

ZBA Board members present:

Sue Bassage, Lynn Carlyle, Laurie Hayden, Tom Johns, Steve Nesspor, CEO Kevin Druschel

Public in attendance: Ron Bill, 7328 Rt. 14; David Brandt 8218 South Shore Rd.; Steve Flor, 8490 Wickham Blvd.

Attending on Zoom: Werner Lutz; Joan Zerbe-Brandt; Victoria Cohen, Mike Collins; iPad 3?

The Village of Sodus Point Zoning Board of Appeals meeting was called to order by chairperson Tom Johns at 7:00 p.m.

The first application for consideration was for **Steve Flor, 8490 Wickham Blvd.** This is a continued discussion from the Nov 8, 2021, ZBA meeting and request for a change work order from the variance approved in 2018 for a deck approved 2 feet from the west property line, eastward to the landing and steps, then northward to a point ending at either the last step or property boundary line, whichever is more restrictive. The proposed deck will be no more than 24 inches from grade. Mr. Flor requested to amend his variance application approval to approve a patio larger in dimensions than what had been approved to the west of the front door and filling in this area to raise the grade to one step below the current height of the bottom of the front door.

Chairman Johns stated that he and CEO Druschel had met with Mr. Flor that afternoon and had come to an agreeable design and dimensions for the new landing; however, Mr. Flor was still proposing a similar design to his original request.

Mr. Carlyle moved that the board approve a variance for a patio to be constructed to the new wall on the west side of Mr. Flor's house at the proposed elevation for the new ground level, with dimensions either to the property line or the length of the steps out of the front door, minus one step, whichever is most restrictive to two cinder blocks on the east side of the front door. Mr. Nesspor seconded the motion, and all voted in favor.

CEO Druschel and Chairman Johns stated they would return to Mr. Flor's property to review and confirm the dimensions according to this approved variance application on Tuesday, Dec. 28.

Mr. Johns stated that the remaining variance applications for discussion tonight had been advertised in the Wayne County Times and on the Village website as required by law.

The next application for discussion was an area variance for **Ron Bill, 7328 Rt. 14, to construct a 10 x 12 foot addition**, 6.6 feet from the front property line (on the west side) where 25 feet is required. Mr.

Bill explained he wanted to expand a current bedroom which was now 8x9 feet. The addition would be parallel to the current structure running on the roadside (west side of property) northward.

CEO Druschel stated that while Rt 14 is a county road, the Village has an agreement with the county that accessory buildings and additions for private homes if no closer than original structures are not subject to county approval.

Mr. Johns opened discussion to public comments. No one from the public spoke. Mr. Johns asked if this request had gone to the Village Planning Board. The minutes from the November 15, 2021, for the Planning Board regarding this request were reviewed. Planning recommended approval, subject to receipt of stamped plans and review of County DOT.

Ms. Hayden asked how large the northeast deck is, which was not shown on the drawing included in the application. Mr. Bill stated it was approximately 8-10 feet. She also asked about the area between that deck and the proposed addition and whether that area would be filled in. He stated there is a gas meter in that area; it would not be filled in; however, there may be an exterior door placed in the addition facing the east toward the bay. Percent coverage was requested with the proposed addition. The lot is 7,552 square feet, and with the addition, the lot coverage would be approximately 15%.

Ms. Bassage moved to accept the variance application as submitted. Mr. Carlyle seconded the motion, and all voted in favor.

The next variance application discussed was for **Victoria Cohen, 8537 Bay Street Ext., to construct a 13x18 foot shed** 6.3 feet from the primary structure where 8 feet is required, 2.9 feet from the north property line where 5 feet is required, and 2.4 feet from the west property line where 12.5 feet is required to create a one bedroom, one bath structure with 234 square feet of living space where 675 square feet is required.

Ms. Cohen stated that she wants a place for company and friends to stay – a one bedroom and bath structure. Mr. Johns asked whether there would be a requirement to run utilities. She replied there would be a bathroom with a shower included. She added that it would be strictly for her own use.

Chairperson Johns opened to public comments. No one spoke. Ms. Bassage stated that the neighbor who owns the properties to the west and south behind her stated that they are not in favor in another living space so close. Mr. Johns closed public comments.

A question was asked as to what Planning advised when the preliminary site plan was presented on November 15. At this discussion, many issues had not been determined, and the applicant was awaiting stamped plans for construction. Planning recommended referring the application to ZBA for determination of the variances.

Chairperson Johns advised Ms. Cohen that village code for two-family structures on the same lot requires that the owner must reside in one of the properties; the owner cannot vacate the property and rent both out.

A question was asked as to the proposed lot coverage. With the new building, coverage would be more than 35%. It would also require a second billing structure for water and sewer if anything more than a hot plate were added to the structure. Both CEO Druschel and Water/Sewer (Nate) would be required to inspect.

Ms. Bassage asked about the sanitary sewer easement running on the north side of the property. It appears that it would run under the proposed structure. She noted that they were cautioned about staying away from doing something similar when they added on to her father's property. While a shed is currently over this, the new structure would have a foundation. CEO stated that they would have to run this by the sewer department before proceeding.

Ms. Hayden pointed out that this variance request involves 4 separate requests: the two setbacks- north side variance (2.9 feet where 5 ft is required), the west side (2.4 feet where 12 ft is required), the increased density (35% where 30% is maximum), and the square footage (234 square feet where 650 sq ft is required). In addition is the distance requirement between the new structure and the primary structure (6.3 ft where 8 feet is required). Mr. Johns stated even a studio requires 550 square feet. This request, if approved, would set a precedent for other small dwellings that have been turned down in the past.

Mr. Carlyle moved to accept the variance application as submitted; Ms. Hayden seconded the motion. No one voted in favor; all voted against. Motion failed unanimously.

The next application discussed was a **Special Use Permit for Carly Straubing, 8510 Greig Street, to operate a mercantile business as a retail business or service**. This includes a parking calculation for public parking. Section 190-23A (1)(g) states that one space is required for 200 sq feet of customer floor space.

Mike Collins represented the Straubing family. He stated that the inside of the building will be renovated, raising the ceiling, moving partitions, and re-doing the store front, adding 7 windows and other cosmetic upgrades.

Asked about what Planning's discussion was at its December 6 meeting, CEO Druschel stated that the parking was discussed. While minutes were not provided, the chairperson Bruce Evener conveyed that they did not feel it would be a direct competitor to the new Sodus Bay Outfitters, as it would be an upper scaled gift shop, adding to the appeal to the Point.

Chairman Johns opened discussion for public comment. There was none. He then closed the public comment period.

Chairperson Johns advised that the special use permit does not transfer to a new owner; each new business stands on its own to be eligible and apply for a special use permit; it is reviewed annually, and code restrictions apply to parking. CEO Druschel advised that there is approximately 1,000 sq ft of retail space, which would require 5 parking places. Mr. Collins stated that there will be 3 parking spaces in the rear of the store. The discussion focused on the other two spaces having to be on the street. Street parking is used for all the businesses on

Greig Street. In addition, Jack's has some private parking on the south side of Greig St. and Jamie Abel's place has parking next to the restaurant. Ms. Bassage stated that the other businesses are within 400 ft of the municipal lots near the ballfield and Willow Park. The ZBA also has already provided 3 municipal spots for the Sodus Bay Outfitters' special permit in the municipal lot, with an additional two provided by Phil Leone in his private parking area.

Two public parking spaces on the street could be designated for this special use permit. Mr. Collins asked if they would be dedicated to this store, but Chairperson Johns replied no.

CEO Druschel also stated the business was currently grandfathered from requiring a handicapped bathroom because the bathroom is through the private office. Therefore, the bathroom is standard. However, if the office comes out, then the bathroom must become ADA compliant.

Ms. Bassage moved to accept the special permit, calculating the parking requirement to use three parking spaces behind the store and an additional two spaces on the street. Mr. Carlyle seconded the motion, and all voted in favor.

The last item on the agenda was a discussion of the **CEO's code interpretation of 190-8**, which requires marine construction to have three acres. CEO Druschel advised there is no delineation in current village code between primary and auxiliary uses on a marina parcel. He stated in his interpretation, "So while it may still require a review under the category for the use it would not change the overall use of the parcel unless it changes the use entirely [sic]."

Mr. Brandt stated he is a neighbor to the property in question. In its expansion request for more docks, it requires additional parking. He stated the property is overused with everything taking place on it; he is not contesting the fact that it is a marina, but it is also conducting an auxiliary marine construction business as well. Mr. Brandt asked is it required to go before Planning when you add another business on the same parcel of land. If the permitted use has three acres with its marina, repair shop, air BnB apartments, and another building, could it open a bar, as an example? Mr. Brandt asked if anyone else can do this if it is a permitted use.

Chairperson Johns stated that a special use permit for Stone Goose was given, and Mr. Brandt noted that this was a separate property. Chairperson Johns stated that if an owner wanted to open a different business, it would need approval. Ms. Bassage asked if marine construction (MC) requires three separate acres, and a question was asked as to what the definition is for MC.

Chairperson Johns stated in looking at the other marinas in the village, it has been the practice in the past to allow both marina and marine construction activities. Leone's business is ½ acre and doesn't have large equipment. Krenzer has 2.4 acres but does not have MC. Snug Harbor and Sodus Marina – no MC. Katlyn Marina has over 7 acres and handles MC, as does Tidesides.

After more discussion, Chairperson Johns moved to accept the current interpretation as laid out in 190-8, in which minimum lot size of 3 acres is required for MC. Mr. Nesspor seconded the motion, and it passed 3-1, with Ms. Hayden as a no.

Approval of the Nov 8 minutes: Ms. Bassage moved to accept the minutes of November 8 as provided; Mr. Carlyle seconded the motion, and all voted in favor.

Old Business: CEO Druschel noted that the Cohen application had an error on it – addition was checked; should have been new building. He will correct the application for the record.

Ms. Hayden asked why this evening's applications had not been marked paid. In 2019, the ZBA voted to adhere to code requirements that payment of a variance application must be made before hearing. CEO Druschel recommended that this issue be brought to the mayor.

Continuing education: Chairperson Johns advised that everyone must get their hours in and provide them to the village clerk.

New business: pole barn application on Rt 14 coming.

There being no further business, Mr. Nesspor moved for adjournment; Mr. Carlyle seconded the motion, and all voted in favor. Chairperson Johns adjourned the meeting at 8:57 p.m.

Laurie Hayden