



Planning Board (PB) Minutes, 12-18-23 Village of Sodus Point, NY

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

Staff Present: Linda Youngman – Clerk (in person), Village of Sodus Point (Kevin Druschel - CEO, code enforcement officer) (zoom)

Others present: Village of Sodus Point (zoom), Matthew St. Martin (zoom), Gregory Switzer (zoom), Daryl Walker (in person), Village of Sodus Point (zoom), Depew Family (zoom), Casey Carpenter (zoom), Jennifer Silva-B... (zoom), Rick Gilbert (zoom), Sue Bassage (in person), Maxine Appleby (in person), Roger Brandt, Katie Tierney, Mark C, Lisa Ann Reima,

Establishment of a Quorum: A quorum of 3 was established with five full time members in attendance.

Announcements: Advertisement of the meeting was posted on the Village website and also posted at Wayne Times.

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

Review minutes from previous meetings: Minutes from 11-20-23 were reviewed, edited and approved. William McKee motioned to approve, William Kedley seconded, the minutes were approved.

Votes: Evener-aye, Kedley-aye, McKee-aye, Berretta-abstain (not at last mtng), Fogarty-abstain (not at last mtng)

The Public is invited to observe:

1. **Final Site Plan Review, Rick Gilbert**, 7569 8th Street, to construct a 425 square foot 2 story garage per plans 8'8" from side property line. (CODE 190-11, 190-49)

Mr. Gilbert spoke saying they had made it so the house could be entered from the garage. They also will have a mud room near the entrance. The garage will be at the side of the home. The architect is finalizing the plans soon and they will be dropped off with Kevin. Chair Evener asked if there were questions, Fogarty had none, McKee said it looked like a good plan. Kedley asked if sufficient clearance existed in the driveway for parking a large vehicle – Rick said a large motor home had been parked in his driveway and it was no problem. Rick said there is only a concern on the right side but he has no concerns about clearance, turn around space – there is a large driveway.

Chair Evener said the PB can motion to approve contingent upon plans quickly being provided to the Village offices and Kevin. Fogarty motioned to approve the garage plans as stamped plans are provided to the Village Hall, Berretta seconded, the motion passed unanimously.

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

2. **Fence Review, Richard & Kathy Depew**, 8504 Wickham Blvd, to construct a 4' fence per plot drawing as approved by ARMY CORP. stopping 10' from high water mark. (CODE 190-22(g), 121-4)

(Note - - Kathy Berretta recused herself from discussion of this application.)

Mr. Depew spoke saying the planned fence would be 4ft in height and about 90 ft in length following the west property line of their property. Chair Evener pointed out that since the property is held in a revocable trust it was necessary to ensure that Mr. Depew had authority to speak on behalf of the trust. Matthew St Martin, Village legal counsel, said the Village needed a copy of the trust paperwork, actually a certificate of trust. Mr. Depew said that was something they could do.

Chair Evener went on to advise that Stewart Title wrote an opinion letter in 2010 concluding that the 20 foot right of way was never deeded from the Northern Central Railroad or its successors and in the opinion of Stewart Title, fee ownership of the right of way is still held by the railroad. As a result, Mr. Depew needs to provide evidence of fee title ownership to the right of way area. Mr. Depew said they had put insurance on the property and that he would pursue the issue of fee ownership. Mr. Depew also said the Army Corps of Engineers had provided consent. Mr. St Martin said title is needed showing the property has been deeded to the Depews.

Chair Evener also pointed out that the Village needed a SEQR filled out for property that went to the water line.

Chair Evener suggested the case be tabled until the various paperwork issues listed above has been provided to the Village offices. Mr. McKee motioned to table the discussion until the paperwork has been provided to the Village offices, Ms. Fogarty seconded.

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

The Public is invited to Speak

Preliminary Site Plan Review, Daryl Walker, 7430 State Route 14, to construct a 2-story house per preliminary site plan with a rear deck 30'x78' footprint 3.87' from west property line where 8.7' is required. (CODE 190-11, 190-49)

Daryl Walker spoke saying he wanted to build a 2-story house at 7430 State Route 14. Mr. Walker reviewed the plans submitted with the application noting that he is adding 2 ft to the garage and also adding a rear deck. Chair Evener said they would need to go to the ZB for the variance issues. He said it was a nice addition to the neighborhood. Chair Evener asked if the boathouse air BNB would stay – Mr. Walker said it would stay– Daryl Walker said they would put slightly darker siding on the house. He is hiring a contractor to do the work.

Laurie Verbridge asked about parking. Daryl said he saw no need for additional parking. Chair Evener reminded Ms. Verbridge that the parking issue she raised was unrelated to the preliminary site plan review. Chair Evener put a hold on further discussion just now and said he needed to open the case to public comment.

Kedley asked about the setbacks of the property - Daryl said he would provide more information about the sanitary pipes and needed setbacks. These are near the ROW on the drawings submitted for the case. Daryl said that site setbacks are being met, but they could shift about 5 ft if needed. Kedley also asked the PB about whether the plans would be subject to review by the County – Kevin said he would check the requirements. Kevin said it would fall under county exemptions. Berretta said she was concerned about putting a house in the business district. Chair Evener said it was acceptable. Daryl said he thought it was acceptable also.

Chair Evener opened the case for public comment. He reminded that it was a discussion about the house, not parking. Chair Evener closed the public comment and opened it for PB. McKee motioned to approve the application with setbacks 40 ft from the street and reducing the footprint by 2 ft, Fogarty seconded, the motion passed unanimously.

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

Other Business: Revisiting Chapter 141 - Chair Evener had asked PB members to review the latest draft of proposed changes to Code Section 141 – Property Maintenance. Members were asked to send any suggested changes to the code revision draft to Chair Evener for his review and incorporation into the final draft before sending them to the Village Board for their review. Chair Evener reminded PB members that Village Trustees had recommended elimination of the permit process for dumpsters when they had previously reviewed the draft changes. It was suggested that the deadline for PB members to suggest any changes to the final draft be no later than November 15th.

McKee asked if dumpsters had to be covered – he said there is a lot of building and he wondered if the dumpsters needed to be covered. Fogarty said they could cover with a tarp. Kedley said there is a dumpster near his property and it is not prone to distributing dust if it is windy. He suggested that the CEO should make a determination if the dumpster needed to be covered. Kevin suggested that proposed language should include if the materials to be disposed of create potential for a public nuisance (foam, insulation, etc. that could blow around) then the dumpster should be covered. McKee said perhaps the homeowner should require the contractor to cover the dumpster as needed.

Kedley raised the issue of definition of an accessory structure and whether movable items such as marine equipment should be included in accessory structures. He suggested that accessory structures in the current proposal - perhaps the language could be improved to better define accessory structures. Chair Evener made a suggestion to improve the definition. Berretta agreed with Chair Evener's suggestion.

In 141-5a, Kedley suggested that debris should be better defined and also lawnmowers should be limited to those that are non-working.

In 141-5b or c, McKee suggested that recycle be changed since many people continue to use recycle bins (his neighbors, for example). Using recyclables provided by refuse collectors. Recyclables should be used per guidelines provided by refuse collectors.

In 141-8a, Kedley said residents assembling unmotorized machines should do so in enclosed areas where possible. Fogarty asked if he meant garage. Kedley said repair or reassembling machines should be done in an enclosed area and materials should be outside for no more than two weeks. Chair Evener said perhaps “outside in public view” should be used. Chair Evener suggested let's sleep on that one.

In 141-11, Kedley identified a typo - two "ors" in the first line.

In 141-14, under item b, Kedley suggested that the Village be reimbursed for performance of services, be changed to "hearing provided" and strike the above "after".

Berretta had no changes to recommend for 141. McKee said he had nothing else, Fogarty had nothing else. Chair Evener said we could finalize for the next meeting.

Chair Evener said the next mtng was scheduled for New Year's Day, the next was MLK day. Chair Evener suggested the next mtng be Tuesday, the 23rd. Fogarty, McKee and Berretta would not be available. McKee suggested on the 9th. Kedley can't do the 9th. Chair Evener said we would only meet if there is a need.

Motion to adjourn: Motion to adjourn was made by McKee, Fogarty seconded, the motion passed unanimously. The meeting was adjourned by Chair Evener at 7:55 pm.

The next PB meeting will be January 9, 2023 unless plans change.