

**Zoning Board of Appeals, Village of Sodus Point  
Meeting on November 8, 2021, in Village Hall Approved**

**Board Members Present:**

Tom Johns  
Steve Nesspor  
Lynn Carlyle  
Sue Bassage  
Laurie Hayden

**Guests Present:**

Chris Tertinek, 8548 Gardenier Lane  
Phil Leone, 7573 5<sup>th</sup> St.  
Gary Bruni, 8198 S. Shore Rd,  
Steve Flor, 8490 Wickham Blvd.  
Kristy Bowman, 8490 Wickham Blvd.

**Guests on Zoom:**

Jennifer Evans  
Mike Haher  
Kevin Druschel, CEO  
Scott Smith  
Cheryl Bruni  
Shawn Canaan  
Joan Zerbe (for a portion of the meeting)

Chairperson Tom Johns called the meeting to order at 7:00 p.m. He noted there were three applications to be heard. He also stated all of the applications were posted, as required for legal notice, in the *Times of Wayne County* and on the Village Website.

The first application was for **area variance request by Gary Bruni, 8198 South Shore Rd. to construct a 12'x16' pole barn** 3' from the primary structure where 8' is required and 2'6" from the rear property line where 12.5' is required. He is also requesting a 4'x26' deck, which is unrelated to this variance request.

Mr. Bruni indicated that he had recently sold his home on 2<sup>nd</sup> St and moved to South Shore Rd, which doesn't have appropriate storage. He stated his neighbor to the south property line (Joan Brandt) spoke in favor of his application at the past Planning Board meeting. Scott Smith will be the carpenter for this project, and he advised that he will match the logs of the house siding for the storage building. It will be a gable style with 7' walls.

Mr. Johns opened the floor for public comment; there was none. Public comment was closed.

Mr. Johns asked if fireproofing would be needed. CEO Druschel advised yes, on the south side of the building. A question was asked about density of the lot with the proposed request. CEO Druschel advised that the density would be 29%, counting the proposed deck, storage, and the existing side porch. The back of the main structure has no windows. A board member asked if

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the storage barn could attach to the house. Scott Smith advised because of the roof line, this would not be prudent. Board members felt that the proposed building, while close to the lot line, did not impede the neighbor's property, as there is a line of trees and wooded area with no buildings in close proximity. Lynn Carlyle moved to accept the application for the area variance as presented; Steve Nesspor seconded the motion, and all voted in favor.

The second application to be heard was a **Special Use Permit for Jennifer Evans at 8487 Greig Street to open a retail business** for seasonal recreational equipment rental, such as beach bicycles, and selling souvenirs, gifts, fishing merchandise and some groceries in the existing bait shop roughly 1800 square feet. A Short Environmental Assessment Form, Part 1, was submitted with the application.

Ms. Evans advised this shop would be on the waterfront with access to a launch. It includes rental of paddleboards, canoes, kayaks, in addition to fishing gear but no bait; groceries and souvenirs. In addition, Ms. Evans is requesting that 5 public municipal parking spaces be made available for this business. CEO Druschel explained that 9 spaces are required for an 1800 sq. foot business. Leone's Landing will provide 4 dedicated spaces.

Mr. Leone advised they are not changing the historic use of this property, and it is consistent with the prior business. The entrance to the new business will be on the north side of the old bait shop building; nothing is being added to or changed. Mr. Leone stated he believes a lot of traffic will be walking traffic; two boat slips will also be available for use.

Mr. Johns advised that a Special Use Permit is granted for one year; it automatically renews unless the board requests a subsequent review.

Mr. Leone stated there is a restroom in the bait shop for customer use.

Mr. Johns asked about signage. CEO Druschel stated that existing signs could be used and replaced in the same size and location; however, no added signs can be applied without subsequent permission by the board.

Mr. Carlyle asked if the zoning board must approve the 5 municipal spaces. Chairman Johns said that the board had been asked to do this before. CEO Druschel advised the reference is section 190-23A (1) (g) of the code.

Ms. Bassage asked Ms. Evans to explain one of the diagrams that seemed to show tables. Ms. Evans explained that this diagram indicates where the shelves will be placed for the groceries and souvenirs and distances between them.

Mr. Johns asked about the NE corner of the property closest to the 650 restaurant, will the piling control rising water? Mr. Leone stated yes and that he would use pumps. Mr. Johns noted that this application supports the LWRP – under-utilized waterfront areas.

Mr. Johns asked if there were other public comments; hearing none, he closed the public comment period. He asked if there were any new docks or structures to be created, and Mr. Leone stated only interior modifications of existing structure would occur.

Mr. Johns noted that the County feedback included a discussion about the Active Transportation Plan. Mr. Druschel advised that the ATP discusses how people can move throughout Sodus Point and the Blue Way Trail.

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Sue Bassage moved to credit 5 municipal public spaces within 400 feet of the business location to the Sodus Bay Outfitters. Lynn Carlyle seconded the motion, and all voted in favor. Steve Nessor moved to approve the special use permit as submitted. Mr. Carlyle seconded the motion, and all voted in favor.

The last application was **a request to change the 2018 variance recommendation – Steve Flor, 8490 Wickham Blvd** to construct a raised porch, which was approved at that time 2' from the western property line and no more than 24" from grade. He is now asking to measure the structure from a new finished grade line, and the work he has already done indicates an increased size of the porch previously approved.

Chairman Johns read the minutes of the October 9, 2018, meeting in which Mr. Flor's original variance request was submitted. The zoning board did not approve it but instead recommended a revision to application with a "deck on the NW corner 2' from the western 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 deck shall be no more than 24" off the ground."

Mr. Flor stated he did build the stairs, and for the last three years has been holding that footprint. However, two things have occurred since that time: the 2019 flood that resulted in water draining onto properties along Wickham Blvd; and 2) the village storm water management system completed this year. He stated that to drain water correctly away from his property, he wants to use fill to bring the grade higher to create positive drainage. He said he is planning an elevation of a quarter inch per foot so that water won't run toward the house and rather toward the street. He built a retaining wall 20" high and has a gutter back to the downspout so PVC pipe can be buried and drained into the gutter system. He stated that the reveal would go from 5 steps to 2. He is using concrete block and brick. He stated he is not getting younger and does not want the steps. The result would be 2 feet above grade, with 4" buried under. Two additional steps would come out to the north. This would allow him to get away from using a hand railing. The grade would be coming up 16-20 inches. Right now there is a 10" drop from the road to those. What we now see would be buried.

Mr. Johns stated that the concern in October of 2018 was that the board had not approved any decks in the front of properties on Wickham. If you have a front entrance, it is held to the regulation, and we did not allow larger porches on the front. In his original application Mr. Flor asked for a wider porch, and that had not been allowed for any other owner on Wickham. His request would have set a precedent and appeared to be a porch. Mr. Flor said it is a slab on grade.

Mr. Johns stated that his application was denied in 2018, and the board recommended a 40" entrance for the front door at the door level. CEO Druschel restated the minutes of that meeting, noting that the board said the deck could be no more than 24" off the ground.

Mr. Flor stated he is trying to take the storm water running off his home to the road.

Ms. Hayden asked what happens to either neighbor if Mr. Flor were to change the grade.

Chairman Johns reminded Mr. Flor that the homeowner is responsible for water going over to

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either neighbor's property. Mr. Flor stated he built a retaining wall 20" high on the west side and will raise the pitch on his property. Mr. Johns asked if this retaining wall is legal, as it runs into the village right-of-way. CEO Druschel stated that the highway foreman said it will not affect the village. A question was asked about parking. Mr. Flor said he will be able to park on the east side in his front to the back of his property.

Mr. Johns opened public comment. Mr. Leone stated that Mr. Flor is trying to get water away from his house; he is using gutters to the edge and although it is tight to the road, the existing drain process is negative drainage. He is trying to make it positive drainage with gutters on both sides of his home to drain into the street system. He pointed out this is a problem all along Wickham.

Mr. Johns advised the drainage is not the issue; however, the new request is not compliant, regardless of elevation. It's up at house level.

Shawn Canaan asked what the elevation is. Someone responded that it is 35 inches. Mr. Johns advised that the landing or stoop must be compliant with zoning. Mr. Canaan asked if landscaping materials qualify – as they are non-conforming. Mr. Johns advised this is not what the variance granted him. Mr. Canaan stated landscape material doesn't qualify, doesn't meet the definition of structure.

Mr. Nesspor advised the board approved a footprint before. Ms. Bowman added that it will become dirt instead of a wooden deck.

Mr. Johns asked how big the proposed landing is. Mr. Flor advised he was proceeding because it isn't a zoning issue. He is complying with ADA requirements.

CEO Druschel said he can help Mr. Flor get the dimensions.

Mr. Johns advised this request must be postponed until the board has a clear understanding and appropriate documentation on exactly what Mr. Flor is proposing. However, Mr. Flor stated he is concerned about the weather and finishing his project in a timely manner.

Mr. Johns said Mr. Flor must come back showing exactly what he wants to do. The board needs the footprint dimensions, and it will make a decision at the next meeting. Kevin advised Mr. Flor to call him the next day. Mr. Johns tabled this application.

**Old Business:** Minutes from October 15. Sue Bassage moved to approve; Lynn Carlyle seconded the motion, and all voted in favor.

**New Business:**

Mr. Johns asked about the Martin application status. Kevin advised a new package was going to the County, and he will provide a copy of it to the board. Mr. Johns asked what the landing date is for ZBA. Kevin advised it depends on the progress of the site plan review and approval.

Upcoming applications: a shed to turn into an in-law suite on Bay Street Extension.

Chris Tertinek presented communications concerning the public dock at Harriman Park. Because of the low water, people cannot get in and out of their boats onto the current dock, which is permanent. Especially dangerous is when in an emergency, transferring a patient from

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a boat to the crew on land, it's dangerous and almost impossible. Chris advised that the town has been collaborating with the county on ideas to address this problem, and he asked for input and ideas from the board as well. A proposal has been submitted to add a floating dock toward the north side of the current landing. Users of the floating dock would not be able to walk on the northside private property. The current code requires 10' from the docks, but municipalities do not have to follow code. Someone asked if there has been funding allocated, and Chris said no. They are working on that.

There being no further business, Lynn Carlyle moved for adjournment, and Sue Bassage seconded the motion. All were in favor, and Chairperson Johns adjourned the meeting at 8:30 pm.

Laurie Hayden