

**VILLAGE OF SODUS POINT ZONING BOARD OF APPEALS**

May 23,2017

**PRESENT**

**ABSENT**

**GUESTS**

Tom Johns  
Sue Bassage  
Lynn Carlyle  
Laurie Hayden  
Larry LaForce  
Vic Hill

Greg Switzer  
Damian Weidman  
Miriam Dervan  
Tim Wilber  
Fred Cromey  
Marilyn Bernie  
CEO Kevin Druschel  
Mary and Bob Wynne  
Gary Madison

Tom Johns called the meeting to order at 7:00 P.M

**The first application:** A Special Use permit for Adrian Boyd at 7893 Lake Road to modify a barn for retail sales.

The applicant was not in attendance; CEO Kevin explained the project to convert a small barn to an antique sales business. The zoning district is mobile homes and as such has no permitted uses. There will be three parking spaces, no flammables. The business will comply with all fire codes.

Chairman Johns explained a special use permit is only good for one year and could be revoked.

At 7:05 the chairman opened the floor for public comments.

Mary Wynne asked about signage. CEO Druschel stated he was not aware of any signs on the Lake Road side.

Comment period was closed at 7:07

**Board Discussion:**

Vic Hill did not have a problem with the use. Larry LaForce questioned the size of the barn and wanted to know if it was heated or just a seasonal operation. All other board members indicated they had no objections.

**SEQRA** Based on this application as submitted, the Zoning Board of Appeals finds and determines that: 1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations. 2. The Zoning Board of

Appeals is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed special use permit application. 3. That the action taken herein shall not have a significant adverse impact on the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action.

Vic Hill motioned to approve the application, seconded by Lynn Carlyle, all aye.

**Approved.**

The application will now go before the Wayne County Planning Board on June 28, 2017 and back to the ZBA on July 11<sup>th</sup> for final approval.

**The second application:** an area variance for Martin Schott at 7575 Sixth Street to construct a rear deck 8' feet from the property line where 12.5 is required.

Project contractor Gary Madison explained the existing deck would be demolished and a new deck inline with the house would be constructed 8.5 feet off the property line.

At 7:12 the chairman opened the floor for public comments.

Adrienne Clark was concerned her view would be blocked if the deck had a railing. Mr. Madison explained the railing would be 5' overall and did not believe it would obstruct any views.

Comment period was closed at 7:14

**Board Discussion:**

Tom Johns commented the old deck needed attention and he felt it would be an improvement. No other discussion.

Sue Bassage motioned to approve the application, seconded by Vic Hill. **Approved.**

**The third application;** a review request by the CEO Kevin for the issuance of a change order for an approved project for Mary Wynne at 7581 Second Street. The proposed changes are to finish the upper level originally intended to be an unfinished space.

Mary Wynne explained she could not visualize the additional space until it was built. She further said the finished space was for her family use only and when completed the total space would be 5 bedroom / 3 bath rather than 4 bedroom / 2 bath shown on the original plan.

At 7:20 the chairman opened the floor for public comments.

Greg Switzer explained as a former building inspector he was concerned with the change order. He felt the additional space was always part of the Wynne's plans and was suspicious of the intent. The additional occupancy will increase the need for parking in the area, stating a safety issue because of the proximity to the south neighbor.

Damian Weidman was sure the intent of addition space was planned for rental units, the house is zoned for single occupancy and questioned why the need for three separate kitchens unless it was part of a plan to be used for multi occupancy. Mr. Weidman asked CEO Druschel how his office planned to monitor for occupancy violations. He was also concerned the additional usage, even if only family will impact density and parking concerns in an already congested neighborhood.

Mariam Derivan questioned the additional second floor living space since it was pointed out at a public hearing the need for first floor living, citing problems with stairs. Mariam also questioned the size of the garage and whether guests could park in the driveway that is within the village right of way. (CEO Kevin Druschel explained there was no parking on the west side of the street and no parking on the area reserved for the village.) She was also concerned with parking in an already congested area with no enforcement.

Fred Comey said he shared the concerns of Greg Switzer and agreed the applicant's intent was always rental units. He questioned the legality of the original variance since there was no hardship. (Chairman Johns advised Mr. Comey the variance had already been granted and not part of the current meeting discussion.) Mr. Comey questioned the legal status of Mrs. Wynne's adopted family and does not feel they should be allowed occupancy unless there is verification. (Chairman Johns advised Mr. Comey that request would not be considered since it was a civil rights issue.) Other concerns were the size of the garage and a parking impact on the neighborhood. (Chairman Johns stated a 2-car garage was in compliance with code.)

Marilyn Bernie shared the concerns of everyone else adding there will be parking on lawns due to the narrow street. She questioned whether fire equipment could access the already congested area.

Jean Hallagan's letter of objection was entered into the record; Mark Converse's letter of objection was entered into the record.

Comment period was closed at 7:47

**Board Discussion:**

Larry LaForce questioned the fire hydrant on the south side in proximity to a garage.

Vic Hill stated that after a property visit he also felt the addition was for multi-family use and could not recommend approval of the change order.

Laurie Hayden cited Mary Wynne's original concerns regarding stairs at prior hearings and questioned the sudden change to a second floor addition. Laurie also stated she felt there was always a plan for second floor occupancy, questioning the need for three kitchens? Laurie asked Mary Wynne who gave permission to the contractor to build out the kitchens and additional living spaces stating, "it was hard to believe the second floor could not be visualized until it was built out." Laurie also shared the concern about occupancy monitoring.

Sue Bassage had no questions.

Tom Johns stated the only remedy for the parking would be on the north side of the property. The second floor is minor to the variance but a parking stipulation should be added to the change order.

Laurie Hayden motioned to approve the application as submitted with a condition of a driveway on the north side of the property, seconded by Tom Johns.

Prior to a full board vote, CEO Kevin stopped the motion stating; according to the Village Attorney Art Williams the board cannot flat out deny the application because it is a change work order to an already approved variance. The board can only approve the change order with conditions. Vic Hill motioned to table the application to seek further instruction from Art Williams, seconded by Larry Laforce. All aye. A meeting was scheduled for June 13, 2017

The minutes of the April 11<sup>th</sup> 2017 Village of Sodus Point Zoning Board of Appeals meeting were read. Laurie Hayden made a motion to approve, seconded by Sue Bassage, all aye.

Being no further business, the meeting was adjourned at 8:25 P.M.

Village of Sodus Point Zoning Board of Appeals