



ZB (Zoning Board) Minutes, 8-14-23 Village of Sodus Point, NY

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

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

Others present: Kathy Berretta; Maxine Appleby, Daniel Pope, Leo Fusilli, Bob Darby (owner of 7502 Fitzhugh – resides at 8342 Bay Street), Matt Corwin (neighbor spoke against 7502 Fitzhugh), Ryan Cowley, Ira Bristol, [John Maxum – Sodus Marina owner], iPad 3, Jeremy, Joanne, Katie Tierney

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. Three 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 7:01 pm.

1. **Special Permit, 7502 S Fitzhugh LLC**, 7502 S. Fitzhugh, requesting a special permit under section 190-23 to count public parking in the state right of way towards parking requirements parking for the property. (CODE 190-23)

Chair Johns said this was a special permit under 190-23 asking for the public parking to be allowed for the parking requirements for the property. Daniel Pope represented the client saying they wanted 4-5 suites for B&B rentals in the property. They already have laundry built in. There is a clearance behind the church which they have planned to use for parking but they cannot. They want a total of 9 parking spots and the public spaces would permit the 9 parking spots along Bay St.

Chair Johns said the land is currently owned by the state. The Village wants the area to be rehabbed before use. There have also been some additional asks from public to use the public parking spaces. They want to use public parking to count toward the property

parking. Matt Corwin (neighbor spoke against 7502 Fitzhugh), a neighbor, spoke saying he lives next door to the property. He asked how the Village would benefit from giving these public parking spaces to this individual. Chair Johns said we would not be “giving” the spaces to the property owner – the parking spots would still be public parking spaces. It would not be designated parking – it would be public parking. Mr. Corwin said the public parking spaces were used by other people in the community. If the church is rented out consistently, the spaces will not be available to others. He also questioned access to the dumpster if people were using those public parking spaces. He said people would have to go across the street to walk on the sidewalk. He also thought people would park on the sidewalk thereby prohibiting people to use the sidewalk.

Bob Darby (owner of 7502 Fitzhugh – resides at 8342 Bay Street) spoke saying the church has been using the public parking for some time. He said he was the one to contact the state to inform them about the public parking spaces. He said he could create a parking lot near Matt Corwin who spoke previously but the neighbor would not like it.

Maxine Appleby spoke saying she wanted to support the proposal saying the parking would support the B&B. There are no signs to say there would be parking for those renting at the B&B at the property. Kathy Berretta spoke saying everyone uses parking all up and down the streets. She said it would not create a problem if the B&B were allowed to utilize the public parking for the B&B.

Chair Johns said the state wants to turn part of the property over to the Village. The space would be open parking. There are 9 spaces designated but there are more spaces than 9 parking spaces. Mark Ketcham asked how many spaces are needed. Bob Darby spoke saying they wouldn't have space for boat trailers, etc. He guessed that they only needed about 6 spaces – there is about 100 ft of space. Daniel Pope said the property is about 250 ft – he said they could probably get more parking parallel to the road. Mark Ketcham confirmed there are 5 rental spaces in the property – he said at most there would be need for about 15 spaces. Mark Ketcham asked if the state could give the spaces to the property owner (Bob Darby). The CEO said the ZB is not giving the spaces, they are only confirming that the additional public parking spaces can be utilized by the B&B users.

Chair Johns made the motion to accept the special permit to allow 7502 S. Fitzhugh to utilize the public parking spaces for use by the B&B users (to a total of 9 spaces). Bob Darby said he would ask people to park at the end of the parking area. There will be no designated parking spots except handicapped parking. Mark Ketcham seconded, and the motion passed unanimously.

Voting record: Chair Johns-yea, Mark Ketcham-yea, Steve Nesspor-yea

2. **Area Variance, Ryan Cowley, 8526 Greig Street, to construct a 5'x58' permanent dock allowing for a second dock on 69 foot of water frontage where 150 foot of water frontage is required for two docks. (CODE 86-23)**

The CEO said the ZB had to rule on the dock definition by request of the PB who asked the ZB to clarify the definition. Chair Johns read the definition of a dock. Chair Johns said the dock definition seemed quite clear to him. The CEO said the ZB could proceed on the proposal if they accepted the dock definition. There is a stub on Ryan Cowley's dock and boathouse which could be considered a pre-existing dock. He said there are no other boat houses connected to docks on the Sodus Bay similar to this one. Ryan Cowley spoke saying there is a concrete stabilizer to which the dock and boat houses are connected.

Mark Ketcham said he thought it was a dock. Kathy Berretta said she thought it was a dock also. There is a grey area, however. Chair Johns said it was not a dock where you could drive up and leave your boat. Mark Ketcham said you could tie a boat to it and it is a dock connected to a boathouse. The CEO said he thought it was, by definition, a dock also. . Steve Nesspor motioned to accept the definition of a dock in 86-6 and 86-19 as written, and to confirm there was a pre-existing dock on Ryan Cowley's property, Mark Ketcham seconded, the motion passed unanimously.

Voting record: Chair Johns-yea, Mark Ketcham-yea, Steve Nesspor-yea

Ryan Cowley spoke saying they wanted to make the short small dock into a more usable dock. He wants to build a walk out to their dock. He wants to be able to go out to the boathouse and access the dock. Chair Johns said 86-3 said the shapes and size of docks needed to meet the pre-existing rules. There were no public comments on the proposal. Chair Johns opened to zoom attendees to comment. There were no public comments. Ryan said he had letters of support from neighbors.

Chair Johns said the big issue is if the pre-existing, non-conforming dock is considered a dock, the proposed dock is 58 ft including the boathouse. Ryan Cowley would need to submit a proposal for a different length dock. The dock planned is 58 ft from the edge of the boathouse. There is water inside the boathouse. The ZB needs to consider the proposal where the 25 ft or so in the boathouse is not part of the proposed dock. Ryan Cowley wants the second dock to go out as far as the other existing dock. Chair Johns said Ryan would need to consider the length of the proposed dock in collaboration with the CEO. Chair Johns said Ryan should come back with a revised proposal. A new application would go up to 99 ft out rather than 58 ft.

Steve Nesspor made the motion to accept the proposal out to 99 ft from the proposed waterline, Mark Ketcham seconded. The motion passed unanimously.

Voting record: Chair Johns-yea, Mark Ketcham-yea, Steve Nesspor-yea

3. **Area Variance, Ira Bristol**, 7115 Central Ave, construct 18'x36' pole barn 2' from side property line where 12.5' is required and 2' from rear property line where 12.5' is required. (CODE 190-11)

Ira (Bud) spoke saying they wanted to put a pole barn on their property. The PB considered the proposal and asked that he consider putting the pole barn 3 ft from the rear property line rather than 2 ft. Ira is fine with revising the location of the pole barn. Chair Johns confirmed that the location would be 3 ft in both dimensions from the property lines. Chair Johns opened it to public comments – there were none.

Mark Ketcham asked if the 3 ft is OK with the CEO, particularly for fire lines. The CEO said the 3 ft was OK. Chair Johns said other approved setbacks for a neighboring property was to be 5 ft from the property line – he wanted the ZB to be consistent with previous cases. Mark Ketcham said he looked at the land and said it would be good for the pole barn to be 5 ft away but he said there were no other properties similar to this one. The property is chopped up. Chair Johns said the property is a large one and he does not see that it would be a problem to ask for the pole barn to be 5 ft off the property lines. Ira said he was not sure how the angle of the proposed pole barn would work at 5 ft off the property line. Chair Johns said the 5 ft would be preferable due to eaves and water fall off. Ira said he would make it work at 5 ft.

Chair Johns made the motion to accept the proposal as presented, Mark Ketcham seconded, all voted nay. Chair Johns motioned the pole barn to be 5 ft off the Carlyle property (ES) and 3 ft off the Village property in the back, Mark Ketcham seconded, all voted yes, the motion passed unanimously.

Voting record: Chair Johns-yea, Mark Ketcham-yea, Steve Nesspor-yea

4. **Area Variance, Leo Fusilli**, 8607 Greig Street, to construct a fence with a 6' high by 8' long panel along per plot drawing. (CODE 121, 190-22(g))

Leo Fusilli spoke saying he wanted to construct a fence to keep his dog and grandkids in and to provide symmetry to the property. He wants a 6 ft by 8 ft panel with a gate. Everything else is 4 ft. It would be between his property and the Healey's property. The fence would be consistent with other fences in the neighborhood.

Chair Johns opened the case to public comments. No public comments. Chair Johns opened it for ZB discussion – he said he looked at the property and the fence would be in line with others in the neighborhood. Mark Ketcham moved to accept the proposal as written, Steve Nesspor seconded, the motion passed unanimously.

Voting record: Chair Johns-yea, Mark Ketcham-yea, Steve Nesspor-yea

5. **Area Variance, Sodus Marina**, 7399 Route 14, to construct a 12,000 square foot building 10' from side property line where 25' is required. (CODE 190-11)

John Maxum spoke saying he wanted to build so there would be adequate access for users of the building. The building would be 10 ft from the side property line where 25 ft is required. Chair Johns opened the case for public comment. This case is unusual as the property borders other properties owned by this individual.

Mark Ketcham spoke saying he saw no problems with the storage barn. Steve Nesspor did not have concerns either. Chair Johns said he had concerns – he said it is a large property and his conclusion is that the storage barn could be built in a better location so it did not obstruct views and such that a variance is not needed. There is so much room in the area and it could obstruct views of abandoned boats.

The CEO said the County turned down the variance and the final site plan review. The CEO said it would require a super majority of the ZB to take a vote to approve the case. Chair Johns said there were not enough ZB member tonight to vote to approve this case. He said that John would need to re-submit their proposal, giving the paperwork to the CEO. The CEO said they would need to make an amendment to this application. The PB would need to reconsider.

The CEO said the ZB needed to make a motion to deny this proposal, Mark Ketcham and Steve Nesspor seconded, the motion was denied unanimously.

[I believe that we voted to accept the application and voted it down, and then motioned to reconsider and then tabled it.]

Voting record: Chair Johns-nay, Mark Ketcham-nay, Steve Nesspor-nay

Other business:

Review minutes from previous meetings: Minutes from meetings of 7-24-23 were reviewed, edited and not yet approved pending final review by the whole ZB. Linda Youngman collected a flash drive from the 6-26-23 meeting and prepared minutes. The 6-26-23 minutes were approved.

New Business:

Old Business: Mark Ketcham presented paperwork on printing quotes and spoke about signs being put on various people's properties to let them know cases were being

considered by the PB and ZB. The CEO said Mark should present the paperwork to Tracey, Town Clerk. Chair Johns said Tracey should clarify that monies were going to support the paperwork. This would be for signs to inform villagers that various properties have cases which are being considered by the PB and ZB. Mark Ketcham said the CEO should revise the signage so people would know the PB and ZB would be viewing and considering their properties at upcoming meetings.

Motion to adjourn: Mark Ketcham motioned to adjourn the meeting, Steve Nesspor seconded which carried unanimously and the meeting was adjourned by Chair Johns at 8:17 pm.

The next ZB meeting will be August 28 unless plans change.