



Planning Board (PB) Minutes, 5-15-23 Village of Sodus Point, NY

Members Present: Bruce Evener (Chair), William Kedley, William McKee, Kathy Berretta (zoom)

Staff Present: Linda Youngman – Clerk (in person), Village of Sodus Point (Kevin Druschel) (in-person)

Others present: Laurie Hayden (in person), Matthew St Martin (lawyer), James Taylor (zoom), Guy Berretta (in person), Duane and Votie Moore (in person), Resident (zoom), Gale (zoom), Keri Wallenhorst (zoom), Peter Hallagan (zoom), Ginny (zoom), Duane and Votie Moore (in person), Cindy DeWolf, Laurie Hayden, Neil Clifford, Charles Seeley, Jamie Abel, John Maxon, Rick Hinkley (all in person)

Establishment of a Quorum: A quorum of 3 was established (3 members attending).

Announcements: Chair Evener announced that John Cook passed away last Friday asking attendees to extend condolences to the Cook family.

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 meetings: 5-1-23 PB minutes were reviewed and approved. Kedley motioned to approve; McKee seconded; the minutes were approved.

Votes: Evener-aye, Berretta-aye, Kedley-aye, McKee-aye

1. **Planning Board Review**, Neil Clifford, 8527 Greig Street, to operate Malarkey's at the Bay at Abes Mai Thai Tiki Bar kitchen. (CODE 190-8)

Neil Clifford spoke saying they wanted to put Malarkeys at Abes Mai Thai Tiki Bar. It will be kind of a burger joint. There will be limited seating, people will be given a pager, they can sit and wait for their food but it will mostly be a takeout facility. Chair Evener asked if there would be liquor – they responded that there will be a bar. They are getting health permits. It will be window service only for food, no glasses, utensils. There will be no waitresses. There will be bartenders. McKee asked how long they have been operating – the response was 3 years. They also operate a bowling alley in the winter – this is a great opportunity to operate a summer place. They will only be open 4 days per week but are open to additional days. Their agreement with Abes is to only be open seasonally. They hope April-Nov. Chair Evener asked about parking spaces – they responded about 10 spaces, enough for their employees.

Kedley made the motion to accept the application as submitted, McKee seconded, the motion passed unanimously.

Voting record: Chair Evener-yea, Bill McKee- yea, Bill Kedley- yea

2. **Final Site Plan Review**, Sodus Marina, 7399 Route 14, to add 11 campsites to approved RV park per NY State DOH approval. (CODE 190-8)

They are ready to start now and have health dept permit. The fire hydrant and gate have been installed. Chair Evener said they have done everything the PB asked for. McKee confirmed the number of campsites that have been approved – 11 campsites. Kedley said the new motion should be to approve an additional 9 campsites (labelled campsites 17-18, etc.). They are in the process of getting existing sites completed and leased while the open sites are reconditioned.

McKee motioned to approve the final site plan, Kedley seconded, the motion passed unanimously.

Voting record: Chair Evener-yea, Bill McKee- yea, Bill Kedley- yea

3. **Final Site Plan Review**, Peter Hallagan, 7579 Fourth Street, to construct a 7'2"x18'3" front porch per stamped plans. (CODE 190-49)

Peter Hallagan said that ZB asked for some changes, removing the overhang, removing the balcony, slightly scaled back construction. This new proposal meets what the ZB requested. Chair Evener asked if the new proposal meets with these changes. Kedley asked that the original request asked about the height – Peter said it would meet with the garage height. No questions from the PB. Kedley motioned to approve the revised plan with originally designed footprint, overhang removed, etc., McKee seconded, the motion passed unanimously.

Voting record: Chair Evener-yea, Bill McKee- yea, Bill Kedley- yea

4. **Fence Review**, Guy Berretta, 8510 Wickham Blvd, seeking approval for existing 48" fence of which starts at the edge of ROW travels 50.67' south, jogs 16.33' then traveling eastward 41.83' per plot drawing. (CODE 121-4, 190-22G)

Guy Berretta spoke saying they want approval of a fence as per the plans resubmitted. The original application was July 7, 2022 and Guy wants to remind everyone of the date. The

fence was installed on his property line, Oct 2022. The CEO verified that the fence was reviewed by him. Guy said no one had the right to enter the Berrettas property.

The Army Corps of Engineers gave them easement to install a fence. They said the easement was approved by that group. Guy said the easement does go into the water. He passed out a document and he said the Army Corps of Engineers no longer needed the easement. Guy passed out some materials to the PB showing the easement does go into the water. The village of SP installed rocks in the water for shoreline protection.

Guy said public opinion should have no effect on the PB's decision or objections of property owners. He said the federal government's easement should not take precedence.

The fence around his property line to the N belongs to the federal government. The easement goes into the water. Guy said the PB does not have authority over what goes onto the Berretta property. The easement runs into the rocks. There are rocks on the N side of his property and that is where the easement extends. Berrettas drawing shows the ROW going into the rocks.

Chair Evener said he had a minimum quorum tonight. The map passed out by Guy shows the easement going out in the water. Guy said there is a space before the rocks. He claimed there are other maps. Guy said the issue of the rocks is pretty clear – the Village installed the rocks during the flooding. Chair Evener said there are other survey maps. Guy said topographical maps show that there are rocks on the other side of the ROW.

Chair Evener said he wants to table the decision to when there are more PB members in 3 weeks. Guy said it was an abomination to make them wait. Youngman said he was being disrespectful. Kathy Berretta said it was never delayed until there was a full board for other applicants. She said, as a PB member, she was very disappointed. Chair Evener said she is not a PB member for this matter. Kathy said "we have our rights here" and she claimed they are not being treated equal. Guy said the PB very often approves things on a hardship basis. He said there were people verbally abusing them and physically assaulted by people walking across their easement. There have been people outside their window, people in their lawn chairs, people flashing flashlights in their windows, people drinking beer, someone driving a motorcycle across their property. People are there from dusk to dawn. He also got threats from people. Guy said their case should be treated as a hardship.

Kedley voted to table the decision until the next meeting, McKee seconded, the motion was tabled. Berretta said "Wow"

Voting record: Chair Evener-yea, Bill McKee- yea, Bill Kedley- yea

5. Fence Review, Votie Moore, 7496 S. Fitzhugh Street, to construct a 6' privacy fence 24' long starting 67' from edge of sidewalk per plot drawing. (CODE 121-4, 190-22G)

Votie spoke saying they wanted to install a 6 ft privacy fence on their property to have more privacy. Their neighbor's property needs to be cleaned up, it is disgusting. They want more privacy. Kedley said he visited the area earlier this week and says the properties are very close together. To have some privacy, they need a taller fence. He thinks the 6 ft is warranted to give them desired privacy – it is a reasonable request. Chair Evener visited the property

also and he agrees that the fence would give desired privacy – he agrees the neighbors have a mess. There were no questions from the PB members. Kedley confirmed which side the fence would be on – 24 ft from the rear corner. Kedley moved to recommend the fence to the ZB, McKee seconded, the motion passed.

Voting record: Chair Evener-yea, Bill McKee- yea, Bill Kedley- yea

6. Fence Review, Phillip Leone, 7573 5th Street, to complete construction on a 6' wooden fence per plot drawing. (CODE 121-4, 190-22G)

Phil Leone spoke saying he built in 2019 and he wants to shorten by 5 ft and to construct a 6 ft wooden fence per plot drawing. Kedley asked what the original approval was – CEO confirmed it was the original approval. Chair Evener said it was a heavy built fence and asked about security cameras. Kedley said the construction of the fence will be different from what was originally proposed. The CEO showed the original minutes from the original approval.

McKee made the motion that the fence plans be recommended to the ZB with amendment to 60 ft from 65 ft on S side of property, Kedley seconded, the motion passed.

Voting record: Chair Evener-yea, Bill McKee- yea, Bill Kedley- yea

Old Business:

Motion to adjourn: Motion to adjourn was made by B. McKee, Kedley seconded, all in favor, the motion passed unanimously.

The meeting was adjourned by Chair Evener at 7:53 pm.

The next PB meeting will be June 5, 2023 unless plans change.