



ZB (Zoning Board) Minutes, 8-28-23 Village of Sodus Point, NY

ZB Members Present: Thomas Johns (Chair), Laurie Hayden, Sue Bassage, Lynn Carlyle, Steve Nesspor, Mark Ketcham (ad hoc)

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

Others present: Peter Swift (zoom), iPhone 1 (zoom), Scoty (zoom), Keri Wallenhorst (zoom), Michael Foley (zoom), Maxine Appleby (in person), Jeremy, Kathy Berretta (in person), Jennifer Evans (zoom), Brian Beenhouwn (zoom), Scott Dangle (in person), James Taylor (zoom), Phil Leone (in person), iPad 3 (zoom), Cory and Lisa (zoom), Katie Tiervey (zoom), Randy VerSlykem (zoom), Mr and Mrs Smith (zoom), Daniel Pope (zoom), Joanne Seeley

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

Establish Quorum: A quorum of was established. Five members were in attendance, with Mark Ketcham, ad hoc, also in attendance. 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 6:59 pm.

1. **Area Variance**, Scott Dangle, 8257 South Shore Rd, to construct a 22'x28' garage on existing footprint with a 616 square foot 2-bedroom apartment where 800 square feet is required. (CODE 190-17).

The Planning Board recommended that the Dangle's amend their application to be 1-bedroom to be closer to code (675 ft² for 1-bedroom, 800 ft² for 2-bedroom per 190.17) instead of the 2-bedroom submitted. Scott Dangle spoke saying they will replace a building on an existing footprint. They want to extend their living space for when they have family and friends visiting. He is having the building people redo the blueprints to a 1-bedroom rather than 2-bedroom.

Chair Johns opened it for public comment. Maxine Appleby said the area is already very crowded. Scott said the building was built on slab and he wants to raise the pad up by 8-10 inches to prepare for possible flooding. He said it floods only during storms but he wants the pad lifted to prepare for that. There were no questions or concerns from zoom attendees. Chair Johns said one person (unnamed) complained saying that parking would become a problem. Scott said he would not have more people visiting than have in the past.

PB had asked Scott to revise his application to 1-bedroom (675 ft sq rqmt) rather than 2-bedroom (800 ft sq rqmt). The new construction would fit the existing footprint. Lynn Carlyle said he thought parking was an issue. Scott said there were no existing gutters on the house or garage but he would put them on if needed. Laurie Hayden asked the total height of the building – Scott was not sure but said 21 ft in height for the rooms. Chair Johns said it would be higher than that. Chair Johns asked if they needed a fireproof wall on the garage – Kevin said yes. Laurie asked about density – Kevin said it would be 80%. Laurie Hayden said she thought there were sandbags at the rear of the property. She also asked about the proposed balcony confirming that it was covered.

Laurie said the road is very narrow there and said people drive very fast over that hill. Kevin said the height was 24' and also confirmed that the lot coverage for that side. Laurie said she thought the N and S elevations were mixed on the plans. Steve Nesspor did not have concerns for the lot density, Lynn Carlyle was concerned about parking, Mark Ketcham was concerned about density. Laurie said the spot is not a full square with 57 ft on one side. She also said the space was about the size for a studio apt, not even a 1-bedroom apt. Laurie remains concerned about how narrow the space is. Scott Dangle said he has a building already there that is exactly the same size and the same people would be visiting there. Laurie said he would only have 3 parking spots including one space inside the garage. Sue Bassage is reluctant about the application due to drainage concerns on the property.

Chair Johns said we need a motion, Sue motioned to accept as written (2-bedroom apt), Lynn Carlyle seconded, the motion did not pass as a 2-bedroom apt. Steve made the motion to revise as a 1-bedroom apt, Lynn seconded, the motion did not pass. Chair Johns said the ZB was not comfortable with approving the existing proposal and Scott is able to revise and re-submit.

Voting record: Chair Johns-nay, Laurie Hayden-nay, Sue Bassage-nay, Steve Nesspor-nay, Lynn Carlyle-nay

Other business:

- **Change work order**, Phil Leone 8487 Greig Street to change design of approved shed on same foot print previously approved.

First proposed as a shed to be moved from his neighbor's spot and then would change the design. The neighbor wanted to build a bigger shed for rentals which was denied. Since then, there has been a shed plan for the same location, the building that stands there today. The new one is more grandiose with an upper deck, garage doors. There is a stop work order on the shed issued by Kevin.

Phil Leone said the design is relatively the same. He added the garage door. Other than that, he just wanted to make it look nice. He asked Kevin what the maximum height for shorefront property was – Phil said the building would be within limits. Phil said the first floor is 250.5 above sea level. He said the current building is a little taller than what was proposed.

Chair Johns asked the purpose for the fenced-in roof. Phil said aesthetics. Phil said he likes to plan ahead and build things in while planning a building. There are 4 windows, Phil said it was not much different than the original planned shed which was approved.

Chair Johns said it is very unusual to issue a stop work order. Phil said what is planned is not that different from what was originally proposed. 330 ft of waterfront is there and is choice location. Maxine Appleby said she is concerned about building on the waterfront. She said it does not look like a shed. There was nothing in the minutes that said it would be a new building.

Another person said there is a concern about the proposed building taking up public parking spots. Phil Leone's dock rental customers uses public parking. Joanne Seeley said there are construction trailers on the site and they are blocking parking and views – Phil said the trailers would be removed from the site after the building was constructed.

Corey Smith said the original plan was to build an old shed, Phil wants to build a much nicer building. Chair Johns said Mark Wallenhorst sent a letter saying they do not see an issue for the proposed shed blocking their view (letter attached at end of minutes). He said Phil wanted to increase storage. Chair Johns closed it for public comment.

Chair Johns said the original shed was OK but the proposed structure now is much more than was originally approved. Sue Bassage said the original variance was OK and the new building does not need a height variance. Phil should have come to the ZB and said he was going to build something different. Laurie Hayden said the ZB was given specific dimension in the original building that was approved – they do not match with what is now being built. What is being built is not what was approved and she does not believe the ZB should approve now.

Steve Nesspor asked if the original variance was within the 1-year. Chair Johns said the timing is very close. Mark Ketcham said he is concerned about the building not matching with what was approved by the ZB. This would set a bad precedent. Mark said he is not worried about height, but he said applicants should not be allowed to build what they want – applicants should build what is presented to the board for approval. Lynn Carlyle said he is concerned also. He thought Phil should have come to the ZB.

Laurie said the variance goes with the property and that the building permit is very specific as to what is required to be submitting. Laurie read the step two requirements in the Instructions to Permit Applicants saying “the building permit requires a plot map and includes drawings of the proposed building or structure with accurate dimensions”. Laurie also said that the permit approved by the ZB did not match what was built by Phil Leone. Chair Johns said he should have come back with whatever bigger he was going to do with the property before building. Chair Johns said the ZB approved a shed, not a building with a second story deck with fencing which raises the height of the building. Phil Leone had said it was only about 1 ft higher. Laurie said it was more than 1 ft since the posts would make it at least 4 ft higher.

Chair Johns said he wanted a motion. Steve Nesspor and Sue Bassage motioned, the motion passed.

Voting record: Chair Johns-aye, Laurie Hayden-nay, Steve Nesspor-aye, Lynn Carlyle-aye, Sue Bassage-aye

Review minutes from previous meetings: Minutes from meetings of 8-14-23 were reviewed, edited and approved.

New Business: Kevin said he left maps for the subdivision of a lot on the Lake Rd that the ZB had heard about previously. The property is near the Water Dept. There are proposals coming for a pole barn, zero setback from the road and a 6 ft fence.

Old Business: Mark Ketcham said he was concerned about approving minutes. He also said he voted on the original application from Phil Leone about 1 ½ years ago but someone else voted tonight on allowing Phil Leone to continue building his current building (and that person did not hear the original variance proposal). Matt (Village lawyer) clarified the regulations the ZB votes on the Leone application should be made by current attending and voting ZB members, not necessarily those who heard the original application.

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

8:00 pm.

The next ZB meeting will be September 11 unless plans change.

Letter submitted to the ZB regarding Phil Leone's change work order:

August 12, 2023

To: Sodus Point Zoning Board

Hello, my name is Marc Wallenhorst, 7543 Bay Street Ext, directly behind home plate of Oscar Field.

I would like this letter to be read at Zoning Board meeting.

My letter is regarding the storage shed that Mr. Leone is building on his property at Leone Landing. We have a direct line view from our house to the Bay. We do not see an issue with the shed blocking our view. There is another garage that is not as nearly as aesthetically pleasing, as well as a very large poplar tree and the Bradford pear trees that line the public parking lot that block the Bay. It is my understanding that Mr. Leone's shed is going to be used as a place to store his tools and equipment, making his property more organized. I have only seen great improvements at Leone Landing and am looking forward to more. This is simply my opinion, but my opinion does not matter, because there are Codes and Laws that "everyone" must follow. Thank you for your time.

Marc Wallenhorst

