

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

59 HENRY STREET

HILTON, NY 14468

(585) 392-4144

(585) 392-5620 Fax

voh@hiltonny.org



Zoning Board of Appeals
Meeting Minutes of January 10th, 2023
Approved

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

ZBA Member's Absent: Joe Ruta

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

Guests: Paul Cliff and Giacomo Florio

Chairman Kim Fay called the meeting to order at 6:28 p.m. with the Pledge of Allegiance and a moment of silence.

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

Chairman Kim Fay introduced Paul Cliff who was interviewed by **Chairman Fay** and **Code Enforcement Officer Mark Mazzucco** prior to the meeting as possibly joining the Zoning Board as a second alternate member.

MINUTES:

Chairman Fay made the motion to accept the December 13th, 2022 Village of Hilton Zoning Board meeting minutes, seconded by **Member Reiter**, approved 4-0.

REPORTS:

Village Board Liaison Mark Mazzucco	Gave his report.
Mayor Joe Lee (not present)	No report given.
Code Enforcement Officer Mark Mazzucco	Gave his report.

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

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

PUBLIC HEARING – 126 EAST AVENUE – 2ND SHED REQUEST – AREA VARIANCE

Application of Giacomo Florio, for the property located at 126 East Avenue, for an Area Variance to allow a second shed. Per Section 275-13 (E) (1) (a)---Only one such accessory structure will be permitted on any real property and shall not be used for housing animals or their wastes. This property is zoned Residential District.

Code Enforcement Officer Mark Mazzucco reported this is a Type II SEQR with no further action required and all notifications were made.

Mr. Florio apologized to the Board for neglecting to contact the office to see if permits were needed for the construction of the shed(s)

Mr. Florio explained his daughter moved back home, so he had to move a car out of the garage to use for storage and now two sons will be temporarily moving back home, he is running out of storage space. Mr. Florio stated he would probably only need the extra shed, for 6 months. The one shed he uses for his hobby which is wood burning, the other shed is now used for the extra storage.

Mr. Florio did obtain a permit for shed #1(one) (Amish made) after Mr. Mazzucco observed the 2 (two) sheds in his backyard.

BOARD COMMENT/QUESTIONS:

Chairman Fay informed Mr. Florio shed #2 (two) (plastic) does not meet the setback of 5 (five) feet from the fence on the east side of the property, it only measures 2-1/2 (two and a half) feet from the fence. Mr. Florio was unaware of the setback guidelines. **Chairman Fay** suggested building just 1 (one) shed but larger. Village Code allows a 256 sq. ft. footprint for a shed. The two sheds are 80 sq. ft. each. Mr. Florio stated he has already spent the money on the Amish shed (shed #1). Is it possible to expand onto the Amish made shed? Mr. Florio stated he did not know how that could be feasible.

Member Kordish asked Mr. Florio if the sheds are movable? Mr. Florio stated the plastic shed is movable, the Amish made shed is pre-built and would be more difficult to move.

Member Reiter stated the Board has never approved two sheds on any other property and the Village has already expanded the allowable square footage for sheds to accommodate resident's need for more storage on property. This is tough when the sheds are already constructed, but **Member Reiter** doesn't believe the Board can approve a second shed, when none have been approved in the past. The Board can't set a precedent in his opinion.

Member Pennock asked Mr. Florio if he is interested in expanding the sheds by way of connecting the two sheds. After some discussion, everyone agreed connecting the two sheds would not work. Mr. Florio stated he only really needs shed #2 (plastic) temporarily, maybe 6 (six) months. **Member Pennock** asked Mr. Florio if he would be more comfortable with 10-12 months.

Member Reiter asked how long the sheds have been up. Mr. Florio stated about a year.

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

There was no public comment.

Code Enforcement Officer, Mark Mazzucco stated there have been no complaints from neighbors including St. Paul's Lutheran Church.

PUBLIC COMMENT: Closed at 6:50 p.m.

Member Kordish put a motion on the floor to approve the application for property located at 126 East Avenue for an Area Variance to allow a second shed no longer than 6 (six) months, per section 275-13 E (1) (a). There was not a second on this motion.

There was some discussion on time frames to be placed on this motion.

Chairman Fay made the motion to approve the application for property located at 126 East Avenue for an Area Variance to allow a second shed for no longer than 12 (twelve) months (January 9th, 2024), per section 275-13 E (1) (a). If at that time the shed has not been removed, Mr. Florio will be subject to a fine of not less than \$50 nor more than \$1,000, or to imprisonment for a period of not more than one year, or both such fine and imprisonment; or by a penalty of \$2,500 to be recovered by the Village of Hilton in a civil action, seconded by **Member Reiter**, approved 5-0.

BOARD DISCUSSION:

Chairman Fay inquired as to whether there were any updates on 100 East Avenue. To date there have been no updates. Their deadline still stands of March 27th, 2023 and as explained to Stacy and Stephen Albahari, owners of Golden Beauties Driven to Doodles, LLC fines/penalties will begin to accrue from that date forward if there is no action on this property.

DATES:

Next Scheduled Meeting	Tuesday, February 14 th , 2023
Public Agenda Deadline	Tuesday, January 31 st , 2023

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 7:07 p.m.

Respectfully Submitted,
Debbie Jones, Recording Secretary