

Joseph M. Lee, Mayor

TRUSTEES

Andrew J. Fowler

Sherry A. Farrell

Larry W. Speer

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Shari Wilson-Pearce Village Manager/Clerk

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# VILLAGE OF HILTON

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Hilton Zoning Board of Appeals  
Meeting Minutes of August 16<sup>th</sup>, 2022  
Approved

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

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

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

Guests: Stephen Albahari, Stacy Albahari, Ann Kolb

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

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

## MINUTES:

**Member Pennock** made a motion to approve the amended June 14<sup>th</sup>, 2022 meeting minutes, seconded by **Chairman Fay**, approved 4-0-1 (Member Pat Holenbeck not present at the 06-14-22 meeting.)

## REPORTS:

Village Board Liaison Larry Speer Gave his report.

Code Enforcement Officer Mark Mazzucco Gave his report.

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

**Member Reiter** read the Explanation of the Zoning Board of Appeals procedure.

## PUBLIC HEARING – CONDITIONAL USE PERMIT – 100 EAST AVENUE

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.

Mrs. Stacy Albahari (Fleming) was present with updated Breeding licenses, stated all her adult dogs are licensed with the Town of Parma, her fencing has permits, and there have been no issues pertaining to her in-home business. She has been running her business at this property in the Village since 2010 with no code violations or complaints. She would like to stay here to keep running her business or have the property rezoned. Stacy stated when she and her father were looking for property back in 2009-2010, they specifically called the Village of Hilton and was told by the Code Enforcement Officer at that time, the Dog Breeding business would not be an issue at this location. Stacy was never told she would need any special permits or variances from the Village and never heard anymore from the Code Enforcement Officer at that time. Stacy bought this property due to this information and lived upstairs, the dogs were downstairs. She then purchased the house across the street at 115 East Avenue for her personal use, the dogs remained at 100 East Avenue. Stacy and her husband/business partner, Stephen Albahari, stated they were “grandfathered” in and should be excluded from any new laws pertaining to this matter. They explained that their business does/will not infringe on neighbors unless any issues go unresolved, but she has a good relationship with the immediate neighbor west of 100 East Avenue, Mrs. Ann Kolb. Stacy also explained that her dogs are only bred if there is a demand and currently has a one-year waiting list. Pups are transported to NYC around 8-9 weeks old to go to their new homes, therefore, buyers are not coming and going from her home like a store as not to disrupt the residential area. The Albahari’s no longer have any employees and stated their daughter is the only one living upstairs at 100 East Avenue to help with the dogs.

### **BOARD COMMENTS:**

**Chairperson Fay** asked Stacy Albahari (Fleming), how many adult dogs reside in the home at any given time. Stacy Albahari (Fleming) stated they currently have 13 but can have up to 25 when they have litters of puppies. Litters can be 5-7 puppies on average, and they stay in the home with the mother until 8-9 weeks of age. She again stated she will not breed if there is no waiting list/pre-payments, so there is not always that many dogs at one time. **Chairperson Fay** stated according to the Village of Hilton Zoning Ordinance, having this many dogs in a residential area are prohibited and he personally is against reissuing a Conditional Use Permit for this business for that reason. He also stated there is no documentation in the Village office issuing approval for the dog breeding business or for the number of dogs that are currently housed at 100 East Avenue.

**Member Pennock** stated we are discussing two issues: the breeding business, and the number of dogs in the home.

**Member Reiter** stated there was a rule established in 2018 to limit the number of dogs in the Village. Stacy Albahari (Fleming) said she was already in business since 2010 so she was grandfathered in, and this did not apply to her. Stephen Albahari stated that no one in the Village, such as, the code enforcer at the time, asked how many dogs they had or if it was a business, etc. until 2018. Stacy also stated they are ok with the current 15 dogs and have no plans to expand. Stephen Albahari went on to explain that the adult dogs do not all breed at the same time, some take, and some do not, so they do not always have litters and therefore could only have the adult dogs at one time.

**Code Enforcement Officer, Mark Mazzucco**, stated it was documented in 2018 that the Village Code Enforcer at that time was aware of the number of dogs per Animal Control Officer

Art Fritz, and a judgement call was made to let it go due to no complaints. Stacy Albahari(Fleming) stated she came from Irondequoit with 10 dogs.

**Member Ruta** stated he feels they should set up somewhere else, not in the Village.

Stephen Albahari stated he wants to purchase acres of land to build the business on but cannot find anything affordable. Stacy Albahari (Fleming) stated that she does not want to be far from her dogs so she would like to keep her business across the street from her home, however, her future goal is to look for a new, larger space and is saving money to buy land but just cannot afford it at this time as it would cost up to \$300k. She stated she will rent out the houses she owns if herself and her business ever relocate.

**Member Holenbeck** asked if the house is trashed since it has 10-15 dogs always living there. Stacy Albahari (Fleming) described the house having specific flooring that is more durable and easier to clean, says she mops daily, and repaints when needed, and the dogs are well behaved. She added things in the house to accommodate the dogs, but the house is still structurally the same, it would need work done if she were to sell but she would do whatever work is needed if she were to move.

**Member Reiter** stated he doesn't know anyone that buys a residential home just for dogs. Stacy Albahari stated that the lady she buys dogs from in Warsaw built an addition on her residential home for the dogs, and her 3<sup>rd</sup> Golden Retriever was purchased from an in-home basement kennel. Stephen Albahari stated that Stacy was living in this home at 100 East Avenue until the house across the street became available which she then purchased for herself to live in across from the dogs. He also mentioned that the dogs are in their own separate cages per licensing guidelines and are not roaming free in the house.

### **PUBLIC COMMENT:**

Ann Kolb, 148 Railroad Ave. stated she would like all the weeds gone as they are overgrown and an eyesore. She also asked that they start picking up all the dog feces in the backyard as it smells. The Albahari's stated they will get to work on that. Currently, they are working on a job in the front yard with a water line. Stacy stated she does not pick up the feces' daily as there is so much but will try to do better with that. They are also looking at a different material to lay down instead of the straw which does not hold in the urine/feces odor.

**PUBLIC HEARING** was closed at 7:30 p.m.

### **BOARD DISCUSSION:**

**Member Pennock** stated that no one knew this business was there, and it has caused no detriment to the Village except for the neighbor having an issue with leaving a light on, which was remedied.

**Member Holenbeck** asked if the Board can put rules on this permit and require a re-check. She also asked if we (the board) are allowed to rescind with sufficient cause.

**Code Enforcement Officer Mark Mazzucco** stated yes, it can be revoked with sufficient cause.

**Chairperson Fay** asked if conditions can be set if any complaints come in within a certain amount of time.

**Code Enforcement Officer Mark Mazzucco** stated yes, we can set how many dogs, how many violations, etc.

**Chairperson Fay** wants to require in the conditions that if the property changes hands that this permit will expire and cannot be transferred to next owner, also that new owner of the house cannot have a new business there. The permit should be issued in the business name “Golden Beauties Driven to Doodles LLC”, not the address. Stacy Albahari (Fleming) confirmed that if she goes, the business goes, so there would not be a business remaining there if she were to move out of the Village. It would go back to a residential home.

**Member Reiter** would like the business gone within five years and the house go back to a residential home. He feels the house must smell and he would like them to find a different place to move this business out of the Village, not so close to other homes. He would like to set the conditional use permit to expire with no renewal and no re-applying. Stacy Albahari (Fleming) stated she will need \$300k within those five years to relocate the business and she cannot promise that she can do that as sometimes business is good and other times it is not.

**Chairperson Fay** feels a daily fine per day after permit expiration is an option.

**Village Manager Shari Pearce** stated that the Town of Parma requires so many acres for this type of business and that the Village does not want breeders in the Village due to small lots and neighbors in close vicinity. She also asked the applicant if the board members can view the house. Stacy answered that it can only be viewed from the outside for the safety of the dogs.

**Member Ruta** wants Stacy to take care of the neighbor, Ann Kolb’s issues, the weeds, and feces removal.

Board Members discussed it being required to go back to residential home if sold, no other business in home, there cannot be any complaints regarding this business/home, and there should be a human living there to handle any issues that may arise 24/7.

**Chairperson Fay** made the motion to table this application for 30 days to word the conditions properly and consult attorney.

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

Next Meeting Tuesday September 13th, 2022

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

Respectfully Submitted,  
Aimee Doser, Office Clerk  
Debbie Jones, Recording Secretary