

**VILLAGE OF HILTON
ZONING BOARD OF APPEALS
Meeting Minutes of February 10, 2026
Approved**

Present: Chairman Kim Fay, Members Elaine Begy, Harry Reiter, Laura Pettine, Joe Ruta and Paul Cliff; Mayor Joe Lee, Village Liaison Larry Speer, Code Enforcement Officer Ron Bragg, Deputy Clerk Amy Harter, Administrative Assistant Fawn Cretelle-Galan

Guests: Mark Mazzucco via Zoom, Laura Smith of Nixon Peabody, Brett Morgan of Verizon, Christine Brower, James and Sandra Tenny, Bob Mullen, Dave Wright, John Jansky, Ann and John Steinmetz, Larry Britt, Kim Francis, Jeff Haynes, Bruce Shult, Jeff DiCaeser

This meeting was held in the Board Room and via Zoom.

1. Chairman Fay called the meeting to order at 6:30 p.m. with the Pledge of Allegiance and a moment of silence.
2. Chairman Fay declared that a quorum was present so the meeting may proceed.

Minutes

Motion to approve the meeting minutes of January 13, 2026 as submitted made by Kim Fay, seconded by Joe Ruta, approved 5-0.

Reports

Village Board liaison Larry Speer gave his report.

Village Mayor Joe Lee gave his report.

Code Enforcement Officer Ron Bragg gave his report.

Public Hearing

Bell Atlantic Mobile Systems LLC d/b/a Verizon is a public utility and wireless telecommunications licensee of the Federal Communications Commission (“FCC”). To maintain adequate and reliable wireless telecommunications service in its Pleasure Lanes Bowling cell, Verizon proposes to modify and upgrade its telecommunications facility at 144 South Avenue in the Village of Hilton. The Site consists of a 20’x21’ area of leased ground space from JBH of New York Inc. Verizon proposes to modify and upgrade the existing telecommunications facility and relocate it to an 80’ monopole tower (plus 4’

lightning rod), together with other site improvements on the Site. The Site is in the Village's Commercial ("C") zoning district. Pursuant to the Code of the Village of Hilton (the "Code"), the Project is permissible upon the issuance of a use variance from the Zoning Board of Appeals (Code §275-15(B)). Additionally, the 80' monopole tower (plus 4' lightning rod) exceeds the maximum height for ground towers, which restricts ground towers to 50 feet as measured from the ground surface, and is not setback from existing structures equal to the height of the tower measured from the base at ground level, plus the height of any device placed on top of the tower (Code §275-15(B)(1)&(5)).

Chairman Fay opened public hearing at 6:40p.m. It was noted that MRB is in process of reviewing this application. Laura Smith of Nixon Peabody gave an overview of the application for use and area variance for a proposed 80' tower with 4' lightning rod to replace a 31' antennae currently located on the roof of Pleasure Lanes. Typically, the 4' rod is not considered in the height of the tower, but the applicant will defer to the board's preference if they want to include it. Ron Bragg confirmed the 80' tower has an additional 4' rod on top. Member Pettine questioned whether fencing or gravel would surround the tower. The proposed tower would be relocated to the South side of the building on the ground and would be surrounded by gravel and a small fence, at the preference of the landowner. Member Cliff questioned if there would be equipment as well. Per Verizon, all equipment will be located inside the building where it currently resides.

According to Verizon, the 80' tower is the minimum height required to increase service, although there is always an opportunity to go higher, the applicants would need board approval. The new tower would serve to offload capacity and improve coverage in the Village of Hilton and the surrounding area. Laura Smith presented several coverage maps and renderings to show the current and future coverage within the village and surrounding area. There was some discussion about capacity of this and nearby towers, and it was noted that when they reach capacity, calls will get dropped and it becomes difficult to get into the system. Generally, emergency calls take precedence and persons utilizing the service for the longest time would get dropped first. The surrounding towers in the area have been maxed out and cannot be increased. The Town of Parma has authorized a new tower to be placed on West Ave. The tower is specific to Verizon but can be utilized by other carriers, and space can be leased on the tower for other carriers' equipment, potentially covering 60' of the tower with antennas. The towers are over-engineered not to fail but are designed to crumple in on themselves as opposed to "falling" sideways.

Discussion ensued regarding the placement of the tower and applicant was asked by Chairman Fay whether other sights had been considered. Laura Smith replied that the issue was the height variance and that towers are only allowed in commercial districts. Other locations within the village that were approached declined to place the tower on their property. Shari Pearce questioned whether the best location would be the water tower. An agreement could not be reached with the Monroe County Water Authority for placement on the water tower. Member Reiter mentioned that we own the railroad tracks. Chairman Fay questioned the tower's location as the contract states "rear" of the property.

The proposed location is the South, or side, of the building. The address of Pleasure Lanes is 144 South Ave, making the “rear” of the building on Panarites Drive. Larry Speer mentioned that the firehouse has terrible reception and users must go outside to make a call.

Public comment was opened at 7:34p.m.

Christine Brower of 184 South Ave read a statement opposing the request for variance as follows: *Good evening. My name is Christine Brower, and I live at 184 South Avenue—the yellow colonial at the corner of South Avenue and Raintree Lane. I am here to oppose the requested variances for an 80-foot monopole tower with a 4-foot lightning rod.*

Under New York State law, this Board must balance the benefit to the applicant against the detriment to the health, safety, and welfare of the community. I also understand that the applicant is seeking both an area variance and a use variance, which under New York State law requires a significantly higher burden of proof. This proposal fails to meet those legal standards in four significant ways, including because it creates an undesirable change in neighborhood character, represents a substantial deviation from zoning requirements, presents adverse safety impacts, and because feasible alternatives exist.

First, it conflicts with the vision and land-use principles of Hilton’s Comprehensive Plan. Although this property is zoned commercial, the Comprehensive Plan makes clear that commercial development must remain compatible with surrounding land uses, particularly when it directly abuts residential neighborhoods. The Plan emphasizes preserving Hilton’s small-town character and protecting established residential areas from development that is incompatible in scale, intensity, or visual impact. An 80-foot monopole tower—30 feet taller than the Village’s 50-foot height limit—introduces a level of scale and industrial character that is fundamentally inconsistent with those goals. When combined with the recently approved Dunkin’ development on the same site, this proposal represents a significant increase in intensity that tips the balance away from neighborhood compatibility and toward over-commercialization at a residential border.

Second, the impact on the adjacent residential neighborhood and public safety is excessive. This commercial property directly borders residential homes. Chapter 275 of the Village Zoning Code exists specifically to protect those residents through bulk, height, and setback requirements. While the applicant may technically meet a numerical setback to the property line, the tower’s fall zone is not a true clear zone. It encompasses active parking areas, vehicle circulation, and pedestrian activity associated with the commercial use of the site, including the Dunkin’ drive-through. A fall zone that includes routine public presence does not eliminate safety concerns and represents an adverse physical impact the Board is required to consider. In addition, an 80-foot tower adjacent to a residential neighborhood results in a permanent loss of privacy and negatively affects property values. New York zoning law requires this Board to consider whether a variance would create an

undesirable change in the character of nearby properties, and few changes could be more undesirable to a homeowner than a tall industrial monopole looming over their front yard.

Third, the proposal undermines required buffering between commercial and residential uses. Both the Comprehensive Plan and Chapter 275 emphasize the importance of meaningful buffering where commercial uses abut residential neighborhoods. An 80-foot monopole tower cannot be effectively screened or buffered. No landscaping, fencing, or setback can mitigate such a vertical structure. The result would be a permanent visual intrusion and ongoing safety concern directly impacting nearby homes—exactly the type of impact the Village’s zoning regulations are intended to prevent.

Fourth, the applicant has not met the heightened legal standard required for either an area variance or a use variance. In addition to the substantial area variance for height, the applicant is also seeking a use variance, which under New York State law requires proof of unnecessary hardship. That includes demonstrating that the property cannot realize a reasonable return from any permitted use, that the hardship is unique to the property, that the proposed use will not alter the essential character of the neighborhood, and that the hardship is not self-created. The existing zoning code allows for numerous permitted uses on this property, and several of those uses—including restaurants and indoor recreational uses—are currently operating successfully on site. Those facts strongly indicate that the property is capable of realizing a reasonable return under permitted uses. Absent clear and competent evidence meeting this heightened legal standard, this Board cannot make the findings required to grant a use variance, nor can it justify granting a substantial area variance that depends on it.

In closing, I respectfully ask the Board to protect the families who live along this residential border, uphold the standards of Chapter 275, and remain faithful to the principles set forth in the Village’s Comprehensive Plan.

Thank you for your time and consideration. This ends the statement read by Ms. Brower.

Dave Wright of 173 South Ave, amateur radio operator since 1983, asked how a tower ended up on top of the bowling alley to begin with. Mr. Wright stated that ground towers are restricted to industrial areas and any property can have a 50’ tower if it meets the setback requirements. As a current Verizon customer, he has only had 1 service problem, referring to a community emergency a few years ago. According to his research, an 80’ tower is not necessary. He questioned who profits from co-locating other antennae on the tower. (*The Village Code notes that ground towers are NOT restricted to industrial areas.*)

Kim Francis of 1 Panarites asked that all other options be exhausted before locating the tower in the proposed locations. Ms. Francis’ father spoke about the construction equipment already visible in the Dunkin Donuts site and the need to have more. He stated that in his opinion the value of Ms. Francis’ property will decrease by \$20,000 to \$30,000. Ms. Francis also confirmed with applicant that there will be no light on the tower.

Will Thiers of 148 South Ave questions the safety of the tower on residents who live nearby and pointed out studies that indicate a possible higher incidence of cancer in these residents.

John Jansky of 125 Raintree confirmed with the applicant that the 80' tower is measured from the ground and questioned a letter he received possibly from the village that stated there would be a rod extended from the tower and additional 4 feet.

John Steinmetz asked whether a small cell could go in this space instead and if the tower could be negotiated with the Monroe County Water Authority as the village is transferring the water service to them. Shari Pearce, Village Clerk, stated that she will ask the Water Authority.

John Steinmetz emailed a statement as follows: *My name is John Steinmetz and I reside at 81 West Avenue and I apologize for not being able to attend tonight's meeting in person. I am writing to share my thoughts on the application to place an 80-foot monopole in the parking lot of Pleasure Lanes located at 144 South Avenue.*

I have been a Verizon Wireless customer for approximately 30 years, and I value the service they provide me and my family. However, I do not support this application. Granting a height variance will result in a facility that is visible from many of the Village's neighborhoods, negatively impacting the visual quality of our community. The addition of the Dunkin Donuts and the placement of this monopole on this property creates a setting that reflects more of a commercial character one might find along Ridge Road rather than in a traditional village. Finally, it will set a precedent that could draw additional applications from other service providers to place towers in the Village of Hilton. If we approve this variance, it would be very difficult to say no to others in the future.

In my opinion the Board should deny this variance application because of its impact to our community and because it fails to meet the balancing tests established by New York State Law. Thank you for your time. This ends the statement emailed by Mr. Steinmetz.

Laura Smith wrapped up with a statement that they would rather not need the use variance and reminded all that the tower provides wireless service, a public standard utility. Federal law prevents the board from considering health effects as part of the decision to allow or not allow the tower.

Public Comment was closed by Chairman Fay at 7:50p.m.

Old Business

Parkland Place Development Project: This matter is still open for public comment through February 13, 2026. The matter will be placed on the March agenda for further review.

Chairman Fay noted there was nothing new to report on the Parkside development.

Next steps:

-March 10th

-SEQR review

-begin Final Site Plan Review

Next meeting: March 9, 2026.

Agenda deadline: February 17, 2026

Motion to adjourn the meeting at 7:57 p.m. made by Kim Fay, seconded by Paul Cliff.

Motion carried 5-0.

Respectfully Submitted,

Fawn Cretelle-Galan

Recording Secretary