

**Village of Hilton Zoning Board
Meeting Minutes of November 15, 2011**

Member's Present: Richard Bjornholm, Richard LaForce, Pat Holenbeck, Tom Scheg, Dave Wright

Administration Present: Mike Lissow; Code Enforcement Officer, Mayor Joe Lee; Village Board Liason, Debbie Jones; Recording Secretary

Guests: David Smalley, Amy Harter, Bob Hunte

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

Richard LaForce explained the functions and responsibilities of the Zoning Board in the absence of

Chairman Bjornholm.

1. PUBLIC HEARING – 95 UNDERWOOD AVENUE – CONDITIONAL USE PERMIT

Application of David Smalley, 95 Underwood Avenue, for a Conditional Use permit to conduct an in-home business. This property is zoned Residential District.

Public Hearing opened at 7:03 p.m.

David Smalley was present to represent this application. Mr. Smalley stated his brother owns a monument business in Clarendon, NY. His brother would like Mr. Smalley to join him in the business as a salesman. Mr. Smalley stated most of the business would be done at a cemetery or client's home, that it would mostly be phone/computer work done at his home. Mr. Smalley added the sign was approved by the Planning Board.

BOARD COMMENT:

Member Pat Holenbeck stated she has no questions about the business but asked the Board if they could comment on the sign? Chairman Bjornholm stated at this immediate time the comments should pertain to the in-home business.

Member Richard LaForce stated he has no questions.

Member David Wright questioned the “in-home” business aspect. Mr. Smalley reiterated for this type of business most of it is done at the cemetery or the client’s home, primarily phone business and placing internet orders will be done from his home.

Member Tom Scheg stated he he wanted clarification that it is a family business, the brother is the principal operator and the business is based in Clarendon? Mr. Smalley confirmed the above statements are true. Member Scheg asked Mr. Smalley if he has a d.b.a. (doing business as)? Mr. Smalley answered “no.” Member Scheg again clarified this would be a paper generated business with no visitors? Mr. Smalley answered “yes.”

PUBLIC COMMENT:

No public comment.

The public hearing was closed at 7:10 p.m.

BOARD COMMENT:

Member Pat Holenbeck asked Mr. Smalley if he could hang the sign closer to the house? Mr. Smalley replied that he could.

Member Richard LaForce stated after attending the Planning Board meeting regarding the sign, he has no problems with the sign or the in-home business.

Member Dave Wright stated he does have strong opposing issues with the sign. Member Wright does not feel the sign is a necessity since there will not be any customers that will be frequenting the actual business site and that it is in a residential district. Member Wright would like to see the sign attached to the house. Mr. Smalley stated there is no room to hang the sign on the house and that it would be unattractive.

Member Tom Scheg stated he too is not comfortable with the sign, he feels there shouldn’t be advertising in a residential area.

Chairman Bjornholm also stated he is not happy with the sign going in a residential area. At this time Mike Lissow interjected reminding the Board the applicant is here for the in-home business not the sign.

Chairman Bjornholm asked for a motion. Pat Holenbeck made the motion approve the application of David Smalley, 95 Underwood Ave, for a conditional use permit to conduct an in-home business. With the following conditions:

- a. The sign is placed closer to the house
- b. This Conditional Use permit becomes null and void if this applicant no longer owns this property or the applicant discontinues his relationship with the business (monument).

Seconded by Dave Wright. Motion approved 4-1 (Tom Scheg opposed).

This property is zoned Residential.

2. REPORTS

Liason's Report -

Joe Lee – had no report

Code Enforcement Report -

Mike Lissow - gave his report and discussed with the Board the new date and time for the Zoning Board meetings (2nd Tues. of the month at 6:30 p.m.) and how communication will be handled between the office and the Zoning Board.

Chairman's Report -

Chairman Bjornholm – gave his report

3. MINUTES

Motion to approve the October 25, 2011 minutes as submitted, motion was made by Tom Scheg, seconded by Dave Wright . Motion approved 5-0.

4. DATES

Next Scheduled Meeting
Public Agenda Deadline

Tuesday December 13, 2011
Tuesday November 29, 2011

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:07 p.m. Motion made by Tom Scheg, seconded by Pat Hohenbeck. Motion approved 5-0.

Respectfully Submitted,

Debbie Jones, Recording Secretary

