



## ZB (Zoning Board) Minutes, 1-22-24 Village of Sodus Point, NY

**ZB Members Present:** Thomas Johns (Chair), Mark Ketcham, Sue Bassage, Steve Nesspor

**Staff Present:** Kevin Druschel - Code Enforcement Officer (CEO) (zoom)

**Others present:** Kathy Berretta (zoom), Matt Nowak (zoom), [Rick Gilbert \(zoom\)](#), [Laurie Verbridge \(zoom\)](#)

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

**Establish Quorum:** A quorum was established. Four members were in attendance. The meeting was conducted in person and via Zoom.

**Call to order:** The meeting was called to order by Chair Johns at 7 pm.

**Area Variance -** Rick Gilbert, 7569 8th Street, to construct a 425 square foot 2 story garage per plans 8'8" from side property line where 12.5' is required and 23.6' from front property line where 25' is required. Allowing for 36% lot coverage where 30% is allowed. (CODE 190-11).

Mr. Gilbert and the CEO explained the variance approved previously by the ZBA was for the south setback. During construction, a survey was done which shows the house sitting differently on the lot than the 2019 survey showed. The house is actually further to the north and east, according to the newest survey. The 2019 survey from the purchase of the property was what the application, approval and then construction was based on. At this time, an updated survey done during construction (which is the one the CEO must go by) shows the owner needs a variance for a 23.6' setback on the east (road) side of the new garage construction. The south setback is actually greater than approved, based on new survey, so no action is needed for that.

There has been no change in design or square footage of the project, simply a discovery of a mistake in the 2019 survey. If the ZBA should deny this application, the first surveyor (his insurance company) would have to cover the cost of the change work order.

The Chair opened the floor for public discussion, there was none, public discussion was closed.

The ZBA discussed the application, Sue, Steve and Mark had no reservations about the change. Mark stressed that the reason for granting the variance is due to a surveyor's error, so this decision does not create a precedent for other applications requesting less than the

required setbacks. All members agreed. Mark made a motion to accept the application as submitted, Sue seconded.

Voting record: Chair Johns-aye, Mark Ketcham- aye, Steve Nesspor-aye, Sue Bassage- aye.

**Old Business**: The CEO did not give a temporary Certificate of Occupancy to Don Riling, the property on Wolcott St, with the owner living in his RV. The Special Permit for that RV use has expired so he will find other living arrangements until the C of O is granted. The RV will be moved as soon as he can get the tanks emptied.

Scott Johnson will have the construction shed at his new house on Bayview Dr. moved shortly, they are waiting for the permit necessary for it to be moved to Marion.

**Review minutes from previous meetings**: Minutes from meeting of 1-8-24 were reviewed. Sue Bassage motioned to approve, Steve Nesspor seconded. Voting record: Chair Johns-aye, Mark Ketcham- aye, Steve Nesspor-aye, Sue Bassage- aye.

**New Business**: There is nothing right now.

Mark questioned the CEO regarding a new pole barn on Central Ave. ZBA had tabled Bud Bristol's application for 0 setback on one side while he and his neighbor negotiated transferring a strip of land to avoid needing a 0 setback. Since then, Bud moved the barn to meet approved setbacks and building has commenced.

Tom questioned Kevin regarding setbacks for generators, mini-splits, air handlers and heat pumps. When a homeowner has a setback for their proposed building, then is there a setback requirement for any needed utility? Kevin said he asks that a 3 foot minimum be adhered to, for maintenance purposes, but there is no code requiring that. If the ZBA feels there should be code, send a note to Planning and to Sharon Lilla so it can be incorporated in their upcoming code changes. Kevin said that as the State moves forward with new regulations, they are looking at mini-splits to run everything in your home, so it would be a good idea to get that in our code now.

**Motion to adjourn**: Mark Ketcham motioned to adjourn the meeting, Steve Nesspor seconded, carried unanimously and the meeting was adjourned by Chair Johns at 7:20 pm.

The next ZBA meeting will be February 5, unless there is no business to discuss.