

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

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Zoning Board of Appeals  
Meeting Minutes of May 10, 2022  
Approved

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

Village Board Present: Village Manager; Shari Wilson Pearce, Village Board Liaison; Larry Speer

Administration Present: Code Enforcement Officer; Mark Mazzucco, Recording Secretary; Debbie Jones and Office Clerk; Aimee Doser

Guests: Rodney Manhardt, Joseph Posella, Nick Tisa

**Vice-Mayor Andy Fowler** issued the Oath of Office to **Zoning Board member Joe Ruta** for his reappointment to the Zoning Board for a 5-year term.

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

## MINUTES:

**Member Fay** made the motion to accept the April 12<sup>th</sup>, 2022, Zoning Board of Appeals meeting minutes, seconded by **Member Holenbeck**, and approved 5-0.

## REPORTS:

Village Board Liaison Larry Speer Gave his report.

Mayor Joe Lee Not present.

Code Enforcement Officer Mark Mazzucco Gave his report.

**Chairman Fay** opened the meeting with discussion on 8 Green Lane. **Chairman Fay** stated there is a need for clarification on the Conditional Use permit that was granted at the April 12, 2022 Zoning Board meeting, in-law Apartment vs. addition. **Shari Wilson-Pearce, Village Manager** was asked by the Mayor and the Village Board of Trustees to contact our attorney and NYCOM for their direction on this application. **Mrs. Wilson-Pearce** stated she spoke to our attorney and NYCOM, both felt there was not a need to grant a Conditional Use permit. **Mrs. Wilson-Pearce** explained that due to the Village of Hilton's current yet outdated code, **Code Enforcement Officer, Mark Mazzucco** had to make a judgement call based on wording of the code. Based on the square footage of this project and there will not be a separate entrance, the

Zoning Board needs to rescind the motion from April 12<sup>th</sup>, 2022 for the Conditional Use permit. This project will be considered an addition, not a separate residence with no future plans to create a separate residence within.

Rodney Manhardt 15 Green Lane, so if an exterior door is installed it becomes classified as an in-law? **Code Enforcement Officer, Mark Mazzucco** stated it would have to be a swinging door to change the classification to in-law, a sliding glass door does not follow that guideline. Mr. Manhardt is requesting the Board to ask for an affidavit from the applicant stating only a family member can reside in the proposed addition. Mr. Manhardt presented to the Board a copy of the Town of Penfield's "In-Law" Code. The Board told Mr. Manhardt they cannot request an affidavit from a homeowner.

**Mrs. Wilson-Pearce** stated the Village will be hiring a firm in the Fall to update our Zoning Code.

Mr. Manhardt stated he is good with this decision once Mr. Mazzucco looks over the architectural plans.

**Chairman Fay** made the motion under the advice of the Village Attorney, Larry Schwind to revoke the Conditional Use Permit granted April 12<sup>th</sup>, 2022 to Nicole Wainwright, 8 Green Lane for an in-law apartment, seconded by **Member Pennock**, approved 5-0.

**Code Enforcement Officer, Mark Mazzucco** stated there are few Conditional Use permits coming up for review.

130 East Avenue – St. Paul's Church – LED Sign

101 Hillside Dr. – In-Home Daycare – Mark stated the contractor is behind, work has not started.

1 Verney Dr. – In Home Business – Kitchen/Bakery

100 East Avenue – Stacy Albahari (Fleming) – In-home Business – Dog Breeding.

Mr. Mazzucco will be following up on these permits and bringing them back before the Board.

#### **DATES:**

Next Scheduled Meeting                      Tuesday, June 14<sup>th</sup>, 2021

Public Agenda Deadline                      Tuesday, May 31<sup>st</sup>, 2021

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 7:25p.m.

Respectfully Submitted,  
Debbie Jones, Recording Secretary

Secretary Debbie Jones and Aimee Doser exited the meeting, the Board continued on with the Sign Code workshop.