

Joseph M. Lee, Mayor

TRUSTEES

Andrew J. Fowler

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Larry W. Speer

Shannon Zabelny

Shari Wilson-Pearce Village Manager/Clerk

Jeff Pearce Supt. of Public Works

# VILLAGE OF HILTON

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Zoning Board of Appeals  
Meeting Minutes of May 13th, 2025  
Approved

ZBA Member's Present: Chairman Kim Fay, Harry Reiter, Paul Cliff, Laura Pettine (Alternate)

ZBA Member's Present: Joe Ruta, Elaine Begy

Administration Present: Code Enforcement Officer/Village Board Liaison; Mark Mazzucco, Recording Secretary; Aimee Doser, Village Manager; Shari Pearce, Village Mayor; Joe Lee, DPW Superintendent Jeff Pearce

Administration Absent: Village Board Liaison; Larry Speer

Guests: Village Engineer; Dave Willard, Christine Brower, Anne Ciolek, Thomas Ciolek, Bill Pettine, Mary Pettine, Anthony Gibbardo, Nicoletta Gibbardo, Cheryl Johnson, Becky Buell, Becky Flansburg, Jim Hawryliak, Larry Britt, Mike Douglass, Bonnie Bachman, Michael Sengillo, VP of Indus Hospitality Group - Dunkin rep; John Ott, John Jansky, Kelly Mangiacapre, Laura Mangiacapre, Justin Picente, Emily Picente, Will Theirs, Bruce Shult.

**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.

**Mayor Lee** swore in new Alternate Member Pettine.

**Chairman Fay** read the procedures of the Zoning Board.

**MINUTES:**

**Chairman Fay** made the motion to accept the April 8th, 2025, Village of Hilton Zoning Board meeting minutes, seconded by **Member Pettine**, approved 4-0.

**REPORTS:**

**Code Enforcement Officer Mark Mazzucco** stated nothing to report due to the time constraints of the meeting, except that the new zoning code is in effect as of tomorrow.

**Mayor Lee** reports.

**Chairman Kim Fay** opened the public hearing at 6:36 p.m.

**PUBLIC HEARING – 9 COOPER DRIVE – AREA VARIANCE – THOMAS CIOLEK**

- Application of Thomas Ciolek, for the property located at 9 Cooper Drive, for an Area Variance to construct a fence that is thirty-three (33) foot section in length and six (6) feet in height in the side yard of a corner lot adjacent to the street. Per Section 275-38(C)--On a corner lot, no fence, wall hedge or screen planting over three (3) feet above road grade in height shall be constructed within the yards required adjacent to the streets.

**PUBLIC HEARING – 9 COOPER DRIVE – AREA VARIANCE – THOMAS CIOLEK**

- Application of Thomas Ciolek, for the property located at 9 Cooper Drive for an Area Variance to construct a 10-ft by 12-ft Garden Shed outside of the side foundation line of the side facing the street. Per Section 275-13(E)(1)(f) Accessory buildings and structures-- If erected on a corner lot, accessory structures must be located behind the street main foundation lines of the principal dwelling and behind the side foundation line on the side facing the street.

Thomas Ciolek, owner of 9 Cooper Drive, stated that his home is a new build purchased last fall. The back of his property is only twenty (20) feet from the back of the house so there is no room to put a shed back there. He is also looking to install and extend a fence approx. fifty (50) feet from the sidewalk. He would like a vinyl fence to look more pleasing and have it run to the neighbor's garage to block some of his equipment and shrubs. He feels it will look more pleasing to the neighborhood as well.

**PUBLIC COMMENT:** Opened at 6:38 p.m.

**PUBLIC COMMENT:** With no public comment, Closed at 6:39 p.m.

**BOARD COMMENT/QUESTIONS:**

**Member Cliff** asked if the fence would go all the way to the back of his property, and Mr. Ciolek said yes it would.

**Member Pettine** asked if the fence would go all the way to the sidewalk as well. Mr. Ciolek stated that it would not.

**Member Pettine** asked if the shed would sit in the front of that but offset to house, and Mr. Ciolek said yes.

**Chairman Fay** stated that the fence would be going north and stopping at the neighbors front line, and the other side does not go past the home, so he sees no problem there.

**Motion to Approve:**

**Member Pettine** made the Motion to approve an Area Variance to construct a fence that is thirty-three (33) foot section in length and six (6) feet in height in the side yard of a corner lot adjacent to the street.

Seconded by **Chairman Fay**. Approved 4-0.

**PUBLIC COMMENT:** Opened at 6:44 p.m.

**PUBLIC COMMENT:** With no public comment, Closed at 6:46 p.m.

**BOARD COMMENT/QUESTIONS:**

**Member Pettine** asked what material he plans on using for the shed.

Mr. Ciolek stated he would be using wood, with the intention of painting it the same color as the house.

**Member Reiter** asked if the shed will be inside the fence, and the answer was yes.

**Motion to Approve:**

**Chairman Fay** made the motion to approve an Area Variance to construct a 10-ft by 12-ft Garden Shed facing the street as requested.

Seconded by **Member Cliff**. Approved 4-0.

**PUBLIC HEARING – 3 FRASER DRIVE – AREA VARIANCE – ANTHONY GIBBARDO**

- Application of Anthony Gibbardo for the property located at 3 Fraser Drive, for an Area Variance to allow a second (2<sup>nd</sup>) Accessory Structure which is an approx. 240-square foot covered Patio/Pavilion in the backyard. Per Section 275-13 (E) (1) (a)---Only one such accessory structure will be permitted on any real property and shall not be used for housing animals or their wastes.

Anthony Gibbardo, owner of 3 Fraser Drive, stated that he would like to add a 12 x 20, 240-square foot timber pavilion outside on his property, in the back yard. He said it will not be attached to house, they have 2 kids and enjoy eating outside but haven't been able to in the past due to drainage problems in their yard, but now that those issues are fixed, they would like to eat outside more and feel that this would help shade from the elements. He is coming before the board because they already have a shed. He stated that it will not be closed in, it is not going to house animals, animal waste or refuse, and is not going to house an automobile. Nothing other than a picnic table or grill.

**PUBLIC COMMENT:** Opened at 6:44 p.m.

**PUBLIC COMMENT:** Closed at 6:46 p.m.

**BOARD COMMENT/QUESTIONS:**

**Member Pettine** asked if it would be permanent and/or anchored.

Mr. Gibbardo stated that it would not be permanent and will sit on risers.

**Chairman Fay** asked if it will have any floor in it.

Mr. Gibbardo said that it has a wood floor, and that Heritage Structures would be building it, primarily to enjoy the few months of the year they can be outdoors.

**Chairman Fay** stated that he sees no problem with this at all.

**Motion to Approve:**

**Chairman Fay** made the motion to approve an Area Variance to allow a second (2<sup>nd</sup>) Accessory Structure which is an approx. 240-square foot covered Patio/Pavilion in the backyard, with the condition that it will have no permanent sides.

Seconded by **Member Reiter**. Approved 4-0.

**PUBLIC HEARING – 144 SOUTH AVE – CONDITIONAL USE PERMIT – JEFF DICESARE**

- Application of Jeff DiCesare for the property located at 144 South Avenue to operate an eating and drinking establishment with a drive thru. Per Section 275-15C (1)-- Conditional Use Permit is required for any use permitted in Section [275-15B](#) to the extent not conducted within a completely enclosed building.

**PUBLIC HEARING – 144 SOUTH AVE – SITE PLAN REVIEW – JEFF DICESARE**

- Application of Jeff DiCesare for Site Plan Review for property located at 144 South Avenue to construct a  $\pm$  1,500 square-foot addition to an existing building for an eating and drinking establishment with a drive thru.

**PUBLIC HEARING – 144 SOUTH AVE – AREA VARIANCE – JEFF DICESARE**

- Application of Jeff DiCesare for property located at 144 South Avenue for an Area Variance for relief from Section 275-36C(1) to allow 68 parking spaces and 5 drive-thru Stacked spaces. Currently there are 91 existing parking spaces.

**Sky Horton** from the APD Engineering firm, stated that they are seeking a Conditional Use Permit for a drive thru and parking reduction down to 85 from 91 spots. They have added stop bars, stop signs, and bollards so cars cannot drive into the building or parked cars. They have also added dumpster details. Sky stated that parking against the building got pushed back, flush all the way around, and provided a photometric of building mounted lights - all downlit, point 1 candles, and a lightbar under the canopy to light up the sidewalk. She said there will be barely any light spill coming from the lights, and that this new Dunkin building will protrude out so they will block the lights that are there now on the face of the building.

**PUBLIC COMMENT:** Opened at 6:49 p.m.

**Village Engineer Dave Willard** stated that he has not had a chance to review the plans submitted yesterday, but it appears they have met the requests from the last meeting.

**Chairman Fay** stated that other Dunkin locations have solid gates around their dumpsters, and he would like to see a solid, decent looking structure, a complete enclosure.

**Village Engineer Dave Willard** said that they provided truck turning movements, and the deliveries take place early when the bowling alley isn't open yet so that shouldn't make a difference.

**Member Cliff** stated that currently when trucks come in it is wide enough where they can turn around.

**Sky Horton – APD** said that they tested a truck turning around and it works out if no one is parked at the Bowling alley at the time. She said they will need trucks to be able to exit onto Panarites Lane for emergency vehicles. She also said that deliveries would be once, maybe twice a week in the early morning before the bowling alley opens.

**Member Pettine** commented that at the last meeting there was a commitment not to send trucks onto Panarites Lane but now they are.

**Jeff Dicesare** stated it would only happen as a backup if the truck cannot get out around parking spots, not business as usual.

**VP of Indus Hospitality Group - Dunkin rep; John Ott** said to put everyone's mind at ease, a Dunkin this size would only get a delivery once a week. largest locations even only get deliveries twice a week.

**Chairman Fay Kim** read letters from residents: Dave Wright 173 South Ave, Andrew Mangiacapre 135 Raintree Lane, and Jim & Kim Francis 1 Panarites Lane – See attached.

**Village Engineer Dave Willard** said right now the plan doesn't have a curb.

**Sky Horton – APD** said it is Left hand turn only, and that they don't foresee an issue as customers would have to drive past the main entrance otherwise. Drive thru is configured for people to come from the main entrance, not Panarites Lane.

**Christine Brower - 184 South Ave.** commented on the revised site plan 4-22-25, she said she supports development but continues to have serious concerns about traffic flow and safety. She feels that without raised curbing to restrict, people are likely to disregard signage and still turn right towards Raintree Lane, and that commercial traffic should be routed towards the commercial district. She recapped her requests including a traffic study.

**Chairman Fay** stated that we have addressed these concerns and talked about raised curbing.

**Laura Mangiacapre -135 Raintree Lane** reread her dad Andrew Mangiacapre's email as she feels points were glossed over. They have traffic & collision concerns.

**Larry Britt - 172 Raintree Lane** said he is all for closing the access road, but all the traffic will be added to Village II and towards tops. He said he is all for adding business, but he doesn't know what the business feasibility is and feels adding a new business doesn't seem reasonable.

**Becky Buell** - 58 Shirleen Drive stated that she feels there was not a lot of advertising about this proposal and that she supports what everyone is saying about traffic flow. She feels it will affect seniors from Unionville and is concerned for them. She feels that most people haven't seen the map and everyone should.

**Chairman Fay** asked **Village Manager Shari Pearce** to comment. She stated we followed all procedures, designated Westside News, signage in front, and any residents within 200 feet received a letter regarding the meeting agenda.

**John Jancy** - 125 Raintree Lane said that he lives right across from the access road and the only issue he has is the lights on the side of the stores that just went up. He feels that even with Dunkin sticking out it won't block the lights, and right now he can walk through his house at night with no lights on due to them. He asked about planting something like arborvitae or something to block the lights from houses and make it look nice, maybe even calm down some of the noise. He feels this is a quality of life issue and it would help everyone on the street.

**Chairman Fay** agreed.

**Member Reiter** stated that he read letters and tried to come up with an idea that addressed all concerns. He suggested instead of creating a one way on Panarites Lane, taking the Southbound Lane out and putting grass and curbing that will force you to go left, but the resident living on Panarites Lane can still go both ways on his street.

**Village Manager Shari Pearce** stated that it is a big deal to eliminate a village street, and they would need to look into it.

**DPW Superintendent Jeff Pearce** said that he would have to look into the specific requirements.

**Village Engineer Dave Willard** stated that it would be awkward for emergency services.

In closing, **Jeff Dicesare** commented that they are not adding traffic, it will just be more convenient for locals and take congestion away from McDonald's and give them another option to spread out. **Sky Horton – APD** stated that they already said that they will propose curbing and that they aren't bringing in more traffic, just redistributing it. A traffic study is not necessary as the traffic has already been a problem there for years.

**PUBLIC COMMENT:** Closed at 7:48 p.m.

#### **BOARD COMMENT/QUESTIONS:**

**Chairman Fay** asked if when done excavating, will it be repaved.

**Jeff Dicesare** said it will be repaired. It is a small, confined area for the building so they will not be doing a lot of damage.

**Member Pettine** asked about Snow removal.

**Jeff Dicesare** said they will be pushing it off onto the grass towards Raintree.

**Member Pettine** asked if there will be mobile order parking spots.

**John Ott - VP of Indus Hospitality Group - Dunkin rep** stated they could put in a couple to take the pressure away from the drive thru.

**Chairman Fay** said that he would like to propose that the Board postpones the decision. He feels they are close to decision but have landscaping, dumpster, and exit issues.

**Sky Horton - APD** asked if they can approve with conditions.

**Chairman Fay** stated it would be a lot of conditions, and he would like to see dumpster enclosure plans.

**Jeff Dicesare** said he would like to start the structure, as its construction season.

**Village Manager Shari Pearce** stated that the public hearing needs to be closed, it's been open two (2) months. There will be no other publications. People can call or come in. We cannot publicize. The process is as follows: Conceptual, public hearing, site plan, 1 or 2 meetings, then it moves into approval or denial.

**Chairman Fay** said he would like to table for 30 days, meet again, and then hopefully make a decision.

**John Ott - VP of Indus Hospitality Group - Dunkin rep** said he feels it is unusual for a return trip for such simple things. He feels they addressed traffic issues for Raintree Lane, left turn only with curbing, dumpster corral, and landscaping. He feels they've done everything the village has asked.

**Jeff Dicesare** asked if the public hearing will be closed next time.

**Village Manager Shari Pearce** stated that the public can attend but not comment. She also said that the Board can call a special meeting, and not wait another 30 days, as they are not major items.

**Chairman Fay** proposed that the next meeting takes place in 2 weeks on 5/27/25 at 6:30 p.m.

**Motion to Table:**

**Chairman Fay** made the motion to table this application until the next meeting.

Seconded by Member Cliff. Approved 4-0.

**DATES:**

Next Scheduled Meeting

Tuesday, May 27th, 2025

There being no further business, **Chairman Fay** made the motion to adjourn the meeting at 8:05 p.m.

Respectfully Submitted,  
Aimee Doser, Recording Secretary