

Village of Sodus Point Zoning Board of Appeals Meeting Tuesday, October 15, 2021 In Village Hall and on Zoom – APPROVED

Present:

Tom Johns, Lynn Carlyle, Sue Bassage, Laurie Hayden, Kevin Druschel (Code Enforcement Officer) on Zoom

Missing: Steve Nesspor

Attendees:

In Person: Bruce Evener, Chairperson, Village Planning Board

Applicant Richard Hinkley, 7408 Rt 14

John and Rita Ratkovicz, 8629 Greig St

On line: Joan Zerbe Brandt, Cory Smith, applicant for 8627 Greig St.

Mr. Johns called the meeting to order at 7:00 p.m.

As an order of business, Mr. Johns advised the board that to close an application out, a motion to accept an application must have a second, and members must vote on the application. If it is defeated, then the application is denied and closed out. If no second is provided after the motion, no vote can be taken, but then the application is still considered open, and the applicant may return with an alternate solution.

Mr. Johns stated there were two applications to be heard. A third application had also been advertised along with the other two in the Wayne County Times and on the bulletin board outside Village Hall as required. However, Mr. Hyatt pulled his application after the applications were advertised.

The first application presented was an area variance request by Richard Hinkley, 7399 Route 14, to construct a 200'x 60' pole barn storage building 25.1' from the rear property line where 50' is required. (CODE 190-11)

Mr. Hinkley advised that there had been two existing buildings on the property. Approximately 15 years ago, the back property suffered a building collapse. This application is to replace where the old building had been using the same footprint. The same construction will be used as the current existing buildings but will be one story in height.

Mr. Johns opened the discussion for public comment. No one spoke. Board members asked how far apart the buildings were from one another. Mr. Hinkley stated they are between 18.3 and 18.5 ft apart, as shown on the diagram provided. The door to the proposed building will be on the north end. He also advised that the fire department recommended installing a gate in the back for fire apparatus access. The Planning Board had okay'd the pouring of footers due to approaching cold weather.

Ms. Bassage motioned to accept the application as submitted with the proviso to incorporate the Fire Department's recommendation for the access gate. Mr. Carlyle seconded the motion, and all voted in favor to approve the variance.

The last application for the evening for discussion was a Change work Order, Cory Smith, 8627 Greig Street, to construct a 4' fence per plot drawing to edge of breakwall where 10' spacing is required. (CODE 121, 190-22 (g.)

Mr. Smith advised that the reason for the fence all the way to the breakwall was to separate tenants who rent his property from the neighbors' property for liability reasons. Mr. Smith also added the following rationale:

- The Ratkoviczs, the neighbors next door, had built a second story deck that took away Mr. Smith's view.
- A sump pump installed under the Ratkovicz cottage drains via PVC pipe laid over their breakwall into the bay, creating a tripping hazard for his tenants if they venture onto the Ratkovicz breakwall.
- The Ratkovicz's grill can be found at times on Cory's property, presenting a safety concern.
- Mr. Smith stated that the Ratkoviczs store several items against the west side of their cottage.

Mr. Johns opened discussion to the public. Mr. Ratkovicz stated that there had been no problems between them and Mr. Smith. When the lumber was delivered, he said, for the new deck, Mr. Smith had allowed the truck to move on his property to drop off the lumber on the waterfront side of their property. He advised that they use the west side of the cottage to transport items from the roadside to the waterfront area, including deck furniture. He has a plastic shed

that backs up to the west side of the cottage to store lawn mower and other equipment. Further, because the neighbor to the Ratkovicz's east is unwilling to raise his breakwall, in the event of high water, sandbags would have to be placed along the east side of their property to protect it. He advised that the PVC pipe goes over the top of their breakwall because he doesn't want to cut into it to run the pipe through the wall, creating a backflow if the water rises above it. He is very concerned that a fence running the length of Mr. Smith's property to the breakwall will slow down emergency response to the waterfront side of his cottage and make it much more difficult to protect his property in the event of high water.

Mr. Evener advised that the Planning Board recommended a 15 ft removable fence be placed at the north end of Mr. Smith's property to the breakwall. Ms. Bassage asked if the Planning Board approved the rest of the fence, and Mr. Evener advised that the Planning Board gave preliminary approval with the recommendation of that 15 ft removable section. A question was asked, why 15 feet? Mr. Evener advised that Mr. Smith suggested it.

At this time, no other public comments were made, so Mr. Johns closed this portion of the discussion.

The board offered comments and questions: Ms. Bassage noted that placing a fence as laid out in the application landlocks the neighbor so they cannot transverse between the front and back of their house. Mr. Smith advised the Ratkoviczs refuse to move their portable plastic shed, which would enable them to navigate between the north and south sides of their property in a path that is approximately 3 feet wide without the fence. He further stated that the two tall PVC pipes on that side of the cottage are only used to prop their paddle boat against their cottage.

Mr. Johns suggested an alternative layout for the fence, by beginning the fence at the northeast corner of Mr. Smith's cottage, just south of his patio, going east to his property line, and then north to his breakwall. CEO Druschel pulled up Pictometry to try to demonstrate what Mr. Johns' solution would look like. Ms. Bassage asked what the fence would be made of. Mr. Smith said it would be a white picket fence, 4 ft high. The board's consensus was that if the application

were to be revised to the suggested alternative, it would agree with the removable fence at the breakwall. Mr. Smith asked how much land he would have to give up to the neighbor, but this question was not answered by the board.

Ms. Bassage moved to accept the application as submitted. Ms. Hayden seconded the motion. No one voted in favor, and all voted against the application.

The Ratkoviczs submitted a letter for the record, and it is attached to these minutes.

The next matter of business was approval of the draft minutes of September 14, 2021. Mr. Carlyle moved to accept the minutes; Ms. Bassage seconded the motion, and all voted in favor.

Upcoming business for the next meeting: CEO Druschel advised that the board would be hearing a special use permit for Jennifer Evans, an area variance for Gary Bruni on South Shore Rd., and the Brandon Martin applications.

There being no further business, Mr. Carlyle moved to adjourn the meeting; Ms. Bassage seconded the motion, and all voted to adjourn at 8:12 p.m.

Laurie Hayden

Attachment

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John and Rita Ratkovicz
8629 Greig Street
Sodus Point, New York 14555
585-370-5507

Sodus Point Zoning Board
8356 Bay Street
Sodus Point, New York 14555

October 12, 2021

Members of the Zoning Board:

We are respectfully submitting our opposition to the proposal by, Cory Smith, to construct a fence between our properties.

No advantage or necessity for this nonessential structure can be made. It will however, create problems, obstruction and hindrance to us. The small, approximately 3 foot lane, at the widest point, is our only access to the waterside of our property. Proper maintenance and occasional needed repairs would become difficult if not impossible.

The Town of Sodus Point has done exceptional work toward flood prevention. Our property neighbor to the East has not repaired or raised his break wall. In anticipation of another year as seen in the past; we need our only access from the Westside to set up pumps, sand bags and get forklifts through.

Another great concern to us is the quick access to the premises by first responders, firemen carrying equipment, etc. In an emergency time is important. Removal of a fence is not automatic.

It's unfortunate that residents no longer can run across to aid neighboring boaters pulling into their docks with a line thrown; especially in windy conditions.

We invite and welcome any board member to view our property; and or call with any questions and concerns.

Sincerely,
John and Rita Ratkovicz