

**Village of Hilton Zoning Board  
Meeting Minutes of January 12, 2010**

Member's Present: Chairman Richard Bjornholm, Pat Holenbeck, Jim Bimmler

Member's Absent: Bob Cusenz, Richard LaForce

Administration Present: Mike Lissow; Code Enforcement Officer, Larry Speer;  
Village Board Trustee, Debbie Jones; Recording Secretary

Guests: See attached list

The meeting was called to order with the pledge of allegiance to the flag at 7:00 p.m.

Chairman Richard Bjornholm explained the functions and responsibilities of the Zoning Board.

**1. PUBLIC HEARING – 3 LEITH LANE – CONDITIONAL USE PERMIT**

Application of Midlantic Correctional Supply, for a Conditional Use Permit to operate a professional office for a food distributor at 3 Leith Lane. This property is zoned Planned Residential Development District for Seniors. Per Section 24-309 C (2-d), a professional office is permitted upon site plan approval and in accordance with Article IV, Conditional Uses.

Public Hearing was opened at 7:05 p.m.

Rob Newhart, owner of Midatlantic Correctional Supply was present to represent this application. Mr. Newhart stated he currently has 3 (three) employees, including himself. The business is 100% telephone, fax and internet food sales to correctional facilities across the country. There is no walk-in clientele. There would be deliveries of samples made by UPS or Fed, that would be the extent of "truck traffic." Mr. Newhart stated he intends to buy the 2500 sq. ft. building, there will not be any signage displayed or changes to the exterior of the building.

**Chairman Bjornholm** asked the Board if they had any questions for Mr. Newhart?

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**Member Bimmler** wanted it clarified with Mr. Newhart that other than “sample” deliveries from UPS or FedEx there would be no increase in truck traffic? Mr. Newhart agreed. Also, there were going to be no changes in the exterior of the building? Again, Mr. Newhart confirmed no exterior changes.

**Member Holenbeck** questioned what the original purpose of this building was for? It was explained to be a gathering site for those within the Homeowner’s Association. Mr. Newhart stated he has rented for many years and would like to purchase his own property.

**PUBLIC COMMENT:**

Tom Scheg, 24 Stothard Drive, member of the Board of Director’s of the Homeowner’s Association for Unionville Station and President Mike Spoonhower, 62 Leith Lane, presented a letter to the Zoning Board of Appeals regarding the applicants public notice and the Homeowner’s Association’s response to the application. Mr. Scheg read the letter aloud to the audience (letter is attached.) The letter was a proposal from the Unionville Station HOA Board of Directors to accept the proposed business with certain conditions.

- No non-employee traffic coming into Unionville Station for business.
- No delivery and/or inventory/distribution of product from this address.
- Business operation is active only during normal weekday (Monday through Friday) hours.
- No regularly scheduled weekend business hours.
- No exterior business signs will be required.
- No outside dumpster required.
- That such Conditional Use Permit be granted solely as a “paper office” operation and this permit will be reviewed no later than twelve (12) months from original occupancy date.

Mr. Scheg also made it known that the Village was liable to send notification of the public hearing to the neighbors only within 200 sq. ft. of 3 Leith Lane but expanded the perimeter to 400 sq. ft.

Gary Oakden, 6 Shirleen Dr, Treasurer of the HOA, stated when he thought about it, most of the businesses that currently fall under the section “permitted non-residential uses” and would be for the sole purpose of supporting the residents of Unionville would increase the traffic into Unionville Station, something the residents do not want.

David O’Keefe, 60 Leith Lane, asked the Board if the purchasing of this property includes the parking lot? Chairman Bjornholm stated it would include the parking lot and property. Mr. O’Keefe stated currently the plowing equipment is now stored in the

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parking lot. Mr. Spoonhower stated that would be resolved between the new owners and the owner's of the plowing equipment.

With no further public comment, the public hearing was closed at 7:17 p.m.

**BOARD COMMENT**

**Member Bimmler** stated he initially had concerns due to the traffic but since hearing the letter from the Homeowner's Association and no public objection, he is in favor.

**Member Holenbeck** stated she does not have any concerns or questions but does favor the idea of the conditions.

**Chairman Bjornholm** read 24-309 C (1) aloud to make sure that everyone was aware exactly what this portion of the zoning code stated, "Permitted non-residential uses shall be scaled primarily to serve the specific needs of the residents of the district.", and that granting the Conditional Use Permit is not in agreement with this portion of the zoning code.

**Chairman Bjornholm** addressed Mr Newhart in regards to the letter from the Homeowner's Association. Chairman Bjornholm stated the Zoning Board can control some of the conditions in the letter; however, the Board can't mandate business hours. Mr. Newhart stated his business hours are 8:00 a.m. – 4:30 p.m. Monday through Friday, no weekend business hours, hours could be shorter in the summer and may close earlier on Friday's. Mr. Newhart stated he will not be posting any signage and he will not require a dumpster. Chairman Bjornholm asked Mr. Newhart what other plans if any, he had for this building? Mr. Newhart stated he has no future plans other than to own the building and the possibility of increasing his employees from 3 to 6.

**Chairman Bjornholm** read a letter he received from the Planning Board Chairman, Mark Hedberg regarding the outcome of the application for Midatlantic Correction Supply at the Planning Board meeting on January 11, 2010. The letter states the Planning

Board will not take any action on the issue until they have heard comments from the public hearing (letter attached.) Chairman Bjornholm also stated a draft copy of the Planning Board January 11<sup>th</sup>, 2010 meeting minutes were given to Zoning Board.

**Chairman Bjornholm** asked Mike Lissow his thoughts on this application. Mike agrees this does not follow this portion of the zoning code. However, Mike feels this type of business could be a perfect fit for Unionville Station because it would not attract additional traffic.

With all persons being heard,

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**Motion** to approve the application of Midlantic Correctional Supply with favorable public input and no public objection, for a Conditional Use Permit to operate a professional office for a food distributor at 3 Leith Lane. This property is zoned Planned Residential Development District for Seniors. Per Section 24-309 C (2-d), a professional

office is permitted upon site plan approval and in accordance with Article IV, Conditional Uses with the following conditions.

- a) This Conditional Use permit will be reviewed in twelve (12) months from original occupancy date.
- b) Midatlantic Correctional Supply will be the sole business operating out of 3 Leith Lane.

Motion made by Jim Bimmler, seconded by Pat Holenbeck. Motion approved 3-0.

**2. REPORTS**

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| a. | Liaison's Report                  | Larry Speer gave his report    |
| b. | Code Enforcement Officer's Report | Mike Lissow gave his report    |
| c. | Chairman's Report                 | Rick Bjornholm gave his report |

**3. MINUTES**

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**Motion** to approve the October 13, 2009 minutes as submitted, motion made by Jim Bimmler , seconded by Pat Holenbeck . Motion approved 3-0.

**4. ADJOURNMENT**

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There being no further business, the meeting was adjourned at 7:55p.m. Motion made by Pat Holenbeck , seconded by Jim Bimmler .

Respectfully Submitted,

Debbie Jones, Recording Secretary

