

**ZBA Board members present:**

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

**Observing:** Mark Ketcham, 7588 8<sup>th</sup> St.

**Attending in person:** Brandon D. Martin and Brittany A. Finley, 7250 Rt 14; David Brandt, 8218 South Shore Rd.

**Attending on Zoom:** Joan Zerbe-Brandt; iPad3; Bill Kedley; Maxine Appleby; Ryan Cowley; Ann Hayslip; Mark Costich; Robert VanEe, J. Hudgick.

Chairperson Tom Johns called the Village of Sodus Point Zoning Board of Appeals to order at 7:00 p.m. He stated that tonight’s hearing is a special permit and area variance review/approval for Brandon Martin at 7254 Rt 14, Tidesides Marina, to reconfigure and expand the existing marina by constructing new docks and adding 104 new slips, a deck on water and boat house for the fuel dock, and area variances for the length and width of docks as shown on submitted architect’s plans. This was advertised in the Wayne County Times and on the Village website, as required, and per Village Code Chapter 86-30 ***Hearing of applications.***

Mr. Martin and Ms. Finley gave a PowerPoint presentation concerning the expansion project on the Zoom screen. The project will involve adding docks, installing/repairing a sea wall, and dredging in specific areas in the vicinity of the current floating docks. They cited the LWRP, sections III and V, as support for the project and conducted a survey of some of the local marinas to support the need for additional docks, providing the following information:

Marina	Sodus	Katlynn	Krenzer	Tidesides	Yacht Club
# of Slips	185	220	125	110 current 220 proposed	
Full in 2021?	Y	Y	Y	Y	
Waiting List?	60	Y	Y	Y	
Transient Slips?	0	0	0	0	
Requests for 2022	0	50	10	54	
Ft. extended out into bay of dock space (includes moorings)	785	719	125	267 (current) Proposed - 700	910
Size of Waterfront (linear ft)	358	1100	523	925	610

Mr. Martin advised the first step of his plan was to build the new service building and improve the pump outs and increase parking. That step is completed.

The next step in expansion is to increase the number of docks and berths. He said the expansion will create more jobs and decrease congestion on the current free boat launch off Margaretta Rd. It will anchor real estate values and generate tax. The project, he said, is self-funded and will not impact fire or water services.

Chairman Johns advised that the ZBA will be voting on special permits and variances, as follows:

- Special permit for dock length (86-11)
- Special permit for boat house building (86-12)
- Width of dock – where one section is to be 12 ft. (86-19)
- Special permit to increase number of docks (86-23)
- Variance for the deck over water on which the boat house will sit.

At this point, Chairman Johns opened discussion for public comment.

Mr. Brandt questioned the results of the survey Mr. Martin had taken in that was the count repetitive among the marinas for those on the waiting list? Mr. Brandt further voiced concerns about parking, safety, noise, and lack of screening from noise for the neighbors surrounding the marina. He pointed out that a new road put in from the west side of the marina to the South Shore Road may create traffic hazards and that Mr. Martin had previously told the Planning Board he did not intend to use this entrance/exit routinely. Mr. Brandt stated that Mr. Martin had, in fact, agreed to put a chain across this road to deter use. That was never accomplished. The arborvitaes Mr. Martin planted along South Shore are lying in the right of way and will soon grow up to the power lines. He is concerned about the snow plowing along that stretch. Mr. Brandt asked whether Frog Alley would be turned into an entrance for construction equipment. He also asked about the protection of the neighboring wetlands and that the parking lot had no specifications to prevent direct runoff into the bay, as recommended by the LWRP. He advised that the Zoning Board had, in a previous meeting, concurred that the code, Chapter 190-8 requires that 3 acres must be available for marine construction, but much of that acreage is also slated for parking, based on Mr. Martin's preliminary plans. If Mr. Martin is to sell hoists, boats, and docks, Mr. Brandt stated he saw no place on the plans to do so. Mr. Brandt also noted that boat trailers take up at least 2 parking places, so he questioned whether there is sufficient parking to accommodate those needs. Mr. Brandt also cited the LWRP, Sections III and IV Section 21, which warns against restricting access to adjacent parcels of land in the concave configuration of shoreline when docks are extended significant distances, such as in this application.

Ms. Appleby questioned how does Tidesides figure into First Creek access with DEC? She asked if Tidesides has lease rights to First Creek. Ms. Finley advised that the property line goes into the middle of First Creek, and the land lease is with OGS (Office of General Services, NYS). Ms. Appleby also asked about the bubblers and the proximity of them to First Creek. Mr. Martin

explained that there would be no additional bubblers added, and they will remain where they have been near the floating docks.

Mrs. Zerbe-Brandt advised that the neighbors on South Shore Road did not know about this meeting. CEO Druschel advised that notices were mailed out to 32 neighboring properties. Chairman Johns stated that notices are required to be sent under chapter 86. CEO stated that some were returned via mail to the village office. Mr. Martin said he advised three neighboring properties of the project and showed the ZBA a letter of 9/29/20 that was acknowledged and signed off by those three individuals.

With no further comments from the public, Chairperson Johns closed the time for public comments. He advised that the planning board is the lead organization for the SEQR. He asked for discussion and comments from the ZBA.

Ms. Bassage advised she had phoned the large marinas on the bay. Fowlers did not answer. She spoke to Mike Virts at Oak Park. He advised they had 50-60 vacancies. Krenzlers advised they had 4 people who were interested in slip space. Ms. Bassage stated that Krenzlers like to have some open docks because then there is somewhere to put new boats available for purchase. Ms. Bassage also advised that Rick, from Sodus Marina, said they don't keep a waitlist. Kattlyn advised that the same names are on the list every year, and when they have called back, people have already found a slip somewhere else. Ms. Bassage questioned the need for more docks on the bay. Further, she asked what it looks like with respect to the littoral lines of the neighboring properties and suggested that before voting, she would need to see a survey map on the east and west sides of the expansion project to examine how littoral lines would be affected with a 7000-ft expanded dock.

Mr. Martin said he was not expanding toward the west, as toward the Verbridge home but rather to the north.

CEO Druschel pulled up Pictometry to show how the littoral line would be affected from Karasinski's house. The span showed at least 500 feet out. Mr. Nesspor asked about how many new slips would be for transients. Mr. Martin replied that he doesn't have a number in mind, but he wants to have people to be able to park their boats and spend the night.

Mr. Carlyle asked about vehicles and trailers and the parking confusion. Would there be sufficient parking spots for all trucks and trailers, or is the expectation to take the trailers home? Mr. Martin advised there is sufficient parking for trucks and trailers, but not for only ramp use. It might be necessary to use the property up on 7118 Rt 14 for overflow.

Ms. Bassage asked about the scale for parking spaces on the drawing since it is not noted. She explained to try to figure this out, she used a ruler and compared parts of the stamped architect drawing that did have dimensions to the parking spaces and found that the parking spaces

drawn seemed to be 8 ft x 16 feet – not 9 ft by 19 ft, as required in section 86-17. She noted that the plan was not a stamped engineering drawing.

Ms. Hayden noted that the parking spaces calculation on the overall parking plan (for the restaurant/store; 4 apartments/9 bedrooms; service building business and offices; in and out dockers, employees, boat ramp and dockers) was incorrect for the required spaces, giving 279 spaces, but the numbers add up to 260. This was because the number of 196 as shown should be 214 to reflect the total number of spaces required for all slips. Ms. Hayden also asked about width of driving lanes and the parking flow, as there is no indication on the drawings how people would go into and out of parking spaces. Mr. Martin stated that he did not change the flow for parking. She also asked if the driveway going to South Shore Road be an active entrance/exit? Mr. Martin said that the Rt 14 entrance and exit will remain the primary as has been in the past. He said that with a slip, the customer would be provided with a parking space. He plans to use golf carts for pickup and drop offs to the boats. He also noticed that the parking lot is not filled that often.

Mr. Carlyle asked if the spaces would be painted, which was a recommendation by the County Planning Board (comment #7 in the letter of December 20, 2021); Mr. Martin stated yes.

Ms. Hayden asked where the bubblers would be located; Mr. Martin stated they would be near the floating docks as in the past, not near the planned new permanent docks.

Ms. Bassage asked if the permits are in place, and who issues those permits. Mr. Martin and Ms. Finley stated that the permits are pending, and they anticipate approval soon – from DOS, DEC, OGS, which will implement an underwater lease after DEC approval; Corp of Engineers is also waiting for DEC.

Ms. Hayden asked about the dredging operation and the use of the turbidity curtain; Mr. Martin confirmed that the plan is to dredge on the creek side because of the sediment build up over the past few year and low water that has caused boats to sit in the mud at about 1 -2 ½ ft deep. Ms. Finley said that they would not use the turbidity curtain because they are using hydraulics instead.

When asked about the 11 ft. x 11 ft building, Mr. Martin explained that this building is the same size that it was on the original dock; DEC did not give permission to increase the size. When asked what goes in that building, he advised that supplies, life rings, boat registers, the attachment for sanitary waste; also for staff.

Mr. Carlyle asked if Tidesides had considered less – in that the ZBA is charged with considering the lesser variance to achieve the applicant's goal. Mr. Martin explained he knows the business and actually had scaled back the expansion request, but because of the cost of the construction did not want to scale back further.

Chairperson Johns stated he sees the need for expansion; other marinas have expanded; Sodus Marina recently had approved a new storage building; Walker Marina has moved forward, Leone's Landing has a new shop for Sodus Bay Outfitters, the Straubings will be opening a new gift shop.

Chairman Johns read the special permit process that the ZBA must take into consideration the following (86-31):

A-determination that the proposed use is so designed, located, or proposed to be located so as to protect the public health, safety, welfare and convenience of the community.

B-determine that the proposed use will not cause substantial injury to the value or beneficial use of other property in the vicinity where it is to be located or infringe upon the riparian rights of other littoral parcels.

C- Determine that the proposed use will be compatible with the adjoining property and require such conditions as may be necessary to afford protection for such adjoining property.

D- Determine that the proposed use will not impair navigational safety or unduly burden the free and open use of the waters bounding the village to a distance of 1,500 ft from the shoreline.

E-Determine that the proposed use conforms with all applicable requirements of this chapter (86) and state and federal requirements.

F- Determine compliance with the State Environmental Quality Review Act (SEQRA).

G- Consider the effect of the proposed use upon the logical, efficient, and economical provision of public services, such as police and fire protection, streets, water and sewer and public parking and public recreation facilities.

H – Impose such conditions, in addition to those required, as may be necessary to ensure that the intent of this chapter is complied with, which conditions may include modification of the design, size, and location of the proposed use, the minimizing of noxious, offensive, or hazardous elements, and adequate standards for parking, lighting and sanitation.

**Approval of the SEQR:** Chairperson Johns advised that the ZBA would need to approve the SEQR completed for this project. ZBA members pointed out several places in the document that needed correction, and Mr. Johns highlighted those corrections to turn over to the Planning Board. Ms. Bassage moved to approve the SEQR as amended and with the conditions that the Planning Board cited. Mr. Carlyle seconded the motion, and **all voted in favor to approve the amended SEQR.**

Chairman Johns stated that the board would now be asked to vote on the special permits:

- **Length of the dock** (86-11.B.), asked for a motion to approve **the length of the dock of 700 ft.** Ms. Bassage advised she would want to see the littoral maps to understand the impact of the expansion on the neighboring properties' riparian rights. Ms. Hayden agreed. Messrs. Carlyle and Nessor did not see a problem.

Chairman Johns stated he would play devil's advocate, in that would it matter since other marinas have not had to bear such a cost. Mr. Martin added this would be a considerable expense to survey neighboring properties for the littoral lines. Ms. Bassage requested, per 86-27 that the applicant conduct a littoral survey because of the concave nature of the shoreline to the marina's east, unlike the other marinas, which affects the properties of by Gary Peters and Chapman. Chairperson Johns asked if the view was Ms. Bassage's primary concern. She advised that Scott Johnson's mother only sees 700 ft. of the dock now. Mr. Martin advised that the new dock would be over 580 feet away.

Ms. Bassage also added that she would like to see the dimensions on the parking spaces and the scale on the parking plan map. The aisle width for parking, per Chapter 190-23C, for one-directional flow is 26 ft.

CEO Druschel noted that there was a hand raised for a participant on Zoom. Chairperson Johns allowed Ryan Cowley to speak. Mr. Cowley advised that he bought his property, and he sees moorings out in front of him, the yacht club, Jack's, and he believes this view is expected with the marinas in this village. He voiced concern over the shuttered businesses and believes the expansion will help traffic and the downtown businesses.

Ms. Bassage asked if the number of bathrooms is adequate for all the usage of the marina and other businesses on the property. Mr. Martin replied that yes, there is never a line to use the two bathrooms.

With no more comments on this special use permit request, Mr. Nessor moved to accept the dock length of 700 as requested, and Chairperson Johns seconded the motion. The **vote carried 3-2**, with Mses. Bassage and Hayden voting against; Messrs. Johns, Carlyle, and Nessor voting in favor.

- The second special permit is for **the boat house** (86-12). Mr. Martin advised that the building is the same size as the original. Mr. Nessor moved to accept the special permit request to have a 11 x1 1 ft building; Ms. Hayden seconded the motion. All voted in favor; **motion carried unanimously.**

Mr. Brandt asked to speak, and Chairman Johns concurred. Mr. Brandt asked where in this process can neighbors' concerns be addressed? He noted that the County Planning Board in its letter of December 21, 2021, recommended several things – one of which is landscape features/screening. He pointed out that the screening provided on South Shore Road was not

effective because it is too close to the edge of the road. CEO Druschel stated that the village road supervisor was asked about this, and he said he saw no need to move. Mr. Johns asked about lighting and stated perhaps screening behind Mr. Sheehan's house. Mr. Martin pointed out that he owns part of Mr. Sheehan's driveway and left the pine tree standing in the back yard at his request. Mr. Brandt stated that the neighbors did not want severe lighting to affect the neighborhood, and Mr. Martin stated that there is a light on the back building already.

- The next special permit request is for the **dock width** (86-19). Mr. Martin is asking for a width of 12 feet at the end of the dock where 8 ft is allowed. He stated that this is for safety for customers to move their personal items to and from their boats, including lines and hoses, wheeling carts and items. In addition, this will provide better strength for the dock. Mr. Carlyle moved to accept the special permit request, and Mr. Nesspor seconded the motion. All voted in favor, and **motion carried unanimously**. CEO Druschel reminded the board that a special use permit can be pulled at any point if there is a problem.
- The next item for special use permit is the **number of docks** (86-16): Chairperson Johns moved to approve the special use permit for the increased number of docks with the following conditions: based on the satisfactory calculation of the number of parking spaces in the parking plan, in which marina parking spaces are measured at 19 ft x 9 ft as is required in Chapter 86 and other commercial parking is measured at 20 ft x 10 ft according to Chapter 190-23; that the engineered drawing will provide a revised layout and is no greater than asked for and is revised to show aiseways of 26 ft wide; adding screening behind Richard Sheehan's home on South Shore Rod, unless Mr. Sheehan determines it is not necessary; and to ensure that the traffic flow would be routed directly to and from Rt. 14 and not South Shore Rd. The motion was seconded by Mr. Nesspor, and **all voted in favor**.

Mr. Martin stated that the use of Frog Alley as an entrance/exit is not planned, and the new road cut to South Shore Rd would not have a chain across it and will only be used for occasional use.

If the parking plan complies with the requirements, it will go to Planning for final site plan approval.

- The last item is a **variance for a deck over water for the fuel platform**. Chairman Johns stated the criteria for consideration of a variance is in 190-68.C (2) Area Variances. Mr. Martin currently has a building on a deck over water; his request is to construct a 30'x28' deck over water on which the boat house will be placed. He advised that a gas line and sanitary lines would run in the front, and to keep the dockers safe, this size will

allow them to walk inside the L-shaped section of the deck. He added they may be pumping more than one boat at a time, so this helps avoid congestion and provides safety for those walking to and from their boats.

Mr. Nesspor moved to approve the variance for the deck over water as requested; Mr. Carlyle seconded the motion, and **all approved**.

Mr. Martin was instructed to have the parking plan re-drawn to show the aiseways and dimensions; if the number of parking spaces do not meet the requirements, then the application must come back for review by the Zoning Board of Appeals. Otherwise, it will be forwarded to the County and then on to the Village Planning Board for final site plan approval.

**Approval of the Minutes of January 24, 2022:** Ms. Bassage moved to accept the minutes of that meeting and Mr. Nesspor seconded the motion. All voted in favor.

There being no further business, Mr. Nesspor moved for adjournment; Mr. Carlyle seconded the motion; all approved. Chairman Johns adjourned the meeting at 10:15 p.m.

Laurie Hayden