



## Planning Board (PB) Minutes, 3-4-24 Village of Sodus Point, NY

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

**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), iPad(2)bob, Jen (zoom), Kathy's iPhone, Sodus Bay Jr Sailing Club, Steve and Eva Hyatt (in person), Jennifer and Dewayne Evans (in person), Bob Burlee (in person), Carly Straubing (zoom), Phil Leone (in person), sueba, Ginny, Roger Brandt, Melissa's iPhone, Charles phone, Katie Tierney (zoom), A. Mack, Mr. Fogiver (in person, representing Bob Straubing), John Vigluccio (zoom, representing Vivian Dendecker), Jeff (in person, neighbor to the planned Outfitters retail location)

**Establishment of a Quorum:** A quorum of 3 was established with six 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 2-5-24 and 2-20-24 were reviewed, edited and approved. William Kedley motioned to approve, Mark Costich seconded, the minutes were approved.

Votes: Evener-aye, McKee-aye, Costich-aye, Fogarty-aye

The Public is invited to observe

1. **Special Permit Review, Jennifer Evans**, 8515 Greig Street, to re-open Sodus Bay Outfitters as a retail business. (CODE 190-8)

Jennifer and Dewayne Evans spoke said they worked with Kevin on the application. They would be at 8515 Greig St, open full year, open 9-9 and plan to operate as they had before. Nothing aggressive or defensive will be sold. The dumpster can be renovated later. Chair Evener asked if they could move the dumpster back. Jennifer said it would be an issue on other days so they did not plan to move it. It had been damaged since they put it up. They are working to keep it as non-visible as possible. They have put an enclosure around it so it is not visible.

Mark Costich asked about signs – Jennifer said it would be at the side of the road in front. Mark questioned the Buffalo Bills banners for example. Mark wants a comprehensive plan for signs. Jennifer said they are open to revising signs – they don't want to be offensive. Jennifer said if the PB didn't want banners on the side of the building, that would be fine. Mark said they should

have a plan for signage and wants to hear a plan from Jennifer. Jennifer said they bought the business, part of the purchase including agreement on signage but there are pre-existing conditions regarding changes in signage. Chair Evener asked the CEO to work with the Evans, and Mark, on signage. Mark said that it is a special use permit and there are regulations regarding new special uses. Chair Evener said today's case is to approve changing locations and re-open Sodus Bay Outfitters. Mark said we should review a parking plan. Chair Evener said there are multiple businesses in that location that do not have parking plans.

Bill McKee said he wanted to see the signage intentions also – he agreed with Mark Costich. Jennifer said they were not planning anything different from their previous plans. Chair Evener asked the CEO about signage regulations. The CEO said she could have 2 signs – if the PB wanted to see something, he could bring a signage plan to the PB. Kathy Berretta said there should be no signs on the sidewalk and agrees with Mark. Kathy said the meeting jumped from topic to topic (dumpsters, then signage, etc.).

Bill Kedley asked about the dumpster and frequency of it being emptied. Jennifer said it would be emptied twice a week, Monday and Friday. Bill said the dumpster was frequently overflowing. Bill Kedley asked for a parking plan to be submitted. Jennifer said the parking is in the pack ogc. Bill Kedley said it would overlap with Captain Jack's parking and he wanted to hear Jennifer's plans for municipal parking. Mark Costich said a parking plan would show how they will work parking within the codes. The CEO said the plan should detail how they would accomplish overflow parking in conjunction with Captain Jack's. Mark said the parking plan would give the Village the tool to understand how to deal with parking. The CEO said he would work with the Evans on a parking plan. Mark asked about outdoor seating – Jennifer said they were not serving any outside food. Mark said he wanted to see parking plans, ice machine, a schematic plan with notes.

Chair Evener asked when they planned on opening – Jennifer said April 1. He asked the CEO to work with the Evans on a parking plan and asked if the PB wanted to open to public comment. Mark said he was in favor of the retail store, but he wanted to see more detailed plans. Kathy Berretta said Jennifer had always been forthcoming with parking details, etc. but the new jazz club does not have appropriate plans for parking. The CEO asked to keep those comments until the end. Chair Evener asked for additional comments from the PB.

Chair Evener asked for public comments on the Evans application. One speaker (John) said the Evans application didn't designate everything required. There are 23 boat slips for people who could utilize the retail store. Also, the parking for the retail shop would interfere with parking for the marina and Captain Jacks. The speaker (John) asked about the property line – was it specified? He said the special use permit is different based on other businesses being affected, particularly parking. He also said every business has to have a serviceable place for garbage disposal. There is also no sidewalk coverage. Would there be remodel permits?

Phil Leone spoke saying the application was like the one before. Special use permits should include dumpster accommodations. He does not think there is a parking problem at Sodus Point. The dumpster location could be better, he would like to see improvement. He would like to see something that is rodent controlled with maybe a compacter, serviceable, water tight. He wants to see a differentiation between different businesses, particularly the Sodus Bay Outfitters and Captain Jacks. He wants to see everything up to code.

The speaker is a neighbor to the Outfitters site (Matt). He said it would be next to his residence. He said their dumpsters during a recent wind storm spread debris everywhere. Chair Evener

asked for any other public comments. Mark Costich asked if the applicant can respond to the public comments.

Dewayne Evans spoke to the public comments starting with the dumpster referred to by Phil Leone - he said it was mostly used for personal garbage, not from a retail business. Also, the Tiki bar garbage was physically being emptied in the street which was physically dangerous for traffic. Making a fence around the dumpster was difficult so they built a container around it - and it was the best they could do and they put it in the most unobtrusive place. The property they purchased was purchased as one property. Jennifer said there is one open space, people could come down the alleyway. Prior permits for that building - Dewayne said he wasn't sure of the previous owners but they would try to get previous information and keep the property similar to the previous. On sidewalks, he said he would maintain the sidewalks. Regarding the lids on dumpsters flapping open - the dumpster company doesn't want lids to be closed shut so they can be emptied easily. He would put any items that came out of the dumpster back into the dumpster himself. He would also ensure that people would not pull through the parking area himself. The width of the building is unchanged. They want people to walk along the sidewalk and not other areas. The Evans have not had people come to them concerning their issues on the retail store, they go to the CEO. They would like them to come to them directly. They will try very hard to do the best job on the retail store and respond to people's concerns.

Mark Costich said he would like to see a SEQR reviewed and would like signage to be reviewed by the code officials. Phil Leone said he would look into the signage. Chair Evener asked to table this case review until the 19<sup>th</sup>. Janine Fogarty motioned to table the review, Bill McKee seconded, the motion passed unanimously.

Votes: Evener-aye, McKee-aye, Costich-aye, Fogarty-aye

**Preliminary Site Plan Review, Steve Hyatt**, to construct a 20x36 (2) story garage with a 8x10 second story deck per plot drawing and plans. (190-49)

Steve Hyatt spoke saying he wanted to build a garage after acquiring land from his neighbor. He wants to build an in-law suite on the second floor. Chair Evener asked about a second-floor egress. Steve Hyatt said he could build a fire egress. Steve said there is a stairway coming down from the second floor. The balcony will be 12 ft above the corner. Bill Kedley couldn't hear Steve's answer - he asked how close is the corner of the deck from the corner of the house. The CEO said the garage is over 8 ft to permit fire separation (9 ft ¾ inch) and the CEO said that should provide sufficient clearance. Mark Costich said the site plan could not be read and asked for PDFs to be sent. The height will be 24 ft. and the driveway will be about 9 ft away from the tree questioned by Mark Costich.

Bill Kedley asked about a bath and kitchen area on the second floor. Chair Evener said they should submit a floor plan showing where these things would be. Steve said he would submit a nice plan. Chair Evener opened the case for public comment. Bill Kedley asked if he planned the property for public or private use. Steve said his mother-in-law would probably need a place soon. Bill McKee motioned to approve on the condition that the PB get a floor plan, Mark Costich seconded, the motion passed.

Votes: Evener-aye, McKee-aye, Costich-aye, Fogarty-aye

**Final Subdivision Review, Scott Johnson**, 7001 Bay View Drive to subdivide a 150'x150' plot of land from existing lot creating a .516 acre building lot for future construction. (CODE 190-50) Mark Costich said this was a subdivision and there should be a SEQR. Chair Evener asked the CEO if there should be a SEQR. The CEO said a SEQR should be completed, otherwise it

would be null and void. The CEO said the PB should complete the SEQR before any action. Janine Fogarty motioned to table for 15 minutes to complete a review of the sub-division.

Scott Johnson (IphoneSqtt-zoom) said that the subdivision was completed to his accord. The CEO said the short form SEQR should be completed with Mr. Burlee and Scott Johnson. Chair Evener read the SEQR subdivision section. The PB, with input from the applicant, filled out part one of the SEQR short form.

The PB then filled out Parts 2 & 3 of the short form. Mark Costich read the rest of the SEQR and the PB considered all points covered in the rest of the SEQR. There were no points considered in the remainder of the SEQR which were of concern. Mark Costich moved to approve the SEQR with no points of concern regarding the subdivision, Janine Fogarty seconded, the motion passed. Mark Kedley said the road names needed to be revised.

Votes: Evener-aye, McKee-aye, Costich-aye, Fogarty-aye

Chair Evener said the subdivision was completed.

**4. Preliminary Site Plan Review, Bob Burlee, 7051 Overlook Dr, to construct a 32x15 residential structure with a 12x8 front porch entrance per samples and plot provided. (190-49)**

Bob Burlee wants to build a 32x15 residential structure with a 12x8 front porch. Chair Evener said the PB needs a more detailed stamped plan before moving forward. Bob Burlee said they will submit a more detailed plan. They want to build something that makes sense. He plans to provide a detailed plan shortly. Chair Evener said it was up for preliminary approval.

He then said there was no public input on the application being considered. Kedley asked about the pole barn – would it be a metal roof? Mr. Burlee said yes and they would submit architectural plans. Mark Costich asked would they put in detailing and architectural treatment to make it look more residential, Mr. Burlee said yes. They might put in white and black siding, probably when they get to that point. Bill Kedley said Sodus Point Heights is supposed to be Sodus Bay Heights or South Bay Heights. The CEO verified that the road naming should be labelled properly in the official plans.

Janine Fogarty motioned to approve the preliminary plan for building the residential structure, Mark Costich seconded, the motion passed.

Votes: Evener-aye, McKee-aye, Costich-aye, Fogarty-aye

The Public is invited to observe.

**5. Fence Review, Vivian Dendecker, 8403 Wickham Blvd, to construct a 5' vinly fence and 4' chain link fence per plot drawing. (CODE 190-22 (g), 121-4)**

John Viglucchi spoke on behalf of the Dendecker application. He said he gave Kevin a new drawing of the fence planned. 224 linear ft at a height of 5 ft. He took a picture of her driveway and there is a house, garage, shed and their view would possibly be blocked. Chair Evener said the neighbor sent an email of approval (as long as the fence is within Dendecker's property). The chain link fence has been eliminated from the plans. There would just be a vinyl fence. Chair Evener asked for comments. Mark Costich is opposed to taller fences in the front but as the neighbor was not opposed, he was in favor. Bill McKee asked about how close the fence would be to the driveway and telephone pole. John Viglucchi said there would be sufficient access outside the fence for people to get through.

Chair Evener said the application needs to go to the ZB as the fence is over 4 ft. Janine Fogarty motioned to accept the 5 ft fence final plan, Bill McKee seconded, the motion passed to go to the ZB.

Votes: Evener-aye, McKee-aye, Costich-aye, Fogarty-aye

**6. Fence Review, Bob Straubing**, 8522 Greig Street to construct 117' of a living fence to match existing height of 12'6" living fence per plot drawing where 4' is allowed with planning board approval. (CODE 190-22(g), 121-4)

Frank Fogiver represents Bob Straubing and he spoke to the application for a living fence to match the height of the 12'6" living fence. They will put in an arborvitae near the existing living fence. Chair Evener asked if there would be sufficient space to put in the living fence. Mr. Fogiver said there was sufficient space. There was clear line of sight for people pulling into the property. Mr. Fogiver said it will be 7 ft back from the lot and the sidewalk. The CEO said the plans should have the revised numbers before the plan goes to the ZB. Mr. Fogiver said it would be 99 ft and 7 ft back from the sidewalk. Chair Evener said he would like physical measurements. Mark Costich said it should be 99 ft – Mr. Fogiver said it was 99 ft measured on 3 occasions.

Bill Kedley said the height should 5 ½ to 6 ft rather than the 12 ft in the application – the application says height to be 12.6 ft. Mr. Fogiver said it would be 5-6 ft rather than the 12ft mentioned in the application. They plan on maintaining at that height. The CEO said the neighbors had no issues with the arborvitaes. They will be 24" within the property lines. They will be 7 ft from the sidewalk. Kathy Berretta asked what is the hardship for the fence as planned. Mark Costich said it would be visual from the parking lot. Chair Evener asked for any further questions from the board.

Chair Evener said this was not open for public comments. Janine Fogarty motioned to approve the living fence to be no greater than 24" in width, maximum height of 5 ½ ft, Mark Costich seconded, the motion passed.

Votes: Evener-aye, McKee-aye, Costich-aye, Fogarty-aye

**Motion to adjourn:** Motion to adjourn was made by Fogarty, Costich seconded, the motion passed unanimously. The meeting was adjourned by Chair Evener at 8:58 pm.

The next PB meeting will be March 18, 2023 unless plans change.