



## ZB (Zoning Board) Minutes, 4-24-23 Village of Sodus Point, NY

**ZB Members Present:** Thomas Johns - Chair, Sue Bassage, Laurie Hayden, Mark Ketcham, Lynn Carlyle

Missing: Steve Nesspor

**Staff Present:** Code Enforcement Officer (CEO) (zoom) --Kevin Druschel, Linda Youngman – Clerk, Matthew St. Martin (Village Attorney)

**Others present:** John and Rita Ratkovicz. (zoom), Scott (zoom), Scoty (zoom), Peter's iPhone (zoom), Kimberlee's iPad, Ginny, iPad3 (zoom), Kathy Berretta (zoom), Shawn Matla, Cory and Lisa Smith, Peter Hallagan (zoom), Terry Vanderwall

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

**Establish Quorum:** A quorum of 3 was established. Four full-time members were in attendance, and Chairman Johns appointed Mark Ketcham to vote. 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 7:01 pm.

**1. Area Variance,** Peter Hallagan, 7579 Fourth Street, to deconstruct and then reconstruct a front porch on the exact same footprint with a 2 foot extension 3.9' from the north property line where 5' is required, 14.8' from the front property line where 25' is required, allowing 39.7% lot coverage where 30% is allowed. (Code 190-11)

Peter Hallagan, 7579 Fourth Street, plans to deconstruct and then reconstruct on the same footprint but add a second story per stamped blue print plans. Neighbor to the N is 7581 Fourth St, neighbor to the W is 7576 Fifth St. (Code 190-49)

Peter said the project was in line with the foundation, not closer to the street as previously planned. From the last application, Peter has made some modifications. The

cantilevered second story is eliminated; the N side balcony is also removed. Peter has resubmitted plans to Kevin, CEO. The new drawings show that the construction addition aligns with the north wall line of the cottage. Peter said a new porch is required as it is currently sinking.

Chair Johns opened the case to public comment. No one commented. Zoom attendees were asked to comment – there were no comments. Chair Johns opened the case to ZB comment. Chair Johns said Peter has basically done all of the things that the ZB asked. Peter's ask now is just to replace the porch on the existing house. Lynn said there is nothing wrong with the current ask. Laurie asked about the dormer in the current plans. Peter said the idea was to have a small view of the bay from the dormer window – also it matches the look of the dormer on the garage. Peter said the little loft will be only about 8 ft X 10 ft.

Lynn made the motion to approve Peter's revised plan as presented, Sue seconded, the motion passed unanimously

Voting record:

Chair Johns-yea, Laurie Hayden-yea, Sue Bassage-yea, Mark Ketcham- yea, Lynn Carlyle-yea

**2. Area Variance**, Cory Smith, 8627 Greig Street, to construct a 54" fence where 4' is allowed and going all the way to the breakwall where 10' space is required per the code (CODE 190-22(g), 121)

Cory Smith wants to build a 54" fence where 4' is allowed and going all the way to the edge of the breakwall where 10' space is required per the village code. (CODE 190-22(g), 121). Cory said they wanted to build a 4 ½ ft fence as per another neighbor's fence.

Shawn Matla spoke. He stated that his breakwall has not been raised. He said if flooding were to occur, the village would sandbag his breakwall. However, the water would flow in on the east side of his property, which is the lowest in elevation and toward the road. He disagreed with the Ratkovicz's concern about quick access for emergency responders but agreed with the problem of cottage maintenance and repair. He stated that after raising his cottage, his fireplace area needed repair. There was not sufficient clearance between his cottage and his neighbor's fence for the repair person to make necessary repairs. When he asked the Ratkoviczs for access to allow a contractor to repair his fireplace area on the west side of his cottage, they said no. He had to devise a narrow lift himself to do the repairs.

Terry Vanderwall said he was in favor of the fence proposed by the Smiths.

Rita and John Ratkovicz said they drafted a letter regarding the fence and asked to have it entered into the minutes. Tom Johns said the letter would be attached to the minutes. They said the Smiths have misrepresented things in their proposal. The Ratkoviczs said their fence was permitted to control the growth of their neighbor's bushes on the east side of their cottage. The Smiths' original request for a fence to the breakwall was denied. They started to build a 54-inch fence, not the 48-inch fence which had been approved by the planning board. There was a stop work order placed on their fence. They are concerned about sufficient space to bring in sandbags in case of flooding. The fence would make it impossible to get emergency access for their property and would landlock them in their property. They have an older home that is not three feet wide to their property line, which impedes normal maintenance.

Several neighbors provided comments on the proposed fence. Ken and Nancy Karasinski were in favor of it as were Rachel Swartz, Christine Withers. Terry Vanderwall did not care. Ratkoviczs are opposed. The Smiths said there was clearance of 24 inches between the Ratkoviczs' cottage and the proposed fence to get medical access to their home. The 54-inch height of the fence is needed because their son's dog can jump pretty high over a 4 ft fence. The Smiths said there was sufficient space for sandbags.

Laurie Hayden said the other neighbor's fence was put in before chapter 121 was fully implemented. Another neighbor got approval for a fence to the breakwall due to her having small children. The Smiths showed the overlay map of the SP loop showing other properties with fences.

CEO Druschel stated that the Village would not be handling sandbagging in the event of high water. They will provide sandbags but leave them at the curb of homes requesting them.

Chair Johns read from the PB minutes on the approval from the PB – basically, it was approval for a 4 ft fence near the house, 4 ½ ft near the breakwall and 10 ft removable section of fence to the breakwall.

Chair Johns said there were two concerns – height of fence and nearness to breakwall. Mark Ketcham asked about a gate at the breakwall. Laurie Hayden disagreed with Smith's comments that flooding will not occur with the raised breakwalls and said she remains concerned about Mr. Matla's property where the breakwall has not been raised. The Smiths said it was not their problem if there is flooding and neighbors can't get through in case of flooding and need to sandbag their own properties.

Laurie Hayden said their decision is predicated on the five criteria that must be weighed. The ZB has to weigh decisions about protecting everyone's property. The Smiths said other people got approval for fences right to the breakwall and they can't put a fence down to the breakwall on their property? Chair Johns said a removable fence at the breakwall will allow the Smiths to have a fence but emergency access will be allowed.

Lynn said he was in favor of a 6 ft wide removable fence at the breakwall. Laurie liked the idea of a removable section. Mark said he was in favor of a gated section of fence. Sue said that would accomplish the objectives. Motion to accept the proposal as submitted made by Mark, seconded by Lynn, motion failed unanimously.

Laurie recommended 4 ft fence from S corner of the Ratkovicz's house as far to the road as the Ratkovicz's fence, then north at 54 inches with a removable portion from breakwall to the S which would be 6 ft long and 54 inches high. This would be a metal see-through fence. Sue made the motion, Lynn seconded, the motion passed. All ZB members voted aye.

**Review minutes from previous meetings:** Minutes from meetings of 3-13-23 were reviewed, edited and approved. Mark motioned to accept, Laurie seconded, the previous minutes were approved.

**Other business:** The ZB already approved the boathouse for Tidesides and PB approved a boathouse very much reduced in size. Laurie Hayden said the boathouse as proposed contains a bathroom and she said she thought the approval should be different for a permanent structure with a bathroom. Tom Johns said he got some questions about the weight of the building – would that affect approval of the boathouse. The CEO said the engineer would work with Tidesides on the weight of lumber and the boathouse.

Lynn Carlyle asked about the RV park – there will be a clubhouse, sauna, pickleball, laundry, etc. Some people will be asking for variances to have farm animals in the village. This will be coming to the ZB at some point in the future.

**Motion to adjourn:** The motion was made to adjourn the meeting (Mark Ketcham motioned, Sue Bassage seconded) which carried unanimously and the meeting was adjourned by Chair Johns at 8:15 pm.

The next ZB meeting will be May 8 unless plans change.

## Objections to Cory Smith's addendum to 10/4/21 fence application & 10/15/21 denied Zoning Board decision

John Ratkovicz <j1988rdi@hotmail.com>

Sun 4/9/2023 1:07 PM

To: baystsp.1@gmail.com <baystsp.1@gmail.com>;wmkedley@gmail.com <wmkedley@gmail.com>;katberretta@gmail.com <katberretta@gmail.com>;dw7139@gmail.com <dw7139@gmail.com>;williamamckee@gmail.com <williamamckee@gmail.com>;janine.l.fogarty@gmail.com <janine.l.fogarty@gmail.com>;janiene.l.fogarty@gmail.com <janiene.l.fogarty@gmail.com>;CEO <CEO@soduspoin.info>

The following is an original letter sent to the Zoning Board on 10/15/21. This was also sent to the Planning Board on 10/4/21. We are resubmitting this letter. Our concerns and objections have not changed.

The new developments are that we relocated the shed and the paddle boat poles that have been on our property for twenty years . This was done in good faith per Cory's request. The concern for his tenants burning themselves on our grill is nonsense.

He also voiced concern that his tenants might trip on our pipe if they are on our breakwall. Cory's breakwall is clearly differentiated from ours. His being steel with concrete, our's concrete only.

We do not see a need for a fence that will land lock us and create more problems than solutions. There is only 2.8' which increases to 3' between the properties.

We do not understand why this is being presented again. His original application was unanimously denied. Now he is making a change to the height and placement of a fence which is against the codes. Cory has already started installation. Are we to understand that it is no longer necessary to abide by codes?

Lastly we would like to explain why we are not attending the meeting. We were verbally harassed after a meeting of the Zoning Board on October 23,2022. This conformation took place in the parking lot at the Village Hall. We endured screaming and name calling from Cory and Lisa Smith along with the Matla's. A letter was sent requesting a copy of the parking lot film. No reply. This is not the first time we've witnessed Cory's retaliation. When the Zoning Board meeting on October 15, 2021 did not rule in his favor he moved a boat from his residence to the rental property to block our access from the front to back yard. This was done at night after the meeting.

Thank you for your time in reviewing this matter. As always the board members are invited to view our property

Put in record