

**Village of Hilton Zoning Board  
Meeting Minutes of October 25, 2011**

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

Administration Present: Mike Lissow; Code Enforcement Officer,  
Debbie Jones; Recording Secretary

Guests: James R. Mastrella, Barry Klock, Michael Weldon, Sr.

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 –125 LITTLE TREE AREAVARIANCE**

Application of James Mastrella, 125 Little Tree Lane, for an Area Variance to construct a chain-link fence 4' high in the side yard of a corner lot. Section 24-603 C states in part, on a corner lot, no fence shall exceed 3' in height within a yard that is adjacent to a street. This property is zoned Residential.

Public Hearing was opened as 7:02 p.m.

James Mastrella was present to represent this application. Mr. Mastrella stated the basis for this application is mainly a safety issue for his children and at some point getting a dog. He is a UPS driver and has been chased back to his truck many times by a dog due to a 3' fence.

Mr. Mastrella stated the fence will be a black coated chain link so the appearance of the chain link will never appear rusty.

**PUBLIC COMMENT:**

A letter in support of the fence was received from Jackie Milgate, 121 Little Tree Lane. This letter will be kept on file in the office.

With all persons being heard, the public hearing was closed at 7:06 p.m.

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**BOARD COMMENT:**

**Member Richard LaForce** stated he is all for the safety of the children, therefore; he is in favor of this application.

**Member Pat Holenbeck** stated once she found the fence to be far enough back from the street and there would not be any visual problems she feels this request is reasonable.

**Member Dave Wright** asked Mr. Mastrella if he had any intention of adding privacy slats to the fence? Mr. Mastrella stated “no.” Member Wright then stated he was comfortable with this request.

**Member Tom Scheg** stated he visited the site and is in favor of the application.

**Chairman Richard Bjornholm** stated he is in favor of the application.

Pat Holenbeck made the motion to approve the application of James Mastrella, 125 Little Tree Lane, for an Area Variance to construct a chain-link fence 4’ high in the side yard of a corner lot. Section 24-603 C states in part, on a corner lot, no fence shall exceed 3’ in height within a yard that is adjacent to a street. With the following condition the resident doesn’t use privacy slats. It was also noted there was no public objection. This property is zoned Residential. Tom Scheg seconded the motion. Motion approved 5-0.

Mike Lissow entered the meeting from the Planning Board meeting.

**2. PUBLIC HEARING – 100 OLD HOJACK LANE – AREAVARIANCE**

Application of Klock Oil Co., 100 Old Hojack for an Area variance to construct a garage 5’ from the north property line. Section 24-305 D (2) states in part that the minimum rear set back when abutting a residential district shall be 20’. This property is zoned Commercial.

Public Hearing opened at 7:20 p.m.

Barry Klock was present to represent this application. Mr. Klock stated his intent is to have a storage building constructed and the reasoning behind the Area variance is so that his secretary has a better view out the west window from her workplace and if in the future Mr. Klock decides to sell off a parcel of his land this storage building is not placed where it could hinder a sale.

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Mr. Klock stated that the pine trees act as a natural property line between his property and St. Leo's Church.

Mr. Klock presented pictures showing a "snow fence" as a marker for the property line.

**PUBLIC COMMENT:**

Michael Weldon, 245 Dunbar Road, feels there is plenty of room to move back to the required 20'. Mr. Weldon feels there are good zoning laws to adhere by and this request doesn't qualify with any hardships. Mr. Weldon stated "you can't go by pine trees as property lines."

Chairman Bjornholm read a letter from St. Leo's objecting to this application (letter will be kept on file) and requesting if a building is built that it be at the 20' setback per the Zoning law.

Chairman Bjornholm asked Mike Lissow what was the outcome of the Planning Board meeting? Mr. Lissow stated the Planning Board was fine with the architecture of the storage building but not the placement.

With all persons being heard, the public hearing was closed at 7:30 p.m.

Chairman Bjornholm asked Mr. Klock if there was a possibility of placing the building anywhere else on his property? Mr. Klock stated he could place it anywhere on his property but reiterated his stance on not putting the building in the middle of his property with the possibility of the future sale of his land.

**BOARD COMMENT:**

**Member Richard LaForce** stated he doesn't have any problems with the storage building, however; the grounds for this application do not meet the NYPF criteria for an Area Variance.

**Member Pat Holenbeck** asked Mr. Klock if there is another window or part of the building that his secretary could be moved to so her view wouldn't be blocked? Mr. Klock stated "no."

**Member Dave Wright** asked if the applicant had considered shortening the building by 10 feet or turning the building, in either case avoiding the need for a variance? Mr. Klock stated he wanted the size and location that was presented.

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**Member Tom Scheg** went through the test protocol for the NYPF criteria for an Area Variance and he states it doesn't pass. Member Scheg also stated no one knows what the Diocese could do in the future with St. Leo's Church or the land surrounding it.

**Chairman Bjornholm** read the criteria for an Area Variance and explained to Mr. Klock this is the protocol "we" as the Zoning Board of Appeals have to follow in order to render our decision.

Tom Scheg made the motion to deny the application of Klock Oil Co., 100 Old Hojack for an Area Variance to construct a garage 5' from the north property line. Section 24-305 D (2) states in part that the minimum rear setback when abutting a residential district shall be 20'. This property is zoned Commercial. This motion of denial is based on the failure of this applicant to prove hardship. The benefit could be achieved by other means feasible to the applicant. His request will create an undesirable change in character to the adjacent property. This request was also a substantial change to the current zoning laws. This request was a self-created difficulty. A letter was received from St. Leo's Church objecting to the request and public comments were made not in favor of this request. Richard LaForce seconded the motion. The vote was unanimous to deny the application 5-0.

**3. REPORT**

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Liason's Report -	Joe Lee – not present
Code Enforcement Report -	Mike Lissow - gave his report
Chairman's Report -	Chairman Bjornholm – gave his report

**4. MINUTES**

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Motion to approve the September 27, 2011 minutes as submitted, motion was made by Dave Wright, seconded by Richard LaForce. Motion approved 5-0.

**5. DATES**

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Next Scheduled Meeting	Tuesday November 15, 2011
Public Agenda Deadline	Tuesday November 1, 2011

**6. ADJOURNMENT**

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There being no further business, the meeting was adjourned at 8:05 p.m. Motion made by Tom Scheg, seconded by Pat Hohenbeck. Motion approved 5-0.

Respectfully Submitted,

Debbie Jones, Recording Secretary