



ZB (Zoning Board) Minutes, 10-24-22 Village of Sodus Point, NY

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

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

Others present: Shawn Matla, Lauren Matla, Lori Incl-imeza, Chuck Peashey (for Sandra Flora), John and Rita Ratkovicz, Gary and Michelle Keim, Cory and Lisa Smith, Matthew Corino (zoom), Daniel Pope (zoom), Ginny Embry (zoom), zoom user, Joelle iPhone (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. The meeting was conducted in person and via Zoom with some public attendees joining remotely.

Review minutes from previous meetings: Minutes from meetings of 9-12-22 and 9-26-22 were pushed off to be reviewed at a future meeting.

Call to order: The meeting was called to order by Chair Johns at 6:59 pm.

1. Area Variance, Shawn Matla, 8631 Greig Street, to change existing living fence to be 10' from edge of breakwall and 16' to add privacy. (190-22(g), 121-4)
Neighbor to the N is none, neighbor to the W is 8629 Greig St, neighbor to the E is 8633 Greig St, and neighbor to the S is 8626 Greig St. The current proposal is to change the existing living fence to be 10' from the edge of the breakwall and 16' high to add privacy from neighbor's 2nd story deck.
Shawn Marla asked for permission for other people from his family to speak to this proposal. He said they viewed many properties before choosing this one. He showed views of his neighbor's properties. He said there was no fence for his back yard when he

brought the property. His original proposal which was approved in 2017 was approved for a living fence. Their property did not flood as his neighbor's properties did in 2017. His living fence died and he said he hired professional tree experts who said his trees were poisoned by some type of petroleum products. The tree experts said his trees were a fire hazard. He got a letter saying he needed to remove trees *which had been replacement trees) which were a fire hazard. He was also told that the replacement trees had to be proved alive.

Later, Kevin Druschel asked him what was he trying to accomplish with the trees. He looked at Shawn Matla's pictures and suggested that they have replacement trees. Shawn Matla said now things have changed. He said his neighbor has cameras which are pointed toward his property and this is causing problems. He showed a picture of himself in his bathing suit with professional sandbags in the background which he claimed was taken through his neighbor's camera. The picture shows him clearing water lines and pumps which helped to remove floodwater from properties.

Shawn Matla's daughter (Lori Incl-icza) spoke. She said she and her sisters have been increasingly concerned with their neighbor checking them out with his camera. They are always concerned being in their backyard with the neighbor checking him out with his camera. They are not trying to cause problems but they are concerned about the neighbor's camera. She does not think the camera is appropriate.

Shawn Matla spoke again saying they have tried to deal with the situation by taking his neighbor to court asking to have his camera removed. The replacement trees in 2017 were replaced in 2018. His neighbor had 12' trees removed from his backyard (at least 5 trees were removed). His assumption was that his neighbor didn't want to remove some trees having them at different heights in his backyard. His neighbor later removed all of his trees.

Kevin suggested that he replace the trees and apply for the zoning board to approve replacement trees. 5' from the breakwall. They wanted 10' from the highwater mark. They have 23' of beach right now. There were no discussions of safety, sandbags, etc. in his neighbor's approval for his trees. He said, right now, there is a 12' fence but there has been a growth spurt for his trees.

Chair Johns clarified saying he wants his trees to be 10' from the breakwall. Shawn Matla said yes. Shawn Matla showed overhead views of his property showing a boathouse and Jones sycamore tree. He showed his neighbor's deck and line of sight where they can see his property. If he extended his boathouse, he would block his neighbor's view of the canal. According to Shawn Matla, if his trees are allowed to grow, they would not block his neighbor's view down the Point, it would only block his neighbor's view of his property.

Shawn Matla said Laurie Hayden and Sue Bassage both had fences in their backyards. Shawn claimed there is ample room for the living fence he wants between his and his neighbor's properties. He said all animals are equal but some animals are more equal than others. He claimed that the living fence would not change the character of the neighborhood.

Chair Johns asked for comments from the public. One person (Shawn Matla's neighbor) spoke saying he had photos of their backyard. Another person (neighbor) spoke saying they had cameras only pointed out to the bay. The neighbor said, actually, they have 4 cameras (pointed toward the driveway, bay, lot line, out to boat and dock). The neighbor said Kathy Beretta viewed the monitor and thought it was OK. The neighbor showed historical photos of the cameras and what they have been aimed at. It was agreed with the court of Sodus that 7' trees were OK. The pictures are from 2017. They said they never did anything to Shawn's trees to poison them as Shawn has said. The wife also wanted to address Shawn Matla's photo of him in his bathing suit. She said she got a letter from John Reynolds saying that the pictures were taken by John Reynolds - they were not taken as pictures of Shawn in his bathing suit. Rather, these were pictures taken of the property to ensure that it was adequately protected in their absence.

Chair Johns said he did not want to get into a "he said, she said" back and forth. The trees were trimmed in 2020 as confirmed by Kevin. The wife said this was a matter of compliance – Shawn is not keeping the bushes at the height that was agreed. She said they have a deck and can't see anything in Shawn's yard when they are in their deck chairs. There is no privacy on Greig St and Shawn seems to need to get used to it. The neighbor's wife said that Art Hendrick said the discussion with Shawn Matla before they bought the property never took place. She did not feel that the living fence should be re-done after the court had reviewed the case.

Chair Johns said he wanted a copy of the letter from the court to be put in the ZB files for this case. Another person spoke saying John put something up and he wanted to go on the record saying that.

Chair Johns asked about the court case asking if it was binding on the ZB deliberations. Chair Johns asked how high the trees were currently and how close to the breakwall. 7' from the upper deck but the bushes are 9 ½' from the deck now. CEO said that Shawn Matla's proposal was denied by the PB.

Laurie Hayden said we first need to consider if it represented an undesirable change to the neighborhood. The code currently limits to 7' and it protects the neighborhood. Chair Johns said he is concerned about going higher in height. Laurie Hayden asked when does it stop when the neighbors keep complaining about the growing height of the fence. The lots around the end of the loop are different neighborhoods as the lots are generally larger. Shawn Matla and his neighbor's lots are much smaller. She thinks it would be esthetically bad for the neighborhood if Shawn Matla's trees are permitted to be much higher. It would not solve the privacy problem.

Chair Johns read a letter from other neighbors who are opposed to Shawn Matla having a taller living fence. Lynn Carlyle and Mark Ketcham said they were uncomfortable with a taller fence. Lynn Carlyle made the motion to accept Shawn's living fence as proposed, all were opposed.

- 2. Area Variance, 8528 Greig LLC, 8528 Greig Street, to construct a 7'6"x 34' addition 2.9' from front where 25' is required allowing 57% lot coverage where 40%**

is allowed. Also constructing a 7' block wall on west property line. Both projects per stamped plans. (190-11, 190-22(g), 121-5)

Neighbor to the N is 8533, 8535, and 8537 Greig St, neighbor to the W is 8515 Greig St, neighbor to the E is 8532 Greig St, and neighbor to the S is 7467 Field St.

Daniel Pope spoke to this proposal. He is Matthew's architect. Matthew Corino wants to expand his property (greater living space) and it would represent greater lot coverage. Matthew Corino said it would help with future water problems and decrease noise from Jacks. He did not want to discuss further.

Chair Johns said the property is in the business district. Dan Pope said it would fall within existing rooflines. Laurie Hayden asked for wall height. Dan Pope said it would be 32' and then 6 ½ to 7' high (a story and a half with a flat ceiling). Laurie asked the distance between the outer west wall and the neighboring property. Dan Pope said it would be inside of 5' and there would be plenty of room to locate the wall (but it isn't shown on the map). The CEO said it would not represent a restriction. Laurie asked if the addition would go to the garage. Dan Pope said it would only go about half of the building length back. There would be green space with managing the wall.

Chair Johns asked if there were additional concerns. Sue Bassage made the motion to approve, Lynn Carlyle seconded, all approved.

3. Area Variance, Sandra Flora, 8511 Wickham Blvd, to construct a 12'6"x18'2" storage shed 0' from primary structure where 8' is required 8'x12'6" on new footprint of which will be 3' from north property line where 5' is required. (190-11, 190-22(e)). 26% lot coverage.

Neighbor to the N is 7567 Fourth St, neighbor to the W is 7562 Fifth St, neighbor to the E is 8543 Wickham Blvd, and neighbor to the S is 8510 Wickham Blvd.

Sandy is out of state at the moment and her neighbor (Chuck Peashey) spoke to this proposal. The shed there now is 4' from the house. The proposed new shed will be right in line with the existing shed except it will have double doors on the north side and would line up with the house. There will be a fire door on the existing wall. They will take foam off the existing wall.

Chair Johns asked for comments from the ZB. There were no concerns. Steve Nesspor made a motion to approve the proposal, Lynn Carlyle seconded, all approved.

4. Area Variance, Garry Keim, 7581 6th Street, to construct a 5'x12'6" shed 0' from the primary structure where 8' is required, 16.49' from the front where 25' is required, allowing 49% lot coverage where 30% is allowed. (190-11, 190-22(e))

Neighbor to the N is 7587 Sixth St, neighbor to the W is 7580 Seventh St, neighbor to the E is 7586 Sixth St, and neighbor to the S is 7575 Sixth St.

Garry Keim said he wanted to build a shed that is a better fit and less problematic view from the street. He understands that the fire code may set it back from his existing home. But he wants to nestle the shed into the property so it is least problematic from views. Chair Johns asked for public comment – there were none. CEO said the fire code lets

you put sheds right up against a property unless you call it a garage. Chair Johns said the original proposal was a shed right in the front yard so this is an improvement. Chair Johns said he did what we asked him to do. Laurie Hayden made the motion to approve as submitted, Lynn Carlyle seconded, all approved.

5. Change Work Order, Guy Rykbost, 8596 Greig Street, to change approved 8'x10' shed to be 10'x12', to new location per plot drawing that is 4' from west property line where 5' is required and 20' from breakwall where 25' is required, allowing 35% lot coverage where 30% is allowed. (190-11. 190-22(e))

Neighbor to the N is 8597 Greig St, neighbor to the W is 8594 Greig St, neighbor to the E is 8594 Greig St, and neighbor to the S is none. The ZB approved the discussion of the variance to relocate the shed to a new spot on his property. The discussion was moved to the last portion of the ZB meeting.

Chair Johns asked if Guy would speak to the proposal (he was on zoom). Guy was unavailable but someone on his zoom line said he would be available in a couple of minutes. The CEO said Guy Rykbost does not currently meet code.

Guy Rykbost said he wants to move the shed and make it bigger as his kayak and canoe are too big. He wants to make the shed bigger and he will put it in the location that the ZB recommended.

Chair Johns opened it to public comment. There were no public comments. Chair Johns asked for a discussion among the ZB members. He clarified that Guy Rykbost wanted to move the shed to the location suggested by the ZB. One ZB member asked if the shed would be on the fence – the CEO said it would be on the property line. Laurie Hayden and Chair Johns reviewed the proposal maps verifying that it would be on the fence. Laurie said it was a good idea to put the shed on the other side (from originally proposed). Sue Bassage made the motion to approve, Lynn Carlyle seconded, all approved. 5 ayes. Chair Johns emphasized that the shed needs to be 4' off the property line.

New Business: Zoning class recommended that minutes come to all people concerned. Previously, the CEO sent a letter from the ZB saying what the final decision was for their property. This tied into freedom of information act. Minutes are supposed to be done within two weeks of the meeting. The CEO said it would be good to have the minutes available on the website. Zoom recordings do not count as minutes.

Laurie Hayden asked if the CEO expected Shawn Matla to make any counter-proposals – the CEO said he was not certain.

Motion to adjourn: Sue Bassage motioned to adjourn, Mark Ketcham seconded, the motion carried, the meeting was adjourned by Chair Johns at 8:45 pm.

The next ZB meeting will be November 7 unless plans change.