

Joseph M. Lee, Mayor

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Hilton Zoning Board of Appeals Meeting Minutes of December 13th, 2022 Approved

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

ZBA Member's Absent: Elaine Begy (Alternate)

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

Guests: Jennifer Spaulding, Marco Mattioli

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:

Chairman Fay made a motion to approve the November 8th, 2022 meeting minutes, seconded by **Member Pennock**, approved 5-0.

REPORTS:

Village Board Liaison Mark Mazzucco	Gave his report.
Mayor	Gave his report.
Code Enforcement Officer Mark Mazzucco	Gave his report.

Chairman Fay opened the public hearing at 6:40 p.m.

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

REVIEWS:

1. 101 Hillside Dr. – Jennifer Spaulding – Conditional Use Permit – Day Care – 6 Month Review (6-14-22)

Jennifer Spaulding was present and stated her in-home Day Care business opened on July 5th, 2022. Currently she has five (5) children that are in her care all day and one (1) child that is only there before and after school. Mrs. Spaulding stated everything is going well on her end.

Chairman Fay asked Mrs. Spaulding if she had all her licensing and permits that she is required to have. Mrs. Spaulding stated that she does have everything from the County, State and Village. **Member Kordish** asked Mrs. Spaulding if she thought she would grow the business any larger? Mrs. Spaulding stated she can go up to eight (8) kids but will keep it at six (6).

Member Pennock made the motion to approve the Conditional Use Permit, all requested reviews have been met and nothing further is required from the applicant, seconded by **Chairman Fay**, approved 5-0.

150 & 170 OLD HOJACK LANE – SELF STORAGE FACILITY – MARCO MATTIOLI

Marco Mattioli, owner of Hilton-Parma Self Storage, Inc, 150-170 Old Hojack Lane is requesting a change in the condition for the front fence. Below is the original condition placed: Per the 12-14-2021 meeting minutes.

“**Member Holenbeck** made the motion to approve the application of Marco Mattioli, for Site Plan Review for property located at 150 Old Hojack Lane to construct a Self-Storage Facility which will include approximately 52,800 square feet of indoor storage space and 91 outdoor storage spaces (15ft x 30ft), 22 outdoor spaces (15ft x 20ft). This property is zoned Light Industrial. The project will be completed in phases with the following conditions:

1. The fence will be 6’ (six) feet in height all around the property.
2. This motion is contingent on approval letters from the Army Corps of Engineers, DEC, and the Town of Parma.”

Marco Mattioli, owner of this facility is requesting the condition of the fence height on the South side go from 6 (six) feet down to 4 (four) feet. Mr. Mattioli stated once the cement pillars were installed with the fence, it looked like a prison. Mr. Mattioli and the contractor felt it would look esthetically better to lower the fence.

BOARD COMMENTS:

Chairman Fay explained the process to Mr. Mattioli regarding making changes to the conditions placed on a Site Plan without returning to the Zoning Board for discussion. Chairman Fay asked Mr. Mattioli if he understands that he is foregoing his security by lowering the height of the fence. Mr. Mattioli does understand the security issue and stated he has cameras. Mr. Mattioli also stated he did not make the changes without Zoning Board approval on purpose, he wasn’t aware that was protocol.

Member Pennock feels the change does look nice, however going forward Mr. Mattioli needs to follow the Site Plan.

Member Reiter initiated discussion on the landscaping. **Member Reiter** asked Mr. Mattioli if he intended on following through on all the landscaping that is laid out on the Site Plan, **Member Reiter** had the Site Plan before him and pointed out the specifics on the landscaping (i.e., number of trees, the placement, types of trees, etc.) **Member Reiter** asked if spruce trees will be going in? **Member Reiter** did not see 5' spruce trees there. Mr. Mattioli is unsure what trees he means. **Member Reiter** is concerned he is changing the Site Plan again. Mr. Mattioli claims he did not see the Site Plan prior and didn't realize all these items were detailed. Mr. Mattioli states he is working with Rick Lemcke for the landscaping and is going by what Rick tells him, right now per Rick Lemcke he has Maple trees planted. **Code Enforcement Officer, Mark Mazzucco** states vegetation is not specific per our Code. Mr. Mattioli would like to re-address the landscaping in the Spring when the trees begin to flourish, he doesn't want to overcrowd. **Member Reiter** is concerned that changes are being made to the Site Plan without Board approval, the Zoning Board approved this Site Plan and can be held accountable for changes that are made and "we are not aware of."

Member Ruta asked about the back fence still not being installed and is the automatic gate going from 6 (six) feet to 5 (five) feet. Mr. Mattioli stated he is at the mercy of the contractors regarding the back fence and the chain link gate will be 6 (six) feet.

Member Kordish feels he came to a meeting with plans and the Board approved those plans, then he made changes to those plans without coming back to the Board. There needs to be accountability.

After much discussion, **Chairman Fay** made the motion to allow Marco Mattioli owner of Hilton-Parma Self Storage, Inc. 150-170 Old Hojack Lane, Hilton, NY 14468 to keep the already installed wrought iron fence on the South side only of the property less than 6 (six) feet in height than previously approved at the December 14th, 2021 Zoning Board meeting, seconded by **Member Ruta** approved 4-1 (Shelly Kordish – nay)

There was some discussion on the Site Plan process before we adjourned the meeting. **Member Kordish** directed questions to **Code Enforcement Officer, Mark Mazzucco**. **Member Kordish** asked **Mr. Mazzucco** what the repercussions are to an applicant for not following the motion and conditions placed on an application, and what does **Mr. Mazzucco** follow as far as inspections. **Mr. Mazzucco** stated he holds multiple titles (i.e., Code Enforcement, Building Inspector, Fire Marshall, etc.), he follows the plans but unable to do daily inspections at the construction site due to other job duties and responsibilities. **Mr. Mazzucco** stated if he stops at a job site and sees something not done correctly as far as the plans go, he can ask the property owner/contractor to rectify the issue or place a stop work order until the work is corrected. **Mr. Mazzucco** feels posting a "stop order" on a job can be counterproductive for business growth within the Village unless it is a safety issue he would rather try to work with the landowner/contractor to correct the issue. **Member Kordish** asked why Mr. Mattioli has his Conditional C of O and is doing business if the project is not complete. **Mr. Mazzucco** explained Mr. Mattioli met the requirements of being issued a Conditional C of O for the building or structure; can be occupied safely; all fire- and smoke-detecting or fire protection equipment which have been installed is operational and all required means of egress from the building or structure has been provided. Based on that, **Mark Mazzucco, Code Enforcement Officer** issued a temporary certificate with

terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. **Mr. Mazzucco** felt comfortable issuing the Conditional C of O while completion of the project took place and will continue to inspect and monitor the progress.

Member Kordish commented when the Zoning Board allows applicants to make changes to the Site Plan, that was approved without notifying the Board, that questions the integrity of the Zoning Board.

Code Enforcement Officer, Mark Mazzucco noted he attends these meeting not to make decisions for the Zoning Board on applications but to answer questions relating to Village Code or Ordinances.

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 7:16 p.m.

Next Meeting Tuesday January 10th, 2023

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