



## ZB (Zoning Board) Minutes, 10-23-23 Village of Sodus Point, NY

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

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

**Others present:** Maxine Appleby (in person), Penny Shockley (in person), Chip Bloomer (in person), Larry Van Gee (zoom), Matt Nowak (in person), Steven Taylor (in person), Scott Forsyth (in person), Phone 1, iPad 3, Phil Leone (in person), Kathy Berretta (in person),

**Announcement:** The advertisement of the meeting was published in Wayne County Times and posted on the Village website. Chair Johns said the new meeting signs looked great – thanks to Mark Ketcham.

**Establish Quorum:** A quorum was established. Six members were 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, Penny Shockley**, 7539 N. Fitzhugh Street, to construct a 6' tall by 61' long fence per plot drawing. (CODE 190-22(g), 121-4)

Penny Shockley wants to construct a 6' tall fence by 61'. She said the deer come into her yard and she has a Golden Retriever which does not play well with the deer. There is a wooden fence near her yard to the shed. There is also chicken wire near the bushes that are to the N on the Youngman property. They are trying to keep deer from coming onto her property.

Maxine Appleby said a lot of deer come into that area. Chair Johns opened it to public comment. He is concerned about 6' being sufficient. Laurie Hayden asked about a big maple tree in back near the shed – Penny said the fence would go alongside the shed. Penny said the fence would be black since they enjoy looking at the woods.

Lynn Carlyle motioned to approve the 6' fence, Steve Nesspor seconded, the motion passed unanimously.

Voting record: Chair Johns-aye, Laurie Hayden-aye, Sue Bassage-aye, Steve Nesspor-aye, Lynn Carlyle-aye, Mark Ketcham-did not vote

- 2. Area Variance, Larry Van Gee, 7533 John Street, to construct a 15' x 30' lean-to style garage 11.5' from side property line where 12.5' is required and construct a 8' x 20' deck 17' from front property line where 25' is required allowing 35% lot coverage where 30% is allowed. (CODE 190-11, 190-49)**

Larry Van Gee spoke saying he wanted to construct a 15' x 30' lean-to style garage with an open part which is 15' x 8'. He said he wanted to get rid of stuff in his driveway which is why he wants to build a garage. The second issue is an 8' x 20' deck so they can get outside in the sun. Chair Johns confirmed the garage would be open air with a garage door. There will be 3 windows in the garage. Chair Johns opened it for public comment.

Chair Johns asked Kevin if neighbors spoke about the garage. One neighbor to the S was concerned about blocking her view. After speaking to Larry, he decided to keep it an open garage and now the neighbor is happy with the planned construction. Laurie Hayden asked about the lean-to which is existing asking if it would be removed. Larry confirmed it would be removed. Chair Johns asked if it would be one foot shorter, it would not be coming to the ZB. Kevin Druschel confirmed that it needs to come to ZB because of one foot overage.

Mark Ketcham asked Larry to provide the neighbor's comments in writing saying that she agreed with the revised construction so that it could be attached to the application. This would help future decisions about the property when it may be re-sold. Chair Johns said the main consideration is the lot coverage and asked for ZB comments. Laurie asked if the deck would be in line with the existing porch. Larry confirmed that it would be in line.

Chair Johns asked for a motion on the lean-to garage. Sue Bassage motioned to approve, Lynn Carlyle seconded, the motion passed unanimously Chair Johns asked for a motion on the deck. Lynn Carlyle motioned to approve, Sue Bassage seconded, the motion passed.

Voting record to both: Chair Johns-aye, Laurie Hayden-aye, Sue Bassage-aye, Steve Nesspor-aye, Lynn Carlyle-aye, Mark Ketcham-did not vote

- 3. Use Variance, Matt Nowak, 7992 Lake Rd, to construct (8) 24' x 34' 2-bedroom cabins creating a campsite where campgrounds are not approved in a residential district. (CODE 190-8, 190-49)**

Matt Nowak wants to construct 8 24' x 34' 2-bedroom year-round cabins creating a campsite where campgrounds are not approved in a residential district. Chair Johns said the issue is under 190-8, campsites are not approved in a residential district. Chair Johns said this is a USE variance and it would create a big change in the neighborhood.

Kathy Berretta said this is an LCR district and is concerned about campsites in that area. She asked if they wanted to sell the properties there. Matt said no. Kathy said she does not think that many cabins could be built into that area. She is concerned about the location and parking. Matt said they would have sufficient parking. Maxine Appleby said there are no real drawings of what is proposed and it is difficult to determine without plot maps what is being proposed. She asked how close to the road they would build – Matt said 12'. Maxine remains

conflicted about the proposal and asked about boats being located there. She is also concerned about drainage. Matt said he would work with an engineer on drainage. Matt said he would keep the cabins for himself. He doesn't like driving home.

Chair Johns closed to public comment. Laurie said this is a use variance request and they have not met the 3 criteria. The area is residential and campsites are not permitted. There was no plot drawing provided and the proposal can't be approved. They also have to show a loss in income. They have to show all permitted uses would not be unprofitable. They have to submit documentation showing all of these criteria have been met. Matt has not done this. Matt said this would be a great opportunity for Sodus Point for fishermen. Chair Johns said the main concern is the location which is residential.

Laurie said 190-16 gives the requirements, called the OTTO rules (one of the strongest code rules) and said it was a concern where Matt wants to build since it is a residential area. Chair Johns said in 190-15, it tells about the vacation resorts and camps and describes the criteria that must be met.

Sue Bassage motioned to approve as presented, Steve Nesspor seconded, the motion was not passed.

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

4. **Area Variance, Steven Taylor, 8269 Lake Street Ext, to construct a 24' x 24' 2 car garage 0' from front property line where 25' is required allowing a structure 10' tall where nothing over 2' is allowed within 50' of corner site line. (CODE 190-11, 190-22(f), 190-49)**

Steven Taylor wants to construct a 24' x 24' 2 car garage 0' from the front property line. His residence is near the front property line. The location was chosen by their excavator and they were concerned about drainage issues if they located the garage at a different spot. The garage doors facing the direction as drafted will enhance the look of the property. They have already cleared a number of trees which has helped traffic near the corner.

Chair Johns opened it for public comment. There were no public comments. Laurie Hayden thought it would be more logical to move the garage further west a bit. She thinks the garage would be way too close to the road. Chair Johns thought it is too close to the road also. Laurie also asked the proposed distance from the shed to the garage. It has not been completely determined where the new shed would be located – perhaps further S than the current shed which will be removed. Chair Johns said the shed can't be moved too close to the property line. Laurie Hayden asked which way the garage doors would face – Scott said they will not be South facing. Laurie said you wouldn't be able to park outside the garage. The driveway is East West alignment. Scott said if the garage was square to the house, it would be difficult to drive into and out of the garage. Chair Johns said they would not be able to park in their own driveway – the car's length would go into the road. Scott asked if they moved the garage somewhat, could the ZB consider?

Chair Johns asked for a motion to accept. Sue Bassage motioned to accept, Lynn Carlyle seconded, all voted nay to the current proposal.

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

Scott said the existing grading causes a hardship for the garage to be located in a different location. Steve Nesspor said he would not approve at less than 10'. Chair Johns suggested a compromise at 12' and keeping the orientation in the same direction. Sue Bassage asked if it was 12.5' from the ROW (right of way), would that meet current codes – she asked Kevin Druschel to confirm. Kevin said the best way to look at it – the house is 19' from the property lines, if you go over 6.5', that would change the orientation in the rear and then you wouldn't need a variance on the Western line. Sue Bassage said the garage would still be skewed with a funny orientation. It would be 12.5' setback from the rear, the E would be 12.5', 16.9' from the middleish of the house. 15.9' from the corner of the house.

Sue Bassage motioned to approve the garage NO closer to the E property line than 12.5'. Steve asked would that be too close to the back of the lot. Kevin said it would be 25'. Chair Johns said it would be 12.5' from E and 12.5' from S. Steve Nesspor seconded, the motion passed. Kevin said he wanted to ensure that it would stay at 10' for height and the garage would be 12.5' from E and S. Chair Johns said the height would be 15' 1inch and this was added to the original motion. Kevin said the garage would be moved over and down, it would be nearer the W. Sue motioned to approve the garage at 15.1' maximum height, no closer than 12.5 from E and 12.5' from the S side, Steve Nesspor seconded, the motion passed.

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

5. **Area Variance, Scott Forsyth**, 7558 Seventh Street, to construct a 12' x 10' front deck with 3 stairs going to the east, 3' from front property line where 25' is required allowing for 48% lot coverage where 30% is allowed. (CODE 190-11)

Scott Forsyth wants to construct a 12' x 10' front deck with 3 stairs going to the E. Marge Forsyth spoke saying they want to remove the existing structure adding a 12' x 10' front deck and 3 stairs to give a better entrance to the house. The existing structure is not safe and the proposed new deck would make things much safer.

Maxine said the back area there fills up with water and asked what the setback from the road is and asked about drainage. Kevin said the road is 6' wide, technically 49.5'. It comes up at 13' and the house is currently at 13', not 16'. Kevin said there are 3 extra feet in the back yard. Chair Johns said that makes a big difference for this request.

Phil Leone said he recognizes this is a small lot and the sump pump may not remove all standing water. The house has its challenges. He does not have a problem and he supports the proposed construction. Chair Johns asked if the maple tree would come out. Marge said it would stay near the existing walk. Chair Johns said these are very small lots. Steve said it was too close to the road to be comfortable for him. Laurie said the density would become 48% and she said there is no real plot diagram – she asked about the size of the current stoop. Marge did not know. She said there is not enough space to clear the screen door coming into the house. Laurie though 10' wide is too much given the density of the area. Chair Johns asked about other Wickham residences and the clearance they got. Others were

approved at 3' with 33% density. Sue suggested a new stoop a little bigger than the current one but smaller than 10x12.

For the 12' x 10' front deck as proposed, Steve Nesspor motioned to accept, Lynn Carlyle seconded, the motion did not pass. Chair Johns said they could submit a proposal with a smaller stoop and smaller deck. Marge said the walk from the driveway into the entry of the house is already there and the proposed front deck would be that same size. There are pavers near the driveway that are already there. Chair Johns said Marge should come back to the ZB with a smaller deck design.

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

### **Other business:**

**Review minutes from previous meetings:** Minutes from meetings of 8-28-23 were reviewed, edited and approved.

**New Business:** Kevin said Infantine's case is coming, the lots look like two separate lots but they were merged earlier this year. Sodus has not recorded it properly but the merge has been done, this is the County's fault. The Dangle application will also be coming back.

Laurie had a proposal saying the ZB should not have proposals submitted unless they have entire plot drawings submitted. Kevin said that 190-49 deals with site plans and he suggested the attorney might have to weigh in on what can be approved. Laurie said two proposals submitted (Forsyth and Nowak) tonight did not have appropriate site plans and did not have sufficient data for the ZB to consider and possibly approve. Kevin said the ZB members should contact him if they do not feel they have sufficient information to be able to consider the applications. Laurie said some of the proposals do not have appropriate plot maps, drawn to scale, showing other nearby buildings, etc. These two applications (Forsyth and Nowak) did not have the information which is required with the application. Chair Johns said that sometimes the ZB members are walking the properties and can't tell what they're looking at. Kevin said ZB members should come to talk to him about these proposals and their recommended changes.

### **Old Business:**

**Motion to adjourn:** Sue Bassage motioned to adjourn the meeting, Lynn Carlyle seconded which carried unanimously and the meeting was adjourned by Chair Johns at 8:26 pm.

The next ZB meeting will be September 25 unless plans change.