



## ZB (Zoning Board) Minutes, 9-12-22 Village of Sodus Point, NY

**ZB Members Present:** Thomas Johns (Chair), Sue Bassage, Laurie Hayden, Mark Ketcham, Steve Nesspor

**Staff Present:** Kevin Druschel – CEO (Code Enforcement Officer) (zoom), Linda Youngman – Clerk

**Others present:** Chris Helmer, Gretchen DePoint (zoom), Peter Swift (zoom), Kathy XX (zoom), Mike Collins (zoom)

**Announcement:** The advertisement of the meeting was published in Wayne County Times and posted on the Village website.

**Establish Quorum:** A quorum was established with 5 full-time members in attendance. Chairman Johns authorized Mark Ketcham, ad hoc member, to vote with full force and effect as a regular member for this meeting. The meeting was conducted in person and via Zoom with some public attendees joining remotely.

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

**1. Area Variance -** Gretchen DePoint, 7582 Fifth Street, to remove a portion of existing structure and construct addition connecting to the garage 24' x 25'4" of which will be 3.7' from north property line where 5' is required and 2'7" from rear property line where 12.5' is required. (190-11 density control, 190-49 site plan review).

Neighbor to the N is 7594 Fifth St, neighbor to the W is 7581 Fifth St, neighbor to the E is 7581 Fourth St, and neighbor to the S is 7576 Fifth St.

Chair Johns said this review was postponed from an earlier meeting. A second story to the garage and a stairway to the upper level will be added which wasn't advertised to the public in the original proposal. The proposal will go to PB on the 19<sup>th</sup> and will be considered as three variances instead of two. The current proposal is to remove a portion of the structure and construct an addition connecting to the garage per stamped plans. The structure will be 3.7' from the north property line where 5' is required and 2'7" from the rear property line where 12.5' is required.

Chris Helmer (Gretchen's mother) spoke, then Gretchen DePoint spoke. The plan is to have the same building design as existing but they wanted a bit more space to include a mud room and space above the garage. Chair Johns asked for public comment – there were no public comments, and public comments were closed. Chair Johns asked for comments from the ZB. Chair Johns said his property borders on the DePoint property and he has no concerns with what has been proposed. Laurie Hayden asked if other bordering properties knew – the response was that all bordering properties were contacted by mail or in person. The only question is that the back stairway is very close to the property line. The stairway will be an egress from an office. The ZB did not have concerns. The CEO said the existing garage is 2.6' from the back property line. Chair Johns asked if something would be done with existing footers – Gretchen responded that they would stay as is. She backed up what was shown in the blueprint designs submitted to the ZB. Sue Bassage made a motion to accept the application, Mark Ketcham seconded, the motion passed unanimously. The PB will consider the proposal next week. Chair Johns recused himself from the consideration of the proposal since he is a neighbor.

**2. Area Variance,** Bob Straubing, 8518 Greig Street, to reconstruct structure on existing foundation encroaching 0.24 inches over west property line and 0.6 inches over east property line where no encroachments are allowed. (190-18)

Neighbor to the N is 8527 Greig St, neighbor to the W is 8528 Greig St, neighbor to the E is 8516 Greig St, and neighbor to the S is 8522 Greig St.

The work to be done includes demolishing the existing structure down to the foundation and rebuild per stamped blueprints on the exact footprint. Several ZB members had questions prior to tonight's ZB meeting. Laurie Hayden asked the CEO "Was there a variance given when the original structure was built to allow encroaching on the west and east properties that Straubing now owns?" The CEO responded "This was previously Vera Woodlands house and according to the tax roll was constructed in 1900. I had Nate the town assessor confirm this date and he has. This would pre-date our laws. I can confirm I do not see anything on file for any variances which would also align with the construction date."

Mike Collins said there was too much damage to the main structure so they want to build a single-story cottage on the existing foundation. They have submitted plans to the CEO. Saving the foundation will help to cut their costs. They will raise the foundation to meet codes for the flood plains and codes for fire dept.

Chair Johns said the ZB approach acknowledges that properties will be sold in future and new structures should be completed to current codes. The CEO asked if the property would be sub-divided in the future – Mike Collins said that they might want to do so and asked what could Mr. Straubing do in the future if he wanted to sub-divide the property. The CEO said they would need to have a sign off on the encroachment. The part of the lot without a structure (to the west of the existing site) has a previously demolished

building. Mr. Straubing is unsure if the other lot would be suitable for re-sale since it does not currently meet code for building a new structure. There is a concern about future right of way (ROW) for a driveway. Chair Johns said the question is, if they can't build on the existing foundation, they would have to have at least 25' – they would be off at least ½ foot on all sides. Right now, he would be encroaching (0.24 and 0.6 inches on opposite sides). Chair Johns asked if they could make those inches up by reinforcing the foundation in such a way that they would make up that difference in the foundation inches. Mike said he would talk to the architect about that possibility but they are currently ready to go with the plans as submitted to the ZB. Chair Johns asked on the sides where they are encroaching, would the eaves encroach even more – the CEO said the fire code would not permit them to have eaves encroaching even more. Mike Collins reiterated it was uncertain what would happen in the future.

Mark Ketcham said if the problem isn't dealt with now, it would still be there in the future. The CEO referred the ZB to the third page of the plot plan saying 0.24 inches on one side of the proposed structure and the rear of the building goes up to 0.6 inches. Steve Nesspor suggested that the bordering neighbors on all sides should be contacted in writing to ask if they were OK with the proposed encroachment. The CEO said that he believed the 0.24 and 0.6 inches could be shaved off the foundation so that the new building would meet within the bounds of the lot. Chair Johns said he thought that was a good solution. Steve Nesspor made the motion to approve the variance with the stipulation that the new foundation be shaved off by the 0.24 inches and 0.6 inches (over the existing foundation) so that it would not encroach. Laurie Hayden seconded, the proposal passed unanimously.

**Review minutes from previous meeting:** 8-22-22 minutes were sent to all ZB members for their review and edits/corrections made. Chair Johns reviewed saying Gretchen DePoints proposal was moved to today's ZB meeting. Mark Ketcham motioned to accept, Laurie Hayden seconded, the 8-22-22 minutes passed.

New business: The CEO said there were a few minor proposals for the ZB to discuss. The next meeting will be on Sept 26. Concerning the Rykbost shed application, Laurie Hayden said that the structure built without a permit was supposed to be removed, and he only removed the metal walls and roof. Chair Johns asked the CEO to check and ensure that the applicant remove the structure as agreed at the ZB meeting. Chair Johns asked about the Catholic church – there is a plan to make it an air BnB. There is a listing of things that the church allows (what can and can't be done) with the property.

**Adjournment:** Chair Johns asked for a motion to adjourn the meeting – Steve motioned, Sue seconded, the motion passed and the meeting was adjourned at 7:44.