

Joseph M. Lee, Mayor

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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



Hilton Zoning Board of Appeals
Meeting Minutes of April 12th, 2022
Approved

ZBA Member's Present: Chairperson Kim Fay, Pat Holenbeck, Nicole Pennock, Harry Reiter, and Joe Ruta

Village Board Present: Village Board Liaison; Shannon Zabelny

Administration Present: Recording Secretary; Debbie Jones and Office Clerk; Aimee Doser

Guests: Kate Fleury, John Kwiatkowski, Karen Ricketts, Noelle Wainwright, Chris Murdoch, Phil Altobelli, Nick Tisa, Joe Posella, Rodney Manhardt, Patricia Manhardt, Brook Lefler, Tom Smith

Chairperson Fay called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

Chairperson Fay declared for the minutes, that a quorum is present so the meeting may proceed as planned.

MINUTES:

Chairperson Fay made a motion to approve the March 29th, 2022 meeting minutes, seconded by **Member Pennock**, approved 5-0.

REPORTS:

Village Board Liaison Shannon Zabelny	Gave her report.
Mayor Lee	Not Present
Code Enforcement Officer Mark Mazzucco	Not Present

Chairman Fay opened the public hearing at 6:35 p.m.

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

PUBLIC HEARING – CONDITIONAL USE PERMIT – 8 GREEN LANE

Application of Noelle Wainwright, for the property located at 8 Green Lane for a Conditional Use Permit for an in-law Apartment. Per Section 275-13B (2) --The following conditional uses are permitted--Two-family dwelling with attached or detached garage. This property is zoned Residential.

Noelle Wainwright stated she would like to have her parents come and live with her in her home. Due to their mobility (health) issues, she has growing concerns about their safety living in their own home which is a raised ranch. Both parents have taken falls, including outside in the yard where her father laid outside for 15 minutes before he could receive assistance. Ms. Wainwright states she is a nurse and has worked in the home health care field and continues to work in the healthcare field, she really doesn't want to place her parents in assisted living especially with COVID-19 still being a factor. Building this addition would be handicap accessible, all on one floor with a kitchenette, bathroom and a bedroom. The addition would be to the back of the home on the East side of the house. There will not be a separate entrance to this addition (in-law), the main entrance to the original home will be the only entrance/exit.

PUBLIC COMMENT:

Joe Posella, 10 Green Lane has concerns with the parking (i.e., parking over the sidewalk, in the street, etc.) Ms. Wainwright stated they could widen the driveway at the bump out if needed. Chris Murdock who also lives at 8 Green Lane stated, not that it should be a problem since there is a double car garage, but they could extend (pave) their driveway to allow 3 car width if necessary.

Rodney Manhardt, 15 Green Lane asked Ms. Wainwright if they had considered 100 Leith Lane for her parents. Mr. Manhardt then asked if the fence would be staying, Noelle answered yes. Mr. Manhardt stated from a fireman's perspective, he is concerned about the space between the house and fence. **Member Reiter** stated there will be enough room for access, there is 12' between the houses with the addition it will bring it down to 6'. Mr. Manhardt was shown the map/plans which shows enough for the access. Mr. Manhardt thought the addition was going on the West side of the house which caused him some confusion because of the pool and shed being right there and possibly creating an issue for #10 Green Lane. Clarification was made on which side of the home the addition is being built on (East side). Mr. Manhardt exited the meeting at this time.

Nick Tisa, 11 Green Lane wanted clarification on whether this application is considered an in-law or a two-family home as the Village Code reads? Mr. Tisa wanted to know why this application had to come before the Board. Mr. Tisa stated many people put in second kitchens in their homes and do not obtain these approvals. **Member Reiter** stated the way our Code is written Section 275-13B (2) a Conditional Use permit is needed. Secretary Debbie Jones stated another reason is if down the road Noelle goes to sell this property and the proper permits were not obtained prior to doing the work per our Code, she could face monetary penalties. Ms. Jones went on to say this Conditional Use permit does not change the Zoning for the neighborhood, it remains Residential. It will be a single-family home with an in-law apartment.

Patricia Manhardt, 15 Green Lane asked how the property will be zoned. It will remain Residential. If the property is sold, how will it be listed? A single-family home with an in-law. After much discussion on the wording of the Village of Hilton Code and this application **Chairperson Fay** closed the public hearing at 6:54 p.m.

BOARD COMMENT:

Member Pennock asked what type of egress there is going to be. Noelle stated a sliding glass door.

Member Reiter has no issues with this application.

Member Ruta has no issues with this application.

Member Holenbeck taking the 6' into consideration, she has no issues with this application.

Chairman Fay walked the property with the homeowner and thinks it is a good idea.

Member Holenbeck made the motion to accept the application of Noelle Wainwright, for the property located at 8 Green Lane for a Conditional Use Permit for an in-law Apartment. Per Section 275-13B (2) --The following conditional uses are permitted--Two-family dwelling with attached or detached garage. This property is zoned Residential. There was public opposition.

Chairman Fay asked if there were any further questions from the Board or the Public after the motion was read but before the approval. There was none.

Seconded by **Member Reiter**, approved 5-0

PUBLIC HEARING – AREA VARIANCE – 8 GREEN LANE

Application of Noelle Wainwright, for the property located at 8 Green Lane for an Area Variance to construct a 30-ft by 20-ft Addition with a 6-foot setback from the interior side yard property line. Per Section 275-13C (2) -- The minimum interior side yard and rear yard setbacks shall be eight feet. This property is zoned Residential.

Chris Murdock, 8 Green Lane who lives at this residence feels the addition will “fit like a glove” as discussed with **Code Enforcement Officer, Mark Mazzucco**.

PUBLIC COMMENT opened at 7:05p.m.

Phil Altobelli, 6 Green Lane does not have any issues with either of these applications for 8 Green Lane.

PUBLIC COMMENT was closed at 7:06p.m.

BOARD COMMENT:

Member Ruta noticed there are six - eight (6'-8') foot trees along the fence line, will they be staying. Mr. Murdock stated two (2) out of four (4) will be staying, his neighbor Phil Altobelli, 6 Green Lane does not have a problem with the trees being removed.

Member Holenbeck does not have any questions for this application.

Chairperson Fay has no problem with this application.

Member Reiter no questions for this application.

Member Pennock also has no questions for this application.

Member Pennock made the motion to accept the Application of Noelle Wainwright, for the property located at 8 Green Lane for an Area Variance to construct a 30-ft by 20-ft Addition with a 6-foot setback from the interior side yard property line. Per Section 275-13C (2) -- The minimum interior side yard and rear yard setbacks shall be eight feet. This property is zoned Residential. There was no public comment. Seconded by **Chairman Fay**, approved 5-0.

PUBLIC HEARING – CONDITIONAL USE PERMIT – 158/130 EAST AVENUE

Application of St. Paul Lutheran Church and School, 158 East Avenue for a Conditional Use Permit to allow a temporary addition on the West side of the existing school building to be used as classrooms and allow an additional separate permanent building to the North of the Pavilion to be used as classrooms, flex-ministry space, and banquet hall. Per Section 275-13B (1) --

Conditional uses. Upon site approval and in accordance with Article IV, the following uses are permitted: Public buildings, schools, parks, playgrounds, libraries, and grounds. This property is zoned Residential.

Tom Smith stated St. Paul Lutheran School is out of room, they currently have 185-230 students and have a waiting list. They would like to add 2 (two) classrooms to the West wing, tie it into the existing building. They would bring over electric, sprinkler and baseboard heat. This would be semi-permanent to see if the waiting list continues to grow and the need for more classrooms is needed going up to 4 classrooms total down the road. Mr. Smith stated the Church/School agreed this is the fastest solution to their growing situation both financially and due to time constraints.

Mr. Smith also added they would like to remove their request at this time for the additional separate permanent building to the North side of the Pavilion, they will return at a later date for that request.

PUBLIC COMMENT opened at 7:25p.m.

No public comment

PUBLIC COMMENT closed at 7:26p.m.

BOARD COMMENT:

Member Pennock asked if the building is made permanent, will it blend into the existing building. Mr. Smith answered yes.

Member Holenbeck asked about the building out back. Mr. Smith stated it will be used as a last resort but would like as a community center. The Youth Groups have doubled in size. There was open registration in January, and they had a line. Mr. Smith stated the contractors are all booked, has the mason to do the concrete so they are going temporary. Brook Lefler from the Church showed the Board the plans and would like to request the permit to build the West wing for the temporary building.

Chairperson Fay does not have an issue with this application but would like to add the condition when it does move to permanent it matches the existing building.

Member Ruta does not have any questions on this application.

Member Reiter does not have any questions on this application.

Chairman Fay made the motion to accept application of St. Paul Lutheran Church and School, 158 East Avenue for a Conditional Use Permit to allow a temporary addition on the West side of the existing school building to be used as classrooms Per Section 275-13B(1)-- Conditional uses. Upon site approval and in accordance with Article IV, the following uses are permitted: Public buildings, schools, parks, playgrounds, libraries, and grounds. There was no public comment and the following comment was placed on this approval:

- Permanent addition (exterior) when done at a later date, will match the existing school building.

This property is zoned Residential.

Seconded **Member Pennock**, approved 5-0

Next Meeting Tuesday May 10th, 2022

There being no further business, **Member Ruta** made the motion to adjourn the meeting at 7:39 p.m.

Respectfully Submitted,
Debbie Jones, Recording Secretary