



## ZB (Zoning Board) Minutes, 5-22-23 Village of Sodus Point, NY

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

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

**Others present:** Peter Swift (zoom), Jeremy Foss (zoom), Tamara Shollen (zoom), Resident (zoom), Votie Moore (in person), Phil Leone (in person), Debbie Ryan (in person), Jerry Griggs (in person), Scott Johnson (in person), Donald Riling (in person); Kathy Berretta (zoom); Gale Kordzikowski (zoom); Maxine Appleby (zoom)

**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 7:00 pm.

1. **Area Variance, Phillip Leone, 7573 5<sup>th</sup> Street**, to complete construction on a 6' wooden fence per plot drawing. (CODE 121-4, 190-22G)

Chairman Johns ZBA approved a fence for Mr. Leone four years ago, ; and he noted that the applicant has a year to get it up and another year to request an extension. Mr. Leone did not do. Mr. Leone said he was unaware of the time constraint. Chairman Johns stated that a fence was recently begun, and it is half-way up already.

Mr. Leone stated his neighbors put a patio in their driveway, and it faces his bedrooms. They are on top of each other there. Because the patio is in the driveway, cars are pushed up to the road now blocking his view of the lake from his front patio. Mr. Leone advised that this has created a hardship for him. The fence will give a bit more privacy. He said

his fence plan was for a vinyl fence, but it is obtrusive and would not weather well. He consulted with his neighbors and gave them some options on the fence and came up with this fence. He said his neighbors liked this decorative wood fence, and it is more attractive. Mr. Leone apologized for the delay and wasting the ZBA's time; he stated that it was record flooding in 2019 and he purchased other properties, and he believed a variance is good for life.

He was going to put in a vinyl fence. Chair Johns opened the case for public comment. No public comment.

ZB comments – Lynn Carlyle asked about the height of the fence posts Mr. Leone said he was giving his neighbors options to use the posts to hang plants and shade. Laurie Hayden commented that this would change the application. – Chair Johns also asked if these 8 ft posts would be on Jody's and John's side only? Mr. Leone said yes. Chairman Johns asked how many posts would be left at the 8ft height. Mr. Leone said he was not sure – but the fence will not be obtrusive. CEO Druschel stated that ZBA has in the past included the posts in the fence height measure. Ms. Hayden asked to confirm the length of the fence on the north side. Mr. Leone stated it was slightly longer than the first application 67 ft vs 65 ft

Ms. Hayden asked Phil to confirm why he needed a 6 ft fence in the back. Mr. Leone said his neighbors entertain and he did not want to blast his headlights into his neighbor's house. He said it is more of a service for them. Ms. Hayden said the fence would change the character of the neighborhood – no one else has a 6 ft fence on Fifth St She said it would set a negative precedent and will encourage others to do the same thing. Mr. Leone said others have 6 ft fences – Chairman Johns and Bob and Cindy DeWolf. Chairman Johns said his fence is 4 ft. Ms. Hayden said his fence was approved in 2019 as he wanted more privacy, but he never got it built. Mr. Leone said there was a flood, a pandemic, and contractors could not get materials. Ms. Hayden expressed concern with the height of the posts. Phil said he could cut the posts to 6 ft

Chair Johns asked for a motion to approve a 6 ft fence limited to 6 ft posts. Lynn Carlyle motioned, Steve Nesspor seconded, the motion passed.

Voting record:

Chair Johns-yea, Laurie Hayden-nay, Mark Ketcham-yea, Steve Nesspor-yea, Lynn Carlyle-yea

2. **Area Variance, 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)

Ms. Moore said they wanted to block sight of their neighbor's property with a 6 ft fence. Chair Johns opened it for public comment. No comments. The fence would be vinyl with lattice work at the top. Lynn said he understood why Ms. Moore wanted to block the sight of the neighbor's yard next door, and the fence would give them some privacy. Ms. Hayden said the fence can't be seen from the street. Chair Johns asked for a motion. Mark Ketcham motioned to approve, Steve Nesspor seconded, the motion passed unanimously.

Voting record:

Chair Johns-yea, Laurie Hayden-yea, Lynn Carlyle-yea, Mark Ketcham-yea, Steve Nesspor -yea

3. **Area Variance, Jerry Griggs, 7535 N. Ontario Street** to construct a 8'x16' shed on the rear of garage 4' from property line where 8' is required.

Jerry Griggs said he wanted to construct a shed on the rear of the garage and 4ft from the property line. Chair Johns confirmed that the proposed location of the shed would be in line with the garage.

Chair Johns opened it to public comment. Ms. Hayden asked about the hand-drawn map and the separation between the garage and the shed. She asked if there was a fire concern at that location. CEO said there was no concern about the location from the garage as the garage is not a living space. He said the approval is based on closeness to the property line and to know the footprint with respect to the garage. Mr. Griff stated it would be connected to the garage.

Mark Ketcham motioned to approve, Lynn Carlyle seconded, the motion passed.

Voting record:

Chair Johns-yea, Laurie Hayden-yea, Lynn Carlyle-yea, Mark Ketcham-yea, Steve Nesspor -yea

4. **Area Variance, Debbie Ryan, 7580 6<sup>th</sup> Street**, to place a 12'x24' pre-made shed on a portion of an existing footprint, changing the orientation allowing 0.6' rear set back where 12.5' is required. (CODE 190-11)

Mrs. Ryan said the existing shed is a square shape but needs to come down. She parks close to the house, and she has a hardship with respect to placement because of a utility pole and guide wire which is close to the property line. The guide wire was screwed into a tree, and the tree has since grown into the wire. Her limited option is to put the shed where she has petitioned with 6 ft of the shed closer to the house. She wants to place the shed two feet from the property line. To place it on the other side of the lot would create

a difficulty, as she keeps plastic totes in the shed and other items which she moves back and forth from the house to the shed, and she prefers to keep it closer to the house. She is asking for a 2 ft setback from property line. She said that several others have sheds that close to the property line.

Chair Johns opened it to public comment. Peter Swift, a neighbor, said he had no concerns about the shed's placement. Lynn Carlyle said he thought Debbie had good reasons for the placement and he approved. Chair Johns asked about the roof – would it be EW pitched – if too close to the house roofline, she would have to be concerned about water runoff from her house.

Chair Johns asked for a motion based on the proposal as submitted (0.6 ft). The motion did not pass. Mark Ketcham amended the motion to approve the application as 1 ft off the property line, Lynn Carlyle seconded, the motion passed.

Voting record:

Chair Johns-yea, Laurie Hayden-yea, Lynn Carlyle-yea, Mark Ketcham-yea, Steve Nesspor -yea

**Other business:**

- **Scott Johnson**, 7000 Route 14, Sodus Point seeking a special use permit under 190-69 to have a construction trailer for the contractor on his property for no more than 6 months while construction finishes on approved project.

CEO said it would not be a special use permit to allow people to live in a trailer, rather the applicant is asking for a special permit to approve the use of a shed on a construction site. Chair Johns said this proposal will give special permission for a period of 6 months. CEO confirmed this request is for shed with no wiring, but they would have a generator for some use of electricity. Ms. Hayden moved to approve, Steve Nesspor seconded, the motion passed unanimously.

**Review minutes from previous meetings: Minutes from meetings of 5-8-23 were reviewed, edited and approved. Mark Ketcham motioned to accept, Steve Nesspor seconded, the previous minutes were approved.**

- **Donald Riling**, 7426 Wolcott Street, Sodus Point seeking a special permit under 190-69 to stay in a RV on his property for no more than 4 months while construction finishes on the downstairs of the approved project. This type of request only applies to projects under construction.

Donald Riling said he wanted to have a 36 ft RV on his property while construction is finished on an already approved project. He expects only about 4 months. This is not a

special use permit as he has an approved project being built. Steve Nesspor motioned to approve, Mark Ketcham seconded, the motion passed unanimously.

**New Business:** none

**Old Business:** Laurie Hayden asked about the Smith fence. CEO Druschel said he would cut down before his permit expires. She said that he put the fence over the break wall which was not approved. CEO responded that he would check.

**Motion to adjourn:** Lynn Carlyle motioned to adjourn the meeting, Mark Ketcham seconded which carried unanimously and the meeting was adjourned by Chair Johns at 7:50 pm.

The next ZB meeting will be June 12 unless plans change.