

Joseph M. Lee, Mayor

TRUSTEES

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Sherry A. Farrell

Larry W. Speer

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Hilton Zoning Board of Appeals Meeting Minutes of September 27th, 2022 Approved

ZBA Member's Present: Chairperson Kim Fay, Nicole Pennock, Harry Reiter, Shelly Kordish and Joe Ruta

Village Board Present: Village Board Liaison; Larry Speer

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

Guests: Stephen Albahari, Stacy Albahari

Chairperson Fay called the meeting to order at 6:30 p.m. with the Pledge of Allegiance and a moment of silence.

Chairperson Fay declared for the minutes, that a quorum is present so the meeting may proceed as planned.

MINUTES:

Chairman Fay made a motion to approve the September 13th, 2022 meeting minutes, seconded by **Nicole Pennock**, approved 4-0-1 (**Member Reiter** was not present at 9-13-22 meeting).

REPORTS:

Village Board Liaison Larry Speer

Gave his report.

Village Manager Shari Pearce

Announced that the NYS Planning Federation awarded the Village for Best Comprehensive Plan in NYS, nominated by MRB. She accepted the award earlier today via Zoom.

Code Enforcement Officer Mark Mazzucco Gave his report.

Chairman Fay opened the September 13th, 2022 continuation of the public hearing at 6:38 p.m. **Chairman Fay** read the Explanation of the Zoning Board of Appeals procedure.

SPECIAL MEETING:

CONTINUED (from 8-16-22) CONDITIONAL USE PERMIT – 100 EAST AVENUE

Application (18-month review) of Stacy Albahari (Fleming) for the property located at 100 East Avenue for Conditional Use Permit for an in-home Business (Dog Breeding) per section 275-13B (3). This property is Zoned Residential.

Chairman Fay asked Stephen and Stacy Albahari if anything has changed since the last meeting on September 13th, 2022, or if they would like to add anything.

Stacy Albahari stated she had nothing to add.

Stephen Albahari asked what conditions or stipulations would be stated on the permit.

Chairman Fay stated we do not know yet and we would have to wait to see if there will be any.

Stephen Albahari asked if the board had any questions for him.

Joe Ruta responded by asking if the neighbor, Mrs. Kolb's concerns have been addressed from the previous meeting.

Stacy Albahari stated yes, she has cleaned and weeded the backyard. Mrs. Albahari feels there is good communication between she and Mrs. Kolb and is surprised Mrs. Kolb is not present at tonight's meeting.

With no further comments or discussion, **PUBLIC HEARING was closed at 6:42 p.m.** by **Chairman Fay** and Board discussion was opened.

BOARD DISCUSSION:

Member Pennock started by saying she is torn with her decision in this matter; however, it is a business in a residential area, and her permit has expired.

Chairman Fay reiterated to the Board, a Conditional Use permit was granted at the March 9th, 2021 Village of Hilton Zoning Board of Appeals meeting to Stacy Fleming for 18 months to find a more suitable location for this business. **Chairman Fay** suggested 12 months, but Ms. Stacy Fleming was granted 18 months at the suggestion of another board member.

Member Reiter stated he is concerned quite frankly that Stacy Albahari moved out of her residential home and now it is a breeding facility, she is not living there with the dogs anymore. Stacy Albahari interjected stating the home business was there long before any codes and it was not a problem. **Member Reiter** stated to Mrs. Albahari, the requirement for a Conditional Use permit for a business was in place before you moved to Hilton. **Member Reiter** also stated to Mrs. Albahari that she said in the past you spoke to Hilton asking if a permit was needed for raising dogs at home and were told no. So, you purchased the Hilton house thinking no permit was needed. A permit was needed. You then moved and turned your home into a dog breeding facility and not living there (100 East Avenue) anymore. Thereby, changing the conditions of your original (verbal) request to Hilton. Both scenarios needed a permit. **Member Reiter** does not want to set a precedent for others to do the same.

Member Pennock stated it has all been he-said she-said until the last couple of years, there is no record of any permit applications, calls to the previous code enforcer, and no documented calls. Stacy Albahari stated she could get an affidavit from someone that she spoke to and herself.

Chairman Fay is concerned that they have been building the business as if the conditional use permit did not exist.

Stephen Albahari said the board was informed and we can agree to disagree.

Member Ruta stated the problem he is having with this is they turned a residential home into a commercial business. Even if they were selling canned goods out of the home, it is still a business.

Stacy Albahari stated it has been a business for 12 years now.

Member Pennock said it does not justify that it is right.

Stephen Albahari said that from 2010-2018, no one had an issue with it.

Member Ruta said that now it is out in the open, a decision must be made.

Stephen Albahari stated he was looking for a permanent permit, not just 18 months.

Member Pennock stated that 18 months was given to find a new place to move this business or 30 days to leave. The Board was generous in giving the 18 months to sort all this out, but from what the applicant is telling the Board, nothing has been resolved on the applicants end.

Stephen Albahari stated they have tried but they also must live.

Member Pennock asked him if he wants a permit until the “magical time that you find a place to move?”

Stephen Albahari mentioned that the property used to be commercial as was the Church and its surrounding property.

Member Pennock stated that is not true, the church is not commercial and never was.

Stephen Albahari said they need time to move.

Chairman Fay said they were given 18 months.

Stephen Albahari said to Stacy Albahari they will use all this in whatever court they go to.

Member Kordish spoke, reiterating that 18 months ago the Zoning Board took into consideration that this was their livelihood and gave an 18 month permit to give them enough time to find a new place for their business. The new/current code enforcement officer has been working hard to bring the Village up to code, so if this were to come up in court it would be all he-said she -said since there is no documentation of any previous conversations regarding this matter.

Chairman Fay asked for a motion to be made, stating we cannot extend another permit as it has expired it is either an approval or denial. **Chairman Fay** said he will move to deny a Conditional Use Permit for 100 East Avenue, Hilton, NY 14468, currently owned by Golden Beauties Driven to Doodles LLC”, c/o Stacy Albahari (Fleming) for a dog breeding /sales business. Three (3) reasons for denial, also given to secretary on paper:

1. We feel that said business is not in harmony with the general purpose and intent of this zoning chapter, taking into account the location, size, and use, as well as the nature and intensity of the operations, and the access thereto.
2. The Board feels the maintenance or operation of the proposed use is detrimental to the health, safety, or general welfare of persons in the community or injurious to neighborhood property with excessive noise and obnoxious smells.
3. With all due respect, during the COVID outbreak, this Board issued a Conditional Use permit with a limit of 18 months to allow the owner to find a suitable location zoned for said business. The owner has not done so.

Member Ruta seconded the motion, approved 4-1-0 (Member Pennock – nay)

Village Manager Pearce states the business must vacate within 30 days or penalties will be begin to assess.

Stacy Albahari stated that is not possible with having to move 14 dogs.

Stephen Albahari stated the courts and supreme court will be in touch with us. He expressed his frustration directly to Chairman Fay stating he personally purchased a dog from them.

Chairman Fay stated he did not and his name is nowhere on the contracts.

Stephen Albahari stated the dog was purchased by Katie Weis for her grandson Dominic.

Chairman Fay stated he has a personal relationship with Ms. Weis.

Member Pennock read from the Village Codes that if she does not vacate in the allotted amount of time, it is considered a misdemeanor and subject to a fine of not less than \$50 nor more than \$1,000, or imprisonment for a period of not more than one year or both such fine and imprisonment; or by penalty of \$2,500.

Stephen Albahari said \$2,500 was no big deal to them.

Stacy Albahari said she can afford to buy all houses in the Village and will put dogs in each house.

Village Manager Pearce informed her only 3 dogs are allowed in the Village per household.

Stacy Albahari said she will buy all the houses and put 3 dogs in each house then. She then stated she will be contacting her attorney as the Board would be putting out a family with 4 children and all her dogs.

Member Pennock told her she had 18 months to find a new location.

Village Manager Pearce said the Board can offer an extension on the time limit for her to move the business if needed.

Stacy Albahari stated 5-10 years would be more reasonable for her.

Village Manager Pearce informed her six (6) months is the maximum according to the Village's Attorney.

Stephen Albahari stated they are always looking, and six (6) months would be better than thirty (30) days.

Stacy Albahari stated they have kids in the schools here, winter will be coming, she will not be able to pay bills without her business, and she needs to be close to her dogs.

Member Ruta stated to Mrs. Albahari, she is shutting the door on a 6 month offer now.

Member Kordish made the motion to allow the business, Golden Beauties Driven to Doodles LLC", c/o Stacy Albahari (Fleming) six (6) months to relocate, seconded by **Member Pennock**, approved 5-0

Next Meeting Tuesday October 11th, 2022

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 7:14 p.m.

Stacy Albahari said she is opening a supreme court case and asked who she should serve.

Village Manager Pearce said herself and gave her a business card.

Stacy Albahari stated as she was exiting the meeting room, she is sorry she ever supported the Village or she put her kids in our schools, and she hopes we put this on record.

Respectfully Submitted,
Aimee Doser, Office Clerk
Debbie Jones, Recording Secretary