

Joseph M. Lee, Mayor

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VILLAGE OF HILTON

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Hilton Zoning Board of Appeals
Meeting Minutes of March 9th, 2021
Approved

ZBA Member's Present: Chairman Kim Fay, Murray Weaver, Pat Hollenbeck, Shelly Kordish, and Harry Reiter

Village Board Present: Mayor Joe Lee and Village Board Liaison; Larry Speer

Administration Present: Code Enforcement Officer; Mark Mazzucco, Village Manager/Clerk; Shari Pearce, Deputy Clerk; Amy Harter and Recording Secretary; Debbie Jones

Guests: Linda Viney, Stacy Fleming, Kevin Park, Carl O'Connor, Jerry Pozzuolo, Herb Case, Sue Case, Chelsey Case, and Ann Kolb

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

MINUTES:

Member Holenbeck made the motion to accept the amended February 9th, 2021 Zoning Board of Appeals meeting minutes, seconded by **Member Weaver**, and approved 5-0.

REPORTS:

Village Board Liaison Larry Speer Gave his report
Mayor Joe Lee Gave his report
Code Enforcement Officer Mark Mazzucco No Report

Chairman Kim Fay opened the public hearing at 6:42 p.m.

Member Fay read the Explanation of the Zoning Board of Appeals procedure.

ZONING SEGMENT – AREA VARIANCE – 92 ROLLING MEADOW DR. SOUTH

- Application of Carl R. O'Connor, 92 Rolling Meadows Drive South, for an 8-foot Area Variance to construct an attached Garage to the front of a pre-existing in-law apartment. Per Section 275-13C (2), which states in part minimum front setback for lots abutting roads and, if a corner lot, the exterior side yards shall be 35 feet. This property is zoned Residential.

Mr. O'Connor stated they have lived at this residence for approximately 2-1/2 months. The selling point to this property was the conversion of the garage into an in-law apartment by the

previous owner: his mother has moved into the in-law apartment. Mr. O'Connor would like to construct a 22'.5"x 24' garage now to the front of the pre-existing in-law apartment. He only needs the 8' in the upper left corner of the proposed layout due to the irregular projection of the front yard on a street curve.

BOARD COMMENT:

Code Enforcement Officer, Mark Mazzucco stated this is Type II action under SEQR and no further review is required. There are no complaints on file.

Chairman Fay asked **Code Enforcement Officer, Mark Mazzucco** if the pre-existing in-law apartment has the approved Conditional Use permit on file. **Mr. Mazzucco** replied all the proper paperwork is on file. **Chairman Fay** inquired if he has a contractor. Mr. O'Connor stated he does not, he wanted to go through this process first.

Member Weaver has no problem with this application.

Member Reiter has no objections with this application.

Member Holenbeck asked if all notifications were made. **Code Enforcement Officer, Mark Mazzucco** stated all notifications were made. **Member Holenbeck** wanted to clarify it would be 24' deep. Mr. O'Connor indicated that is correct.

Member Kordish has no objections with this application.

PUBLIC COMMENT: Opened at 6:50 p.m.

There was no public comment.

Public Comment closed at 6:51p.m.

Member Kordish made the motion to approve the application of Carl R. O'Connor, 92 Rolling Meadows Drive South, for an 8-foot Area Variance to construct an attached Garage to the front of a pre-existing in-law apartment. Per Section 275-13C (2), which states in part minimum front setback for lots abutting roads and, if a corner lot, the exterior side yards shall be 35 feet. There was no public comment, **seconded by Chairman Fay** and approved 5-0.

PUBLIC HEARING – AREA VARIANCE – 3 EFNER DRIVE

- Application of Herbert Case, 3 Efner Drive, for an Area Variance to construct a proposed Tool Shed with a Roof Height of 14.5-feet. Per Section 275-13E (1) Subsection C, the height of any accessory structure shall not exceed 12 feet as measured from the average grade at the front of said accessory building to the highest point of such accessory structure. This property is zoned Residential.

Mr. Case is proposing to construct a 12'x20' (240 sq. ft.) tool shed with a 14.5' height to be level with the roof of his garage. This would allow a dormer window for more light and a loft for more storage. The roof will be flat and would not accept snow load if he lowered the design. This will be seated on a concrete floor and architecturally designed as the house. There is a gas line that needs to be sleeved that runs under where the tool shed would be built.

Mr. Case also stated he is now aware of a code violation regarding his camper and is currently working with Mr. Mazzucco on resolving the violation. Due to the soggy yard and camping season coming up, he is trying to come with a resolution.

Code Enforcement Officer, Mark Mazzuco stated the following:

- Letters to homeowners were mailed/notifications in order
- Matter is a Local determination per Exemption(s) in Schedule 'A' of the Monroe County DRC
- This is a Type II action under SEQR and no further review is required.
- There are no complaint letters or code enforcement actions in the property file.

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

There was no public comment.

Public Comment closed at 6:55p.m.

BOARD COMMENT:

Member Weaver commented that it is a large shed, but it is protected by the fence. It is a beautiful yard and has no objections to this application.

Member Reiter has no objections to this application.

Member Holenbeck clarified that 256 sq. ft. is the allowable size for a shed because she feels the height could be an issue. It was confirmed that 256 sq. ft. is the allowance.

Member Kordish has no objections to this application.

Chairman Fay walked the backyard and feels this is an excellent design.

Chairman Fay made the motion to accept the application of Herbert Case, 3 Efner Drive, for an Area Variance to construct a proposed Tool Shed with a Roof Height of 14.5-feet. Per Section 275-13E (1) Subsection C, the height of any accessory structure shall not exceed 12 feet as measured from the average grade at the front of said accessory building to the highest point of such accessory structure. There was no public comment, seconded by **Member Reiter**, approved 5-0.

PUBLIC HEARING – CONDITIONAL USE PERMIT – 100 OLD HOJACK LANE

- Application of Gerald A Pozzuolo, proposed owner of 100 Old Hojack Lane for Conditional Use Permit for a proposed Mini-Storage Storage facility per Section 275-15C (3). This property is Zoned Commercial.

Mr. Pozzuolo stated he has been interested in this property since July 2020, then the property sold. He found out the deal fell through and the property became available again. Basically, he has the same idea, a mini storage to go along with existing office and garage. Proposing 4 (four) buildings with approximately 90-120 units total and all the setbacks will be the same. He should be closing on the property in one or two weeks, then start construction in early June.

Code Enforcement Officer, Mark Mazzuco stated the previous buyer, the last he heard had purchased land at the end of Old Hojack Lane and Collamer Road (Town of Parma) to proceed with her mini storage project.

Code Enforcement Officer, Mark Mazzuco stated the following:

- Letters to homeowners were mailed/notifications in order
- Matter is a Local determination per Exemption(s) in Schedule 'A' of the Monroe County DRC
- This is a Type II action under SEQR and no further review is required.
- There are no complaint letters or code enforcement actions in the property file.

PUBLIC COMMENT: Opened at 7:05 p.m.

There was no public comment.

Public Comment closed at 7:06 p.m.

BOARD COMMENT:

Chairman Fay asked if there would be someone on-site 24 hours. Mr. Pozzuolo stated there would not be anyone on-site 24 hours. **Chairman Fay** continued to ask questions about fencing, lighting, security camera's, this will be covered at Site Plan Review.

Member Kordish asked if there should be a concern about traffic on Old Hojack Lane with two mini storage businesses in proximity of each other, the schools, etc. The area of Old Hojack Lane was built with the intention of attracting Industrial businesses.

Member Holenbeck was asking about landscaping but again this will be gone over at Site Plan review.

Member Reiter has no objections to this application.

Member Weaver has no objections to this application.

Chairman Fay made the motion to accept the application of Gerald A Pozzuolo, proposed owner of 100 Old Hojack Lane for Conditional Use Permit for a proposed Mini-Storage Storage facility per Section 275-15C (3). There was no public comment, seconded by **Member Weaver**, approved 5-0.

Mr. Pozzuolo can now move forward with Site Plan review.

PUBLIC HEARING - CONDITIONAL USE PERMIT – 100 EAST AVE. - CONTINUED

- Application of Stacy Fleming for the property located at 100 East Avenue for Conditional Use Permit for an in-home Business (Dog Breeding) per section 275-13B (3). This property is Zoned Residential.

****THIS APPLICATION WAS TABLED FROM THE FEBRUARY 9TH, 2021 MEETING.**

PUBLIC COMMENT: Opened at 7:08 p.m. – Continued from 2-9-21

There was no public comment.

Public Comment closed at 7:17p.m.

BOARD COMMENT:

Chairman Fay expressed how he understands this business is Ms. Fleming's primary source of income, but the location is just not in the right area. He is hoping the Board can agree on a reasonable solution for this application.

Member Weaver stands by the fact that Ms. Fleming opened a business in a residential district. Kevin Parks, 1434 Titus Avenue, Rochester, NY 14622 stated he is Stacey's dad, he made the call to the Village Office when they were looking at properties to purchase regarding the dog breeding business. Mr. Parks at that time was told the business would not be an issue. There was not any mention of special permits, number of dogs, etc. Mr. Parks stated with the information he was given, they moved forward in purchasing the property.

Village Manager, Shari Pearce reiterated what was said at the meeting on 2-9-21, at the time of the purchase of this property, that Code Enforcement Officer has since retired.

Chairman Fay has done some research, even in Agricultural districts in different area towns, they require 100' distance from neighboring properties.

Member Holenbeck stated she can see where the unlicensed car has been removed and noticed that Ms. Fleming has been cleaning up. **Member Holenbeck** understands right now with the weather that cleaning up might be limited but does hope it continues. **Member Holenbeck** still feels there are too many adult dogs then add in when there are puppies.

Ms. Fleming stated she is at capacity and has no intent of increasing the number of adult dogs. There will be 1 (one) male retiring and will not be replaced.

Ms. Fleming cannot stress enough that she is the best at what she does, people come to her from all over for her puppies and she follows all the necessary local and state licensing guidelines.

Member Kordish is hoping there is a way we can mediate this situation. This is her primary source of income; she is a single mother, and she is cleaning up the yard.

Member Reiter had no comment.

Chairman Fay asked the neighbor, Ann Kolb if the issue she had with the dogs barking had been resolved. Mrs. Kolb stated yes at this time no further issues. Ms. Fleming spoke up and stated she figured out what was stirring the dogs at that hour and has since rectified the situation. Ms. Fleming told Mrs. Kolb, anytime there is a situation at the house to please come and discuss it with her. Ms. Fleming tries very hard to keep communication open with her neighbors.

Chairman Fay made the motion to accept the application of Stacy Fleming for the property located at 100 East Avenue for Conditional Use Permit for an in-home Business (Dog Breeding) per section 275-13B (3), set to expire 18 (eighteen) months from today. There was public comment. The following conditions have been placed and if not followed can revoke this permit at any time for sufficient causes.

1. Outside debris must be removed.
2. 15 (fifteen) adult dogs' maximum.

Inspections of the property will be overseen by our Code Enforcement Officer, Mark Mazzucco. Seconded by **Member Holenbeck**, approved 5-0.

Public hearing closed at 8:00 p.m.

Next Meeting: Wednesday March 10th, 2021

There being no further business, **Member Kordish** made the motion to adjourn the meeting at 8:05 p.m.

Respectfully Submitted,
Debbie Jones, Recording Secretary

Zoning Board.

I am writing to clarify some questions regarding zoning for 100 East ave.

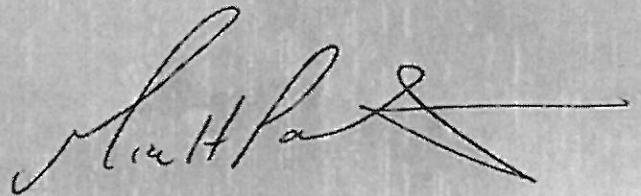
The business Golden Beauties Driven to Doodles, LLC is an S-corp (date of LLC incorporation 1/9/2009) which is fully licensed and inspected by the State of NY Department of Agriculture and Markets (PD 638), fully insured for hazard, liability dwelling insurances. See attached documents of proof of these.

The business has a business plan in the event of something happening to the owner, Stacy Fleming so in that event the animals will be cared for by Stacy's assistant(s) as well as Apple Country Veterinary/Canal Veterinary who also inspect and maintain records on animals for care in the case that intervention need to occur (if something should happen to the owner). See attached Manifest of care.

Stacy Fleming is a Certified Canine Behavior Consultant with post Masters degrees in both animal as well as human Psychology, the dogs sold by Golden Beauties Driven to Doodles are sold to families with physical and/or mental disabilities as companion, service, therapy and emotional support dogs.

Dear Hilton Village Zoning Board,

I, Mike Pantaleo owner and resident of 124 East Ave Hilton have no objections to Stacy Fleming of 100 East Ave conducting her dog business in the house.



MICHAEL H. PANTALEO
585-402-079

VK

