

VILLAGE OF SODUS POINT ZONING BOARD OF APPEALS

June 13, 2017

PRESENT

Tom Johns
Sue Bassage
Laurie Hayden
Larry LaForce
Vic Hill

ABSENT

Lynn Carlyle

GUESTS

James Taylor
Damian Weidman
Chris Tertinek
Gary Barrett
Nancy & Tim Wilber
Dennis & Elaine Allis
Russ Belcher
Jan Stouch
Gary Hookstra
Kathy Berretta
CEO Kevin Druschel

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

The first application: A review of a change work order for Mary Wynne to finish the 2nd floor not originally submitted for approval. This is a continuation of the May 23, 2017 meeting.

The applicant was not in attendance; CEO Kevin explained the Wynne's have the right to finish the 2nd floor. The Zoning Board can only approve the change order and may place conditions to be met prior to Certificate of Occupancy.

Chairman Johns explained the public comments were closed at the May 23rd meeting. Mary Wynne's letter was read into the record. (Exhibit A) stating:

- One kitchen in home.
- Parking: Overhanging bushes will be replaced with arborvitae and the removal will allow an increase in length of driveway. Including the garage, the new parking will accommodate seven cars.
- Any doors not approved on original plan will be removed.
- All code requirements will be met.

Letter from Mark, Marjorie, Cindy Converse (Exhibit B) was entered into the record.

- Disapprove of the applicant's plans and suggested the Wynne's other properties had violations.
- Requested conditions.
- Asked for two inspections annually with 24 hr. notice.

Letter from Damian Weidmann (Exhibit C) was entered into the record.

- Citing lack of Wynne's credibility.
- Poor maintenance on other properties owned by Wynn's LLC in Monroe County.
- Code violation at Monroe County properties.
- Asked for a stipulation on the Sodus Point property as a single family dwelling, removal of gas and electrical service that presume 2nd floor kitchen units.

CEO Kevin commented he does not have the right to enter a property once a COO has been issued.

Board Discussion:

Tom Johns stated the need to remove the utility services to the 2nd floor that were plumbed for at least two kitchen hookups. Would like to limit to one kitchen (per Wynne letter). Need for an annual inspection or annual review. Letter stating a multi-family home was not the intent. Removal of two sets of metal doors.

Larry LaForce felt it was clearly the intention for a multi-family home. A condition of single family occupancy must remain in place. Parking needs to be limited to the north side and should be in compliance with all setbacks in code.

Sue Bassage stated the layout does not make any sense and wanted to make sure the plumbing was actually for kitchens.

Vic Hill did not agree at all with the board's limited power. Conditions to include: removal of all metal doors including headers, removal of plumbing and electric for appliances that clearly indicate a multi-family use.

Laurie Hayden questioned the loft above the room to the south. Concerned with setback for rear Art studio. Read the minutes from the November 9, 2015 meeting regarding the garage size. Conditions should include the removal of two

steel doors, signed letter from Wynne and the LLC stating they would adhere to code as a single family residence.

Vill Hill asked CEO Kevin if parking was even allowed in the driveway referring to:

Code: § 190-23. Off-street parking and loading. In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed or altered as follows.

Section C. (5):

C. Dimensions for off-street automobile parking spaces. Every such space provided shall be at least 10 feet wide and 20 feet long and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:

(5) Perpendicular parking. Twenty-six-foot aisle width for one-direction and two-direction flow.

CEO Kevin stated he would review and make certain the new plan was compliant.

Vic Hill motioned to approve the change order to finish the upper level which was originally intended to be an unfinished space, with the following conditions:

1. Dave McDowell and CEO Kevin Druschel are to walk the property and supervise removal of any 2nd floor plumbing or electric that would suggest a kitchen.
2. The door and door frame on the 2nd level, removed in totality.
3. A parking system will be put into place on the north side of the house.
4. Mary Wynne and LLC are to send a letter stating the purpose of the home is not multi-family and understands the use is single family only.

The motion was seconded by Laurie Hayden, all aye. **Approved.**

The second application: an area variance for Dennis Allis to tear down and existing garage and construct a new one. The variance is for a 1' rear setback where 12'5" is required and a side yard setback for 8" where 12' 5" is required.

Dennis explained his plan to demolish an existing a single car garage that had greatly deteriorated due to the flooding. His plan is to erect a double car garage providing additional space for storage and a second vehicle.

7:30 Chairman Johns opened the floor for public comment.

Chris Tertinek, an adjacent neighbor at 8548 Gardenier Lane stated he had no objections and welcomed the installation because it would alleviate some parking issues in a very congested area.

Kathy Berretta, not representing the planning board, did not feel there was a hardship.

Chairman Johns read a letter from the Sodus Bay Junior Sailing Association (SBJSA), an adjacent neighbor (Exhibit D), stating there were no objections to the project.

A referral letter from the Planning Board not recommending the application was distributed.

7:45 Chairman Johns closed public comments.

Board Discussion:

Sue Bassage and Tom Johns were concerned the garage would be in the Village right-away.

Laurie had looked at the tax maps and found measurement differences. CEO Kevin stated the tax maps are always estimates. Laurie questioned the density issue with the new garage because it would put the property over the 35%. Laurie asked if there was parking alternative. Mr. Allis replied it was not a consideration and did not think he could change the entrance to the garage on the west side because the area is used by SBJSA's equipment storage. Additional concerns were fire access and no hardship.

Tom Johns commented there is always a desire to use every square inch but it is not always appropriate. Self-created hardship.

Larry Laforce reiterated there is not a hardship therefore the board should not approve. Larry also reminded that applicant of the new storage lockers on Rt. 14.

Vic Hill felt the request was not reasonable.

Laurie Hayden referenced sections from the LWRP regarding size and characteristics. (Exhibit D)

Village of Sodus Point Local Waterfront Revitalization Program

Section III 3

Protection of existing land use, investments and the economic base of the community. The following planning principles should be used to guide investment and preparation of development strategies and plans:

- ***Compatibility of the new development with traditional and/or desired uses which are dependent on or enhanced by a waterfront location.***
- *New development will enhance existing uses and will not affect anticipated future uses.*
- *Plan for new development based on the area's intensity of use.*
- ***Scale development to be appropriate to the setting***

All development or uses should recognize the unique qualities of a waterfront location by:

- *designing the waterfront, especially along Greig Street on Sand Point, to link development and its waterfront setting;*
- ***ensuring that any new development is within an appropriate scale with surrounding buildings and responsive to its environmental setting;***

Vic Hill motioned to approve, seconded by Sue Bassage, all nay. **Denied**

CEO Kevin asked for an amendment to the motion so the applicant could return with a different plan. The Board agreed it would be placed on the agenda for the next Zoning Board meeting.

Minutes of the May 23rd 2017 Village of Sodus Point Zoning Board of Appeals meeting were read. Vic Hill made a motion to approve, seconded by Laurie Hayden, all aye.

Being no further business, the meeting was adjourned at 8:15 P.M.

Village of Sodus Point Zoning Board of Appeals