the public that is in favor of the project. He asked the Zoning Board of Appeals to deny the variances based on the reasons he noted.

Melinda Holden, 27 Peach Blossom Road South, is concerned with the increased traffic this could generate.

Ryan Hodges, 162 Lake Avenue, expressed concern with looking out her front window and seeing an apartment building.

Jason Hodges, 162 Lake Avenue, expressed his concern for additional drainage concerns with this proposal.

Don Green, 58 West Avenue, was interested in what the building was going to look like.

Vice Mayor Gates closed the Public comments at 7:30 p.m.

The Village Board of Trustees passed a resolution to declare themselves as the Lead Agency on the proposal.

ZONING BOARD OF APPEALS

BOARD QUESTIONS/COMMENTS:

Member LaForce had no comment.

Member Kordish asked if the storm sewer study could be done prior to the approvals. Mr. Palumbo stated it is their preference to do that at Site Plan approval time and Mr. Greisberger stated the funds are not there to do it right now.

Member Holenbeck visited one of the other Providence Housing Development sites and didn't see parking as an issue. She did see a senior bus come and go for some residents. She is however; concerned about the parking with the St. Leo's project.

Member Weaver stated he has no issues moving forward but the neighbors do have legitimate concerns.

Chairman Bjornholm asked for the distance from the proposed building to the corner of the house at 175 Lake Avenue. The distance is 115' from the southeast corner of the proposed building to the house at 175 Lake Avenue.

Motion to approve the variance to allow 4.03 acres to be considered for Planned Residential District – Senior. Motion made by Member Weaver, seconded by Member Holenbeck and approved 5-0.

The Village Board passed a resolution to deny the application of Providence Housing Development Company to rezone the properties located at 169 and 171 Lake Avenue to Planned Residential District – Senior.

There being no further business for the Joint meeting, this portion of the meeting was adjourned at 8:23 p.m. by the Village Board.

ZONING BOARD OF APPEALS

MINUTES:

Member Kordish made the motion to accept the Zoning Board of Appeals September 10, 2019 meeting minutes; seconded by **Member Holenbeck** and approved 4-0-1 (**Member Weaver abstained.**)

Member Weaver made the motion to accept the Zoning Board of Appeals October 8, 2019 meeting minutes; seconded by **Member Holenbeck** and approved 5-0.

DATES:

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|------------------------|---|
| Next Scheduled Meeting | Tuesday, December 10 th , 2019 |
| Public Agenda Deadline | Tuesday November 26 th , 2019 |

There being no further business, **Member Kordish** made the motion to adjourn the meeting at 8:27 p.m., seconded by **Member LaForce**, and approved 5-0.

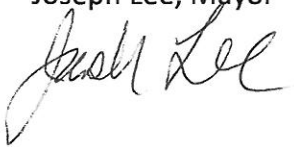
Respectfully Submitted,
Debbie Jones, Recording Secretary

Statement for Joint Village Board meeting

I, Mayor Lee, will be recusing myself from this Village Board meeting. I am the Grand Knight for St. Leos Church and an active member. I do not feel I have a personal conflict with this matter; however, it was brought up in the last public meeting that because of my relationship with the church, it could influence my decision making. Therefore, I feel it is in the best interest to recuse myself from any action pertaining to the rezoning of the St. Leos property. I will be turning the meeting over to be run by Vice Mayor Jim Gates.

Thank you

Joseph Lee, Mayor

A handwritten signature in black ink that reads "Joseph Lee". The signature is written in a cursive style with a large, sweeping initial "J" and "L".

Klock Oil Company, Inc.
51 Pearson Lane
Rochester, NY 14612

November 7, 2019

Village of Hilton Board of Trustees
Village of Hilton Zoning Board of Appeals
59 Henry Street
Hilton, NY 14468

Dear Members,

I am unable to attend the public hearing regarding the attached notice on November 12, 2019. Therefore, I am submitting this written summary of the concerns and comments of Klock Oil Company.

Generally, the area variances requested are considerably over and above code. Item 1 is 372% over code, item 2 is 188% over code and Items 3 – 6 each are 100% over code. These percentages indicate that the proposed project is too large for the site.

Furthermore, concerning item 3, no buffer zone indicates that a building may be construction on the lot line. This would be detrimental to the protection of property rights of the adjacent properties.

Furthermore, concerning item 6, apartments with no sump pumps could possibly cause flooding that could affect adjacent properties.

It seems that this project, as proposed, is not a proper fit for the location. Either the scope of the project needs to be reduced to be more in compliance with code or a much larger footprint is needed.

Klock Oil Company, based on the above comments and concerns is opposed to the project as proposed.

Yours truly,

A handwritten signature in cursive script that reads "Barry R. Klock".

Barry R. Klock
President