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Zoning Board of Appeals Meeting Minutes of February 11th, 2025 Approved

ZBA Member's Present: Chairman Kim Fay, Joe Ruta, Harry Reiter, Nicole Mazzucco, Elaine Begy, Paul Cliff (Alternate)

Administration Present: Code Enforcement Officer/Village Board Liaison; Mark Mazzucco, Village Board Liaison; Larry Speer; Recording Secretary; Aimee Doser, Village Mayor; Joe Lee, Michael Lonville; Special Police

Guests: Lorraine McEvoy, Jim McEvoy, John Christman, Sylvia Kulwicki, Mark Penders, Lisa Rice, Ron Rice, Christine Brower

Chairman Kim Fay called the meeting to order at 6:30 p.m.

Chairman Kim Fay declares, for the minutes, that a quorum is present so the meeting may proceed as planned.

MINUTES:

Chairman Fay made the motion to accept the January 14th, 2025, Village of Hilton Zoning Board meeting minutes, seconded by Member Reiter, Approved 5-0.

REPORTS:

Village Board Liaison Larry Speer	Gave his report.
Code Enforcement Officer Mark Mazzucco	Gave his report.
Village Mayor Joe Lee	Gave his report.

Chairman Fay read and explained the procedures of the Zoning Board.

Chairman Kim Fay opened the public hearing at 6:42 p.m.

CONCEPTUAL – 62 GORTON AVE/67 OLD HOJACK LANE – HAUCK HOLDINGS LLC

- There was no one present to represent this application. This item has been tabled.

PUBLIC HEARING – 6 STRUSSENBERG DRIVE – CONDITIONAL USE PERMIT – SYLVIA KULWICKI

- Application of Sylvia Kulwicki, for the property located at 6 Strussenberg Drive for a Special Permit to retain a Fourth (4th) Dog on her premises. Per Section 275-10F (2)-Dogs--A Property owner or resident may apply for a Special permit to retain more than three dogs on his/her premises. This property is zoned Residential.

Sylvia Kulwicki stated that she is looking to obtain a fourth dog because she loves animals, one of her dogs passed in November, a dog helps her get around, gives her something to look forward to, and keeps her spirits up. She used to have cats but got her first dog many years ago and it was a whole new experience. She said she has always had 3 dogs, either from breeders or fostering, and would like another sheltie or small dog like a Chihuahua or a Pomeranian. She stated she has room for one more, and a big yard.

BOARD COMMENT/QUESTIONS:

Chairman Fay asked how big of a dog she is looking to get.

Sylvia Kulwicki said around 35lbs, no bigger unless she were to maybe get a collie. She said she cannot get too big because she cannot lift them. She also stated that she has neighbors with dogs, everyone gets along, and the neighborhood is dog friendly. She states that her dogs are homebodies, and don't even go out for many walks.

Mark Penders stated that she had 4 before, and wanted to know if she had a variance then.

Sylvia Kulwicki stated that she didn't know she couldn't have 4 before but wanted it to be known that they are all fixed, and she doesn't breed. She also stated that she belongs to group in Spencerport that donates food to pets.

Chairman Fay wanted clarification from her saying that she used to foster and asked if she would be fostering again.

Sylvia Kulwicki said maybe but she is no spring chicken, definitely does not want any puppies, and would only have 4 dogs in her house no matter what.

Member Reiter asked how old her dogs are. Sylvia said 9, 10, and 10 years old.

Chairman Fay stated that she mentioned neighbors having dogs in surrounding backyards and is just wondering if the neighbors have dogs.

Sylvia Kulwicki said yes, one has a doodle, another has 2 dogs, and another neighbor has a dog that visits.

Member Begy asked if she is going to have 4 dogs of her own plus foster dogs

Sylvia Kulwicki no just 4 at a time.

Member Reiter asked her how many cats she has.

Sylvia Kulwicki stated that she has 2 cats that she rescued, 10 and 11 years old now.

Member Mazzucco asked if there had been any letters or complaints from neighbors.

Code Enforcement Officer Mark Mazzucco said no, nothing on file, no calls or letters from neighbors.

Member Ruta stated that when he went by the residence, all 3 of her current dogs were outside and barking loudly and now she wants to add to that. He stated that he is concerned that if she were to add a dog that, complaints may start coming in. He doesn't want to have them come in and then have to revoke it.

Sylvia Kulwicki stated that she had 4 dogs before and there were no complaints.

Chairman Fay closed the Public Hearing at 6:54 p.m.

BOARD DISCUSSION -

Member Begy stated that one of her concerns is that the applicant will always want 4 dogs.

Sylvia Kulwicki said no and that she wanted to make it clear that this would be her last dog, and she is willing to sign something stating that.

Code Enforcement Officer Mark Mazzucco said she would have to come back every time one passed away if she wanted to stay at 4 dogs.

MOTION TO APPROVE:

Member Begy made a motion to approve the application of Sylvia Kulwicki for the property at 6 Strussenberg Drive for a Special Use Permit to obtain a fourth dog on her premises.

There was no second.

MOTION TO DENY:

Member Mazzucco stated that she would have to vote no. She feels that there is a law in place with a maximum of 3 dogs for a reason, and with the properties being too close together, as well as the fact that neighbors come and go, although the current neighbors may be ok with it, we don't know about the future. She said that 3 dogs may have been the compromise for keeping noise, smells, etc limited in the Village.

Member Mazzucco made a motion to deny the application of Sylvia Kulwicki for the property at 6 Strussenberg Drive for a Special Use Permit to obtain a fourth dog on her premises.

Member Ruta seconded the motion.

Motion passed to deny 4-1, Begy opposed.

PUBLIC HEARING – 17 FRASER DRIVE – AREA VARIANCE – LISA RICE

- Application of Lisa Rice, property owner of 17 Fraser Drive, for an Area Variance to allow the property owner to house or keep chickens (Poultry) on the residential lot. Section 275-9 (A) states--Except as otherwise expressly provided in this chapter, no animals, fowl, or poultry shall be housed or kept on any lot other than customary household pets. This property is zoned Residential.

Lisa Rice and her husband, Ron Rice, were present to represent this application. Mr. Rice stated that they have a violation against them, and he would like to read from his notes on it, so he doesn't forget to address anything. He started off by saying "Our girls" are quiet and unobtrusive, even when free ranging in the backyard. Their yard is fully fenced, there are no roosters so there is no crowing, and he feels that the neighbor's dogs on both sides are louder and more annoying than their chickens. He then stated that the coop and run are cleaned daily so not to affect the health, safety and welfare of self and the chickens, as well as no odors, and that their presence will not change the visual aesthetics of their yard, and the girls (chickens) are their children.

Lisa Rice said that they have no children, so they raise the chickens as their children. She said they are so little, so quiet, so delicate, and they don't disturb any neighbors, nothing at all. She then stated if they lose them, it will bring mental anguish and said she may commit suicide. She feels that they will not be able to live without her either.

Chairman Fay stated that unfortunately this alleged difficulty is self-created.

Member Mazzucco asked how many chickens they have.

Lisa Rice stated they have 4.

Member Mazzucco asked what the life expectancy of chickens is.

Lisa Rice stated 3-4 years, and right now they are a few months old.

Member Mazzucco asked how long they have had them.

Lisa Rice stated since October of 2024.

Member Mazzucco asked if they fly.

Ron Rice said No, only when chased like when the neighbor's dog came under the fence into their yard.

Chairman Fay then read letters from 4 surrounding neighbors (Letters attached), opposing having chickens in the Village. He noticed one of the letters mentioned not wanting chickens or ducks, and asked the applicants if they have ducks as well.

Lisa Rice stated no they do not.

Jim McEvoy- Resident at 15 Cooper Drive, stated that his backyard faces east, the applicants faces west, and he and his wife were there to oppose this, mainly due to predators, opossums, rats, mice, insects, and could lead up to foxes. He stated that they have vegetable gardens and just don't want to see things coming into their neighborhood. He said they have concerns about the smell, the noise, he thinks dogs could get noisier with the presence of chickens, and there are lots of pools, and if you are out entertaining at the pool with people you don't want to hear or smell chickens. He said they are opposing and against it.

Lisa Rice stated that he said noise, and asked if he can even see or hear them, and stated that she can't even see them or hear them from her house.

Chairman Fay stated that it is Mr. McEvoy's opinion.

Lisa Rice argued that no, it is his assumption.

Lorraine McEvoy said there is a reason that there is a noise code and a chicken code, because the yards are too close together.

Member Ruta asked if they plan on adding more chickens or just 4.

Lisa Rice stated that she thinks they are happy with 4.

Member Ruta stated he is concerned about people getting approved and then adding more.

Ron Rice said that they have room for 6 but are happy with 4.

Member Reiter asked them why they bought chickens if they live in a Village.

Lisa Rice stated that when she was young, they raised chickens and when they bought their house, they thought it was a nice neighborhood and nice neighbors but stated now we find out the neighbors aren't so nice. And said it was part of her childhood as well as for her husband too. She said they are kept back in the shed, and she didn't know there was a code, but the shed is big enough because there is nothing else in there but the lawn mower and some tools. She stated that they like to go back there and spend time with them in the summer, and that they are like birds - delicate, don't make any noise, and she doesn't know why neighbors complain about noise as they are quiet and far back.

Mike Lonville – Special Police, told Mrs. Rice that he has to intervene, if this doesn't turn out the way she wants it, and he senses seriousness in her threat of self-harm, he will have to have a different conversation with her. He said he is mandated to respond to that if she says it again.

CLOSED PUBLIC HEARING AT 7:23 PM

BOARD DISCUSSION:

Member Begy stated that in the code, an accessory structure, for example a shed, shall not be used for housing animals or their waste.

Code Enforcement Officer Mark Mazzucco said that he already cited her for having chickens on the property.

Member Reiter stated it is more of an issue than just her chickens, as previously they had a pet pig application come before the board and it was denied due to the farm animal code. He stated that recently the code has been updated section by section with the boards added input, and he just doesn't see how he can set precedent here by allowing chickens.

Member Reiter stated that it was a unanimous decision that we are not changing the code, and if she really enjoys chickens then she doesn't need to live in the village.

Lisa Rice said Well they are our pets.

Member Reiter said that the pig was in the house as a house pet too. How can they say no to them but yes to her.

Lisa Rice said she thinks it's a case-by-case basis, not if you approve her you have to approve everyone.

Member Reiter said to her that she has them in her shed butting up to the back corner by a neighbor.

Chairman Fay pointed out that she has 3 neighbors backing up to her and around the corner, that would be exposed and are exposed to these chickens.

Lisa Rice said to please look at the map, as she feels they are not that close, and to take a look at how they behave and claims you won't hear any noise.

Member Ruta stated that he lived near chickens and when the wind blew it stunk, they attracted mice, etc. and he stated that the Village is not a place to have them.

MOTION TO DENY:

Chairman Fay made the motion for the application of Lisa Rice, property owner of 17 Fraser Drive for an Area Variance to keep chickens, be denied for 2 reasons:

1. It violates the existing Zoning Code
2. It has complaints by surrounding neighbors and is not wanted

Member Ruta seconded the motion

Motion passed to deny 5-0.

Code Enforcement Officer Mark Mazzucco suggested ninety (90) days and then he will investigate to make sure she has complied with removing the chickens from her property.

Lisa Rice said No, she needs 4 months until spring.

Chairman Fay said No, that is too much time, ninety (90) days is good.

Lisa Rice asked what the investigation is.

Code Enforcement Officer Mark Mazzucco stated that he has to check that they have been removed.

Lisa Rice asked if that means he wants to come on her property and stated that means he doesn't trust them.

Code Enforcement Officer Mark Mazzucco stated he has to verify.

Lisa Rice asked what if she doesn't give permission, and stated that he does not have her permission. She said he has her word. She said they love this village and plan to live here forever, and she loves the board members and said let's build trust.

Code Enforcement Officer Mark Mazzucco stated again that he has to verify

Lisa Rice said we will not go against the constitution.

Code Enforcement Officer Mark Mazzucco stated that if she denies him permission, he will have to consult the attorney.

Lisa Rice asked why he is doing this to his residents, they are taxpayers.

Chairman Fay said it is the law.

Lisa Rice said that he can knock but she will say no.

There was no further conversation.

DATES:

Next Scheduled Meeting	Tuesday, March 11th, 2025
Public Agenda Deadline	Tuesday, February 18th, 2025

ADJOURNMENT:

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 7:35 p.m.

Respectfully Submitted,

Aimee Doser, Recording Secretary