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VILLAGE OF HILTON

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Zoning Board of Appeals
Meeting Minutes of February 14th, 2023
Approved

ZBA Member's Present: Chairman Kim Fay, Harry Reiter, Joe Ruta, Shelly Kordish, Elaine Begy

ZBA Member's Absent: Nicole Pennock

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

Guests: Ken Sixt, Tina Zwetsch, Craig Dean, Lois Dean, Hart Thomas.

Chairman Kim Fay called the meeting to order at 6:29 p.m. with the Pledge of Allegiance.

Chairman Kim Fay declares, for the minutes, that a quorum is present so the meeting may proceed as planned.

MINUTES:

Chairman Fay made the motion to accept the January 10th, 2023, Village of Hilton Zoning Board meeting minutes, seconded by **Member Kordish**, approved 4-0.

REPORTS:

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

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

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

PUBLIC HEARING – 7 UPTON ST. – CONDITIONAL USE PERMITS – KEN SIXT

- Application of Ken Sixt, property owner of 7 Upton Street for a Conditional Use Permit to allow a Real Estate Office. Per Section 275-16C (3), a Conditional Use Permit--Conditional uses. Upon site approval and in accordance with Article IV, the following uses are permitted: Any use permitted in residential, multiple residence and commercial zones. This property is zoned Industrial.

Code Enforcement Officer Mark Mazzucco reported we can waive a site plan as the building already exists. Letters to homeowners were mailed/notifications were 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.

Ken Sixt explained that he had a tenant move out and now has the space available for a Real Estate Office with a basic setup of a desk where agents can meet with clients. He stated a low-impact business with plenty of parking at his building.

Tina Zwetsch, would be the new tenant, states they have NYS approval for the site which is required since realtors are licensed. She is anticipating an end of March beginning of April opening due to painting, etc. of the office.

BOARD COMMENT/QUESTIONS:

Member Ruta stated he feels this is a perfect location for this business, it is a nice area, and feels this space needs to be utilized.

Member Kordish stated she agrees with Member Ruta

Member Reiter stated since this an approved use for this property then he feels it is a good location for this type of business.

Member Begy agreed that it is a good use of the building.

Chairman Fay stated he also feels this is a good use of the building and a good space.

PUBLIC COMMENT: opened/closed at 6:45 p.m.

Chairman Fay put a motion on the floor to approve the application for property located at 7 Upton Street, currently owned by Ken Sixt for a Conditional Use Permit at that site for a Real Estate Office.

Member Begy asked if there needs to be a time frame given on this Conditional Use permit as to how long it is good for. **Chairman Fay** and **Code Enforcement Officer Mark Mazzucco** both stated that they can, but do not have to.

Member Ruta -Seconded the motion approved 5-0

PUBLIC HEARING – 7 UPTON ST. – CONDITIONAL USE PERMIT – KEN SIXT

- Application of Ken Sixt, property owner of 7 Upton Street for a Conditional Use Permit to allow Retail Sales of Vintage Clothing. Per Section 275-16C (3), a Conditional Use Permit--Conditional uses. Upon site approval and in accordance with Article IV, the following uses are permitted: Any use permitted in residential, multiple residence and commercial zones. This property is zoned Industrial.

Code Enforcement Officer Mark Mazzucco reported we can waive a site plan as the building already exists. Letters to homeowners were mailed/notifications were 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 SEQOR and no further review is required. There are no complaint letters or code enforcement actions in the property file.

Tina Zwetsch, would be the new tenant, states that the Retail store does not need to follow any NYS requirements so it is a faster process to open. They are anticipating middle of March-beginning of April.

BOARD COMMENT/QUESTIONS:

Member Kordish asked if she already has a business?

Tina Zwetsch states it is her daughter Madeline's business but since she is a minor it is in her name, she currently does pop-up sales and some online sales. The business is doing well and has a good following.

Member Kordish asked if she feels there is enough parking at this location and what the hours will be.

Tina Zwetsch stated there is enough parking as the store is just a 12'x14' space, and the hours will most likely be 11am – 6pm Thursday- Sunday.

Member Begy asked what the name of the store will be.

Tina Zwetsch stated "Madeline's Vintage Clothing"

Chairman Fay stated they once again can waive a site plan for the same reason as the Real Estate Office: Building already exists.

PUBLIC COMMENT: Opened/Closed at 6:49 p.m.

Member Kordish made the motion to approve the Conditional Use Permit for the property at 7 Upton Street, currently owned by Ken Sixt, for a Retail Vintage Clothing Store.

Chairman Fay Seconded the motion, approved 5-0.

PUBLIC HEARING – 121 UNDERWOOD AVE – AREA VARIANCE – CRAIG DEAN

- Application of Craig L. Dean, for the property located at 121 Underwood Avenue, for an Area Variance to permit the storage of a Recreational Vehicle/Camper in the Driveway in front of the front plane of the principal dwelling from November 1st through April 1st. Per Section-275-9(C)(1)- Motor vehicles, trailers, campers or boats and other recreational vehicles may be stored on a lot outside, if the following conditions are met—They are behind the front plane of the principal dwelling and within the side and rear setbacks applicable to said lot, with the exception of April 1st through November 1st when they may be in a front area driveway of any residential or business lot. This property is zoned Residential District.

Resident Craig Dean states he has lived in his home at 121 Underwood Avenue, for 51 years now and has always had an RV in the driveway. He feels he cannot move it back along the side of the house. Due to a water easement on the side of the house, he cannot widen the garage or put gravel there, as the RV is too heavy. It would also be too close to the power lines if moved back 15-feet from the sidewalk. He states it is not blocking any views, there is plenty of room in his driveway, neighbors have no problem with it being there, and he feels it is in good shape not an eyesore to the neighborhood. Mr. Craig Dean provided letters from neighbors claiming they are fine with it being there, and his next-door neighbor in Parma likes it there to block the wind. Mr. Dean also stated that he prefers to keep it where it is as he can use it as a generator whenever the power goes out or if they just decide to get up and go on a trip. It is licensed, insured, and can be moved anytime. April through September, they are usually in the 1000 islands with it, so it is not there the whole year.

PUBLIC COMMENT: Opened at 6:55 p.m.

Hart Thomas of 9 Archer Drive stated he has no problem with it, is glad that the law will be re-written in the future, and that he would keep his at his house too if he had the room. He feels it is not bothering pedestrians or drivers. He asked the board to “Please review the law, people should be allowed to have them”.

Chairman Fay said he has read the NYS laws regarding this matter and is in favor of the law. He stated his own RV has been stored for 25 years so he understands the dilemma, however, the village is small, the lots are not big, no acreage, and it is not appealing when driving by. He has seen Mr. Dean’s RV and feels although it would be tight due to garage overhang, it is feasible. He told Mr. Dean that he can talk to the Code Enforcement Officer and the DPW Superintendent if he would like to discuss gravel and the easement.

Chairman Fay also reminded Mr. Dean since this ordinance has gone into effect there has been 3 (three) storage facilities right in the area that have opened for storage of RV’s/Campers that are secure, well lit, and have cameras.

Member Ruta stated he is a boat owner himself and understands his concerns, but the Village must leave it all uniform. If the Zoning Board allows for one, then there will be RVs everywhere. He also feels the new storage facilities are nice and secure. He also stated that using an RV as a generator is a code violation.

Mr. Dean asked why it can sit in his driveway in the summer. He doesn’t see the difference as to why it can stay only during certain months.

Chairman Fay explained that it is used more in the summer months and not always in the driveway.

Code Enforcement Officer Mark Mazzucco stated the Code use to be written Recreational Vehicles/Campers could not be stored in a driveway at all.

Lois Dean stated that it has been there 51 years without a problem.

Chairman Fay explained where they live used to be a dead-end road but now the road has opened, things have changed.

Mrs. Dean reminded the board their neighbor on the Parma side does not want them to move it. She also stated that they do not have a cheap camper, it is an expensive RV. She is concerned about vandalism around the Village, so they want to keep it where it is.

Chairman Fay assured her that the new storage facilities are fenced in, have cameras, and are well lit.

Mrs. Dean said it is easier to get stuff out of it when needed if it is in their driveway and wants to know why the time of year matters.

Chairman Fay stated it is used more in the summer months and not always parked in the driveway. He stated the Village had 47 violations regarding this matter previously, but is now down to one, as residents are utilizing the new storage facilities to comply with this code. He stated the Village Board/Zoning Board will allow with it staying in his driveway if put along the garage and it protrudes slightly from the front plane of the house.

Hart Thomas asked, "if no one complains, who cares!"

Chairman Fay stated things change and the RV can be seen more now with that road no longer being a dead end.

Member Reiter stated that he stores his RV. As Code Enforcement Officer Mark Mazzucco said, years ago they were not allowed at all, so at least a compromise was reached to allow them to be kept at your residence April 1st through November 1st; and you are not storing it in the summer while in use. The Village now has 3 (three) storage facilities to accommodate having to store them.

Mr. Dean stated he feels his RV is no different from his other vehicles that he drives daily and could drive his RV daily.

Member Ruta stated the law states No RV's, Boats, etc.

Mr. Dean stated that he just doesn't want to store it after 51 years.

Member Begy said that if it is winterized then it is being stored as far as she is concerned. She then discussed that he is already on the easement and would have to allow access to it if needed regardless.

Member Kordish stated she feels for the resident and hopes the law changes.

Chairman Fay suggested to the Dean's they make the changes to keep it at their residence if they are not willing to store it. They could put a pad down next to the garage and park it along the garage. They would be close to power lines and may have to sign a DPW agreement regarding the easement, which he states may not be the best option, but it is an option.

Mr. Dean asked about the setback stating that it would then be right on the property line.

Chairman Fay said to put it back as far as he can, and it would be okay if the front sticks out a little. He said we cannot approve it for him and not others, so he can store it as an alternative to leaving it there.

Member Begy asked if we could make a condition to let him keep it there a little longer to give time to decide.

Hart Thomas said out loud to let them finish out the season.

Chairman Fay made a motion to deny the request for an Area Variance to store a Recreational Vehicle/Camper in the driveway in front of the front plane of the principal dwelling from November 1st through April 1st, with the condition Craig and Lois Dean are allowed to have the Recreational Vehicle remain currently on site until March 31, 2023. At which time, Craig and Lois Dean will either construct a pad to provide proper storage of the Recreational Vehicle as stated in the Village of Hilton Code Section 275-9(C)(1) or store the Recreational Vehicle off site beginning November 1st, 2023 thru April 1st, 2024 and thereafter.
Member Ruta seconded the motion. Approved 5-0.

DATES:

Next Scheduled Meeting	Tuesday, March 14 th , 2023
Public Agenda Deadline	Tuesday, February 27 th , 2023

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 7:30 p.m.

Respectfully Submitted,

Debbie Jones, Recording Secretary
Aimee Doser – Office Clerk

**Request for Variance from Craig and Lois Dean;
121 Underwood Ave. Hilton, N.Y. 14468**

**History: Residents of Hilton in the same house for 51 years.
Some type of RV was in the driveway for a majority of those
years.**

**Original plan to move RV to side of the house:
After looking into steps to make it happen, it became clear that
it was not doable.**

Reasons for Variance Request:

- 1. Width of the available side yard is not wide enough to
maintain side set back. Would be approximately 1-2 ft from
property line.**
- 2. Water line easement through property line. Won't permit us
to dig out and fill with crushed stone.**
- 3. If RV was parked behind front edge of house, it would be
dangerously close to power lines coming into house.**

Reason to leave RV where it is currently parked.

- 1. It is parked safely as far back from sidewalk (15') and does
not block any views. (See Photo below)**
- 2. It is not an eyesore.**

- 3. Neighbors state that it is not a problem being parked there. It does not affect their Health or Safety in any way.**
- 4. Provides Generator power when the Power goes off.**
- 5. It is licensed, and insured, and can leave at a moments notice.**



Dear Hilton Village Zoning Board;

This is to inform you that I Robin Alexender, address 119 Underwood Ave. do not have any issues with Craig and Lois Dean, storing their RV motorhome in their driveway at any time. Thank you

Robin Alexender

Date: 2/12/2023

Compose

1 of 8

- Inbox 4
- Starred
- Snoozed
- Sent
- Drafts
- More

Labels

Dear Lois and Craig,

I'm sorry to hear you are now being given a hard time about your Motorhome. They should "Grandfather" you in, you've had your mobile home for years now.

I just wanted to let you know I have absolutely no issue with your Motorhome, you keep it in beautiful condition, it's never there in the nice weather, and in the winter it's a nice barrier from the wind. I am so blessed with wonderful neighbors, if there is anything I can do you let me know. I'll go to a meeting, I'll write a letter, you just let me know.

Have a wonderful evening, your neighbor,

Joanna Sneddon
123 Underwood Ave Hilton NY 14468

Dear Hilton Village Zoning Board;

This is to inform you that I Marge Petricone, address 124 Underwood Ave. do not have any issues with Craig and Lois Dean, storing their RV motorhome in their driveway at any time. Thank you

Margery Petricone

Date: Feb, 11-2023