

Village of Hilton Zoning Board of Appeals  
February 14, 2012  
Approved March 13, 2012

Members Present: Vice-Chairman Tom Scheg, Richard LaForce, Bob Hunte, Dave Wright

Members Absent: Richard Bjornholm, Pat Holenbeck

Others Present: Mike Lissow, Code Enforcement Officer, Mayor Joe Lee, Trustee Larry Speer, Amy Harter, Recording Secretary

Guests: Victor Desio, Rachel Lissow, Ken Sixt, Doug McPherson, Lou Terragnoli, Matthew Oates, Jim Rumsey, John Steinmetz

1. Call the meeting to order at 6:30 p.m. with the pledge of allegiance to the flag.
2. Vice Chairman Scheg explained Zoning Laws Section 24-1302 of Article XIII, this allows David Wright responsibilities and participation to be changed from an “alternate member” to “member”.
3. Vice Chairman Scheg explained the Zoning Board’s responsibilities and functions.

**4. ZONING SEGMENT - PUBLIC HEARING**

**Application of Victor Desio, 20 Cooper Drive, for a conditional use permit to conduct an in-home business. This property is zoned Residential.**

- a) Mr. Desio explained that he has applied to the Alcohol, Tobacco and Firearms for a Federal Firearms License. This will be a small part time business which allows him to transfer guns for those who purchase them from the internet. There may be inventory on the premises, 1-4 handguns, shotguns or rifles. Mr. Desio handed out a four page document explaining his request to the board members.
- b) Vice Chairman Scheg opened the Public Hearing at 6:39 p.m. There was no one from the public in attendance for this application; therefore the Public Hearing was closed at 6:39 p.m.

- c) Vice Chairman Scheg asked how many shipment/pickups will be done at the home per day. Mr. Desio estimated 10 transactions per year.
- d) Member LaForce stated he visited the site and has a friend that conducts a similar business. He has no concerns with the request.
- e) Member Wright asked if the neighbors are aware of the proposed business. Mr. Desio stated he spoke to a few close neighbors and they have not expressed concerns. Neighbors within 250 feet were mailed a legal notification of this meeting and it was advertised in the Suburban News.
- f) Member Wright asked if the guns will have trigger locks. Mr. Desio explained per the AFT trigger locks are not required but will be available. The ATF requires guns to be unloaded on the premises. Mr. Desio also stated he will be selling accessories and apparel as well.
- g) Mr. Desio explained the Federal Firearms License allows pistols to be delivered to his home for pick up by someone local with a pistol permit. He stated that “walk-up” customers will not be allowed, those wishing to purchase must have a NYS pistol permit to purchase a hand gun. Shotgun and rifle purchases require a background check; therefore the purchase of a gun cannot be made the same day.
- h) Member Hunte questioned if there would be gunsmith work requiring machinery or equipment. Mr. Desio has no plans to gunsmith; this business is strictly sales or transfers. Member Hunte asked if the license requirements require a gun safe or modifications of the home. A gun safe is not required but he will have one. Mr. Desio has pistol permit. The ATF will visit home and interview the applicant. A background check and fingerprints will be taken. Mr. Desio said he does not want signage; his business is internet only. Bob Hunte clarified that if a sign is desired in the future Mr. Desio is required to come before the ZBA.
- i) Mike Lissow stated there was a Village resident that had this type of business in the past. There were no complaints received regarding the business and has since moved out of the Village.
- j) Mike Lissow explained this application is a SEQR Type II unlisted action; therefore, no further action is required. Monroe County Department of Planning & Development does not need to review this application as it is exempt per an agreement with the Village of Hilton.
- k) Richard LaForce made a motion to approve 20 Cooper Drive for a Conditional Use Permit to operate an in home internet based business in a Residential Zoned District as provided, governed and monitored by the following Zoning Law provisions:
  - 24-302, R-1 Residential District; B3
  - 24-401 Purpose (Conditional Uses)

-24-402 Authorization to Grant; A & B  
-24-404 Standards Governing Conditional Uses, (specifically but not limited to) A, B, and E.  
24-404 Standards Governing Conditionals Uses, F – placing a review dated of the approval not to exceed the February 2013 regularly scheduled meeting of the Board. The motion was seconded by Dave Wright and the application was approved 4-0.

## 5. PLANNING SEGMENT

Vice Chairman Scheg read the responsibilities of the Planning Board.

**Action-** Preliminary Site Plan Review – Construct 52' x 114' retail building  
**Name-** Ken Sixt  
**Address-** 10 Canning Street

- a) Ken Sixt was present to represent this application. Mr. Sixt explained the current site of 10 Canning Street. He is proposing one building facing Canning Street. There is one proposed business that would occupy two sections of the building, one being a retail hardware store with a nursery. The other section (north end of building) would be a repair shop for lawn equipment. The third portion of the building does not have a proposed tenant or use at this time.
- b) Member Hunte suggested that the existing retaining wall be noted on the final plans and the property owner must maintain it. Member Hunte also asked where deliveries would access the property. Mr. Sixt explained that currently the existing business has truck delivery that does not require a loading dock.
- c) Mr. Sixt explained that the plan shows 14 proposed parking spaces at the south end of the property, these are future depending on use of the area.
- d) Lighting would be discussed on site plan. Mr. Sixt stated he plans to provide lighting not to disturb the neighbors. There was a discussion of utilities.
- e) Member Wright approves of the fit of the building. He stated concern for storage of tractors behind the building. Doug McPherson will be a tenant of the building as the owner of S & D Motorsports. He stated outdoor storage would be minimum and only during business hours. Member Wright stated his concern for the neighbor's view of an unsightly area. The possibility of a privacy fence was suggested.
- f) Refuse totes will be the method of trash removal.
- g) Mike Lissow noted that Site Plan approval will require variances of the side and rear setbacks. A Conditional Use permit is necessary for outside sales such as

flowers, mulch, and lawn equipment. Some of these public hearings can be combined.

- h) A motion to approve the preliminary plan as presented with necessary public hearings and variances Bob Hunte made the motion, seconded by Richard LaForce 4-0.

## 6. PLANNING SEGMENT

**Action-** Preliminary Site Plan Review – Façade Changes  
**Name-** Benderson Development Co.  
**Address-** 98 South Avenue

- a) Matthew Oates from Benderson Development Co. was present to discuss the changes they are proposing for the plaza at 98 South Avenue. Handouts consisting of a rendering of the building, the parking lot area and photos of the façade were provided to the board members. Material samples were also presented.
- b) The proposal consists of alterations to the façade with four gables (total) over the Tops and CVS stores. The gables will be sided with clapboard and some of the metal roof will be replaced with asphalt shingles. The roof line will vary. The brick will be stained a terracotta color.
- c) Another portion of renovations will include repaving the entire parking lot and updating lighting.
- d) Vice Chairman Scheg asked Mr. Oates what the future plans are for tenants and if Tops plans to expand in the future. Mr. Oates answered that they are fully tenanted at this time. There are no plans to expand Tops in the immediate future; this plan is to bring a better look to the plaza.
- e) Lou Terragnoli, Tops Senior Director Corporate Development, stated they are very happy with the recently opened Spencerport store, the look should adapt well in Hilton. He stated the design is a combined effort of Tops and Benderson, the intent is to give the look of multiple stores and eliminate a big box appearance.
- f) In front of Tops columns are proposed 60” from the building to the sidewalk at each gable. There was a lengthy discussion of the width of the sidewalk and if the columns would propose a safety issue for pedestrians. Mr. Oates said they will submit a sidewalk plan which will better depict the size.
- g) Member Wright asked if there will be cart return corrals in the parking lot? Mr. Oates answered there will be cart returns and propane storage will be on the plan as well.

- h) Member LaForce asked if the windows will be changed. Mr. Oates stated no changes will be made.
- i) The addition of a clock tower on southwest corner was suggested by Vice Chairman Scheg.
- j) Interior drawings were received by Mike Lissow at a construction meeting held at Tops earlier this afternoon.
- k) Member Hunte commented in his opinion, changes to the building aren't needed. Mr. Oates then clarified with Member Hunte that alterations to the building are not necessary. Member Hunte agreed.
- l) After several minutes of discussion, Mr. Terragnoli stated they may choose not to make any façade changes as the board does not like their proposal. Vice Chairman Scheg explained that the board is offering their opinions as allowed under Architectural Review and that the board is enthusiastic about improvements to the plaza just not necessarily those proposed thus far. Vice Chairman Scheg also offered to meet with the applicants at their office to further discuss design options. The applicants may return to the Zoning Board of Appeals at the March meeting to continue with their application.
- m) A motion to waive Site Plan Review based on the following criteria to allow lighting and driveway improvements as submitted: There are no increases in services, no new structures, no adverse effects and no subdivision of land, the motion was made by Bob Hunte, seconded by Dave Wright, approved 4-0.

7. Reports

8. MINTUES

Vice Chairman Scheg asked for a motion to approve the January

**7. Reports**

- Liaison report given.
- Code Enforcement report given.

**8. Minutes**

The minutes from the January 10, 2012 meeting as submitted, Richard LaForce made the motion, seconded by Bob Hunte, approved 3-0-1, Dave Wright abstained.

**9. Dates**

Next Scheduled Meeting	Tuesday, March 13, 2012
Public Agenda Deadline	Tuesday, February 28, 2012

**10. Adjournment**

Vice Chairman Scheg asked for a motion to adjourn the meeting at 9:20 p.m.  
Dave Wright made the motion, seconded by Bob Hunte.

Respectfully Submitted,

Amy Harter, Recording Secretary