



Planning Board (PB) Minutes, 6-6-22 Village of Sodus Point, NY

Members Present: Bruce Evener (Chair), Kathy Beretta, Janine Fogarty, William Kedley, William McKee, Daryl Walker

Staff Present: Keven Druschel, Code Enforcement Officer (CEO), Linda Youngman – Clerk,

Others present: Ed ? , Tim Jones, Jeffrey Wardell, Laurie Verbridge, Brandon Martin, Elaine Allirs, Bill Doyle, Mariah Doyle, Art Williams, Jim Mundy, Ann Hayslip, Larry Monheim, Tim Voellinge, Steve and Gail Vanderbrook

Establishment of a Quorum: A quorum of 5 members was established with members and others present both in-person and via Zoom.

Announcements: Advertisement of the meeting was published in the Times of Wayne County and posted on the Village website.

Call to order: The meeting was called to order by Chair Evener at 7:00 pm.

Review minutes from previous meeting: May 16, 2022. Minutes were reviewed by the Board with no corrections.

Recognition of Tim Jones service to the PB – Tim Jones' service to the PB was recognized. Tim gave much to the PB over many years and his prodigious efforts are recognized and appreciate.

1. Final Site Plan Review, Sal Debiase, 8407 Sill Shore Rd, to construct a 12'x24' and a 12'x20' garage expansion. (190-49)

This is a final site plan review for construction of a 12' X 24" and 12' X 20' garage additions at 8407 Sill Shore Rd. Jeffrey Wardell, the projects contractor, said he tried to get in touch with the architect but can't get him to answer. He asked if he could move forward with the project. Kevin Druschel said they need to confirm with Brad about the easement for drainage. As long as the extension doesn't encroach upon the easement to the point of interfering with the drainage, it is probably OK. William McKee asked if there is there a minimum easement. Kevin said it is up to the Brad to make a determi-

nation. Chair Evener asked for other questions from the PB, Janine Fogarty had no concerns, neither did Daryl Walker. Chair Evener asked for public comments and there were none.

B. Kedley motioned to approve the project l be approved contingent upon the Highway Department's approval, J. Fogarty seconded, motion was approved.

2. Final Subdivision Review, Steve Hyatt, 7114 Central Ave, to subdivide 0.1 Acres from South neighbor. (190-50)

This is a final subdivision review for Steve Hyatt, 7114 Central Ave, to subdivide 0.1 acres from his South neighbor to add to their own property. T. Voellinge, Greene Land Surveying, PLLC., presented the survey with adjusted figures. The subdivided piece is 0.062 acres which increases the Hyatt property to 0.189 acres and decreases the Duryea's property to 0.421 acres. There are no setbacks to Duryeas' property. There are no triggers for the Planning Board. Janine Fogarty had no concerns. William McKee asked if there were utility easements concerns – there were no utility easement concerns noted. Chair Evener asked for public comments and there were none.

B. McKee moved to approve the application with the adjusted survey, B. Kedley seconded, motion passed.

3. Fence Review, Steve Vanderbrook, 8572 Gardenier Lane, to construct a 6' fence 24' long per plot drawing. (190-22(g), 121-4)

A fence review for Steve Vanderbrook, 8572 Gardenier Lane, to construct a 6' fence by 24' long per plot drawing . Scaled drawings of the proposed fence and property were provided as well as photographs showing the proposed privacy fence.

Steve Vanderbrook said they proposed a 6' privacy fence on their property. Originally, they proposed 24' but now they are proposing a shorter fence, 15'. Mr. Vanderbrooke said that his neighbors complained that such a 24' fence would obstruct their view. Mr. Vanderbrook now proposes a shorter fence leaving 4' between the fence and the house. The new fence would now be 15'.

Chair Evener asked for public comments. Janine Fogarty asked about deed restrictions on fencing. Keven Druschel said that he was not aware of ny in this area, but noted that there are deed restrictions on Sand Point East of Maiden Lane, and normally neighbors would bring it to his attention. William McKee added that there were restrictions when the fence was over 100'.

Chair Evener asked for public comments and there were none.

Chair Evener asked for a motion. Kathy Beretta motioned to recommend the approval of the application to the ZB with the amended length of 15'. , Daryl Walker seconded, the motion was approved.

4. Fence Review, Garry Keim, 7581 6th Street, to construct a 4' fence per plot drawing. (190-22(g), 121-4)

A fence review for Gary Keim, 7581 6th St, to construct a 4' fence per plot drawing (190-11 density control, 190-22(g), 121-4). A survey the property by McMahan LaRue Assoc, Webster, NY, were provided as well as drawings of the location of the proposed fence and photographs of the proposed fence.

Gary Keim said they are full time residents at 7581 6th St, they want to put a fence on the W and S sides of the house. The existing split rail fence would remain. The PB asked about the S side of the street. The fence would utilize a chain link, 3 ½' high fence.

Chair Evener asked for public comments. There were no comments.

Daryl Walker asked about a 7 1/2 foot shed in the application. The shed concerns had been tabled previously. William McKee and Janine Fogarty walked the proposed fence site and had no concerns for the proposal. There were no further concerns from the PB. William Kedley motioned to approve, Kathy Beretta seconded, the motion was passed.

5. Preliminary Site Plan Review, James Mundy, 8573 Greig Street, to construct a 4' x 100' dock per plot drawing. (190-49, LWRP, 86-23, 86-11)

A preliminary site plan review for James Mundy, 8573 Greig St, to construct a 4' X 100' dock per plot drawing. The New York State Department of Environmental Conservation was contacted and they determined that the dock installation fell under no permit jurisdiction. The dock is planned as a permanent installation. Photographs of similar docks and scaled drawings of the proposed dock were provided.

Mr. Mundy said they had a temporary dock installed right now. They want to put the dock between two neighboring docks. Mr. Mundy amended his measurements to show the placement would be 13' from the Eastern property line instead of 10' making the dock's placement right in the center of the neighbors docks. They are trying to keep it equidistant between their neighbors' docks. Kevin Druschel brought up an overhead drawing of the property, then a more up-to-date view of the property. Kevin drew a line to show that the proposed dock would be located directly in the center of two existing docks. Mr. Mundy said they rent the property and they do not plan a hoist right now.

Daryl Walker said there was sufficient room for the proposed dock. Mr. Mundy said the water depth was such that the water was not over his head at the end of the proposed dock.

Chair Evener asked for public comment.

Larry Monheim, the neighbor to the west, spoke in favor of the proposed placement of the dock and said that the proposed dock would not cause problems. Putting the dock in the center of two existing docks would permit unrestricted movement around the dock.

Bill Doyle, Mundy's neighbor, spoke and said the dock should be centered on Mundy's property. He has had some problems with boaters hitting his boat and causing problems for clearance on his property and use of his dock. Bill Doyle's wife, Mariah Vande Doyle, agreed with her husband that the Mundy dock should be centered on Mundy's property but they are not concerned about the proposed length of the dock. They have had some problems in past years with Mundy's renters obstructing their dock's usage and renters hitting their boats.

Brandon Martin said that he felt that the proposal was fair and that it was notable that the applicant has taken into consideration both of his neighbors.

Kevin Druschel said Mundy's proposed dock should be centered between existing docks and it would give sufficient clearance according to the code for both sides of the proposed dock. Mariah said they want to remain flexible but they remain concerned about renter's possibly hitting boats on their property.

Chair Evener asked the board members to speak. Daryl asked the actual distance for the dock and property line. From Bill and Mariah Doyle's property to the eastern edge of the dock would be 13', from Larry Monheim's property line to the west edge of the dock was 22', with the dock itself being 4' wide gives a total of 39', the width of the property. William Kedley said the area was tight and appreciated all parties concerned and he ultimately said the new dock should be centered between the two other existing docks.

The Waterfront Assessment Form was completed. D. Walker motioned to recommend to the the ZB the amended proposal with the at 13' off the eastern property line so the dock was centered between the two existing docks with the WAF attached, K. Beretta seconded, the motion was approved. The zoning board will meet 1 week from today to finalize the proposal.

6. Old Business - Martin's Tidesides LLC Violation Letter 7118 Route 14

Martin's Tidesides violation letter was discussed. Brandon Martin sent an email which laid out their timeline for taking care of issues outlined in the PB original approval of their proposal. Martin explained that the docks would go in first because the revenue from them would pay for the project. The breakwall would be next to be put in, to stabilize the property so that when they dredge the old wall would not collapse and

cause the bank to collapse. Therefore, the last thing would be the dredging. Mr. Martin laid out in his letter to the PB a general timeline as follows:

First we plan to install the docks in the fall of 2022. This will take place after the Marina has winterized and pulled out the current docking customers for the season. This part of the project could take till spring of 2023 to complete.

Second we plan on installing the wall portion of the project. This is planned to take place in the Spring of 2023. This could be delayed and not happen till the Fall of 2023. This part of the project could take till spring 2024 to complete.

Third is the dredging part of the project. This is the last as we need the wall installed prior so nothing happens to the land during dredging. Also do to the funding of such. This part of the project does not create revenue for the marina but costs highly to have completed. We plan to dredge in the fall of 2024 after the boating season is over.

Mr. Martin needs to use the 7118 Rte 14 property in order to move forward but, cannot meet all of the conditions set forth by the PB since he needs time to move storage materials around. He asked to use the property for storage of boat trailers, building supplies, boat lifts and seasonal docks until he can get other projects done. Currently some boat lifts are stored on the parking area, some of which are unusable. Mr. Martin said he plans to remove the unusable lifts, but asks to use the parking lot property for storage in the meantime until he can get some of the other work done for the property.

Chair Evener asked what would be put in the parking area – Mr. Martin said it would be used to store boat trailers. Chair Evener asked about the display area and what it would be used for – Mr. Martin said he would like to use the display area for materials to neatly store building materials, boat lifts, equipment and seasonal docks. Kathy Beretta asked what Mr. Martin meant by equipment – he said he would not store equipment in these areas. Kathy Beretta asked Art Williams about whether this is a parking lot or is it just Brandon's vacant lot. Art Williams said it was a lot that will be developed. This space will not be a parking lot until other criteria are met. Art Williams said there is no code in the book for the interim between a vacant lot and a parking lot.

Mr. Martin said he is asking to use the parking lot area for storage until he can get other work done. Daryl Walker suggested that Mr. Martin use the marina area for storage to leave the parking area vacant. Mr. Martin said he bought the parking area to store marina items until he could get the marina really up and running. Kevin Druschel suggested a temporary waive of conditions #16 and 17. William McKee said this would be a 3-year project and it takes on a different view of how all work needs to come together. Some items need to be completed earlier (ex. manhole cover) and the conditions need to be prioritized in order for Mr. Martin to successfully complete. DEC conditions need to be met first, then conditions 4, 5, and 6. PB cannot touch concerns about the manhole cover.

William McKee said it would be helpful to know what Tidesides has planned – to understand what is going on with the DEC. Mr. Martin said he had given the DEC all of the information they required and DEC did not say he could not use the parking area for storage. They opened the restaurant and had sufficient parking for the restaurant – DEC is not standing in their way for parking for the restaurant.

Art Williams said they could legally keep storage materials in the parking/display area. He said that the PB did not understand originally how long it would take to get all of the work to get the marina up and running so they could complete the conditions as set forth by the PB. William McKee finds it unsettling that this marina development could take maybe 3 years to complete. Mr. Martin said the dredging would need to be done to maintain the marina with no return on investment. He said other things need to be done in order – you need to get money coming in first to be able to afford the later items such as dredging.

Kathy Beretta suggested that, instead of a 3-year process, we allow Brandon to put some storage in the parking/display area and we come back in 6 months to review what progress is being made in the development of the full marina. William McKee said the DEC is holding things up and we need DEC approval for items 1-6, Brandon should get DEC approval. William McKee said the manhole needs to be taken care of. In the meantime, reorganize the materials he has and neighbors who are concerned could see it is organized in some kind of logical way. Boat lifts that need to be scraped should be scraped immediately. William McKee suggests that Mr. Martin and the PB should be seen as working together on this process of development.

D.Walker said he has no concerns about Mr. Martin's use of the property except to keep it clean. J. Fogarty said we would continue to get letters from neighbors who are concerned and she suggested the PB re-consider progress every 3 months instead of every 6 months. Mr. Martin agreed with re-consideration every 3 months.

Kevin Druschel mentioned safety issues, particularly concerning the manhole cover. William McKee said he liked the considerations made by the PB saying it would take longer for Mr. Martin to develop the marina fully. William McKee said the PB should re-consider the concerns outlined in the PB approval to develop the Tidesides Marina area. Mr. Martin said he needs time to prove himself and he had developed an outline in his email to the PB. Mr. Martin asked for time to clean up items in the parking/display area – he asked for trust from the PB. The PB asked Mr. Martin to prioritize the specific items outlined in his email to the PB. Chair Evener said the storage of boat lifts should be placed in the screened area. They would be lined up E to W instead of N to S, also lifts to be stacked more neatly. Chair Evener asked that we re-consider in 3 months.

Daryl Walker motioned to approved limited use of the site for storage of materials boat lifts and docks in the display area, boat trailers in the parking area and that we re-consider every 3 mos. Kathy Beretta seconded. The motion was approved.

Chair Evener said that we will re-consider the situation at the first PB meeting after Labor Day. Art Williams said we had a great path forward and it should be an open meeting when the Tidesides Marina is re-considered. Mr. Martin said he appreciated the PB's considerations.

Executive Session: Chair Evener called for an executive session to discuss potential litigation.

Chair Evener invited Atty. Art Williams, Clerk Linda Youngman and Village Council member Laurie Verbridge to join in the executive session.

Motion to end executive session was made by B. Evener, 2nd B. Kedley. Motion passed

Motion to adjourn: William McKee motioned to adjourn, B. McKee seconded, the motion carried, the meeting was adjourned by Chair Evener at 9:05 pm.