

**Town of Sodus Zoning Board of Appeals
11-25-2024**

PRESENT

David Johnson – Chair
Ray Stacy - Ad Hoc
James Russell – Member
Kim Buell - Member
John Hayslip - Vice Chair
Sal Vittozzi – Member

ABSENT

GUESTS

Matt Crane
Mike Pawlowski
Kathy Pawlowski
Faith Foster
James M. Foster
James G. Foster
Doug Riter
Donna Ritter
Tom Frank
Brenda Frank
Jack Byrne

David Johnson: It is 7:00PM Monday, November 25th. I am Calling the meeting to order.

Roll call: John Hayslip: Here. Kim Buell: Here. James Russell: Here. Ray Stacy: Here. Sal Vittozzi: Here.

Chandra Jensen: I would like to address the Legal Notice for tonight's meeting. A typo was made and will be corrected as follows: #13007 Area Variance located at 6565 Route 14, by James Burnette to place a 50' x 48' pole barn, 30' from the property lines where 50' is required.

David Johnson: Corrections to the Legal Notice have been recorded. I need a motion to approve the minutes from last month? **John Hayslip:** I'll move that we approve the minutes from last month.

Kim Buell: I Second the motion. All aye. Motion caried.

David Johnson: I will explain the operation of the meeting to the public. This meeting is being recorded. Each applicant will have an opportunity to come forward once called and describe their project. The board will then ask questions about the project. I'll open a public hearing where people will be called one at a time. You'll be able to address the board and tell us your concerns, and at that time the applicant can then address those concerns with the board. We don't want anybody questioning the applicants. Everything comes through the board. Before coming to a final decision, the board will openly discuss the application. No pre-agenda meeting for tonight's applications have been discussed prior to this meeting.

#12996 Area Variance located at 6946 Emerald Point Road, by Michael Pawlowski to place a 12' x 18' shed, 2' from the waterfront where 75' is required.

David Johnson: Motion to accept this application as a type two SEQR negative declaration.

Kim Buell: I'll make a motion for negative declaration. **John Hayslip:** I second the motion. **David Johnson:** All aye. Motion caried.

David Johnson: Mike Pawlowski. Please come up and tell everybody what you want to do. **Mike**

Pawlowski: I own the property at 6946 Emerald Point Road. We've owned the property since 2007. The structures that were on the property when we bought it were built in 1983. We just recently completed a seawall project, 265 feet, that we replaced because it was falling down. It went into disrepair, the wall broke, and then back in 2017 when we had high water, the water got behind it and started pushing it out. We had a shed structure along the seawall that in order for them to repair the seawall they had to take that down and we're looking just to replace that structure that was there since we bought the property.

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David Johnson: So, you are replacing what was already there? When was it taken down?

Mike Pawlowski: Earlier this spring when they fixed that section of the seawall.

David Johnson: The shed was there prior to you buying the property?

Mike Pawlowski: Yes.

John Hayslip: Are you replacing it with one of the same size?

Mike Pawlowski: It's a little smaller, there's a different design, different roof line.

John Hayslip: You were turned down because the setbacks, actually two setbacks. You want the shed two feet from the waterfront when 75 are required and 8 feet from the southern side of the property when 20 feet is required.

David Johnson: Neighbors wrote letters for the Board to consider. Chandra can you please read what was wrote.

Chadra Jensen: We are neighbors and we oppose the variance for the shed at 6946 Emerald Point Road being placed two feet from the water's edge as this will block our view from the north. George and Mary Schenk.

Chadra Jensen: Dear Zoning Board of Appeals members, as we will be in South Carolina on November 25th, we are unable to attend in person the meeting regarding the above referred application for an area variance. We nonetheless wanted to write to express and add to the record our significant objections and concerns relating to the requested variance. Our family has owned our cottage at 6951 Emerald Point Road, Sodus Point, New York, two places down from Mr. Pawlowski's with our property line about 60 feet from the proposed shed. For over 90 years, our love for our place in Sodus, as we might imagine it for our many waterfront property owners, is in no small measure based on our views of the bay. What is being sought is an extremely substantial variance, including a 2' setback from the water, when 75' is required, that would allow the construction of a shed that would greatly diminish those views of the water. Not only would such a variance negatively impact us and our immediate neighbors in the neighborhood, it would establish a precedent that would jeopardize the water's views of every waterfront property. William and Jody Butterworth.

Jim G. Foster: We're immediately adjacent to the Pawlowski's to the south. My Great Grandfather built the cottage in 1930, so we've been there for quite a bit, we have a very modest cottage and we keep it that way, but we love the place because of the views. I think most waterfront owners would agree that the real reason that we pay a premium on our taxes is the view and enjoyment of the water. There was some discussion about the previous owner and when the prior existing shed was constructed, there were objections and it wasn't conforming, that's my understanding, but he had already built it and kind of asked for forgiveness later and by that point unfortunately the ship had sailed. So as this board knows, there's no grandfathering of an existing structure and quite frankly, I certainly defer to the wisdom of this town zoning to recognize the value of that waterfront view, which is exactly the reason that 75' is required. So, you know, here I know that there are numerous factors a picture's worth a thousand words (Presentation) You know, first it's a detriment to the adjacent property owners you've heard expressed by the Schenk's and the Butterworth's that are to our south that also similarly have to look north. Their views would be directly impacted, ours most certainly are. But not only would this adversely detriment the existing properties immediately adjacent to the Pawlowski's, but it would establish a precedent that I think is really dangerous for the rest of the community because waterfront values and properties are believed under the existing

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protections that, under existing zoning, that 75' would be required. We're just merely trying to preserve our little slice of heaven. We recognize that there had been a shed that was not conforming back then, and it's not conforming now, but in any event, that point is moved because it's not Grandfathered in. We view it as there was a cancer on the property. It pained us since 1987, and now we breathed a huge sigh of relief when we had our views restored. And now it's as though we're being asked to have that cancer reintroduced. and it's heartbreaking. So that's all. Thank you.

Tom Frank: We live on the other side. I agree with Jim and Faith with everything they've done this year since they moved there. Our view is not imposed by their new building.

Kathy Pawlowski: I just want to say, Jim talked about the view, their view. What about our view? Let me just tell you something. For them to look, their view goes from their property out. Our view goes from our property out. I spoke to an attorney about it, and that's what he told me. That does not impede their view. Their view is from their property out. What they're talking about is looking over my property to go look at the lake. There are bushes where their house is, or it's at the other end of the berm. The height of the shed is less than the bushes and it goes down.

John Hayslip: I make a motion to accept this application as is.

James Russell: I'll second.

David Johnson: All in favor? **John Hayslip:** Aye. **David Johnson:** All against? **Sal Vittozzi:** Aye.

James Russell: Aye. **Ray Stacy:** Aye. **Kim Buell:** Aye. **David Johnson:** Aye.

David Johnson: And we'll waive the fee if you have to reapply to the Board of Appeals for another variance discussing this shed placement.

#12994 Area Variance located at 7171 Sprongs Bluff Road, by Douglass Riter to place a 12' x 24' shed, 3' from the east property line where 20' is required and 30' from the road front where 50' is required.

Douglass Riter: We've been at Sprongs Bluff for about 22 years, and for the last 12 years we've rented a garage and shed across the street because we've got a couple of kayaks, log splitter, lawn equipment, and other things. So, we've decided after paying rent for 12 years that we would like to build a shed. We have a current shed 8' x 8'. We would like to have a 12' by 24' shed put in there that would give us enough room to store all of our things. The problem is that the lots are so narrow that it would be incredibly difficult to find an area to put a shed without infringing on the property line. Since the time that we made the application, I've spoken with a guy that did some of our plumbing on our well and had a guy come down to actually look at it and his suggestion was that instead of the way we had it, which was cocked out into the yard, we would run it along the side of the property line where the existing shed is, but further out. We are going to remove the existing shed.

David Johnson: Before we go any farther, I need a motion to accept this application as a type two negative declaration SEQ. **Kim:** I'll make that motion. **James:** I'll second. **David Johnson:** All aye. Motion carried.

David Johnson: And there's no neighbors here.

John Hayslip: I'll make a motion to accept as is. **Kim Buell:** I'll second it. **David Johnson:** All aye. Motion carried.

#13007 Area Variance located at 6565 Route 14, by James Burnette to place a 50' x 48' pole barn, 30' from the back property line where 50' is required.

Matt Crane: Jimmy couldn't be here tonight.

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David Johnson: He wants to build a 50' x 48' pole barn. He was denied a permit to build the pole barn 30' from the back and side property line when 50' feet is required.

John Hayslip: Why doesn't he want to put it 50' out?

Matt Crane: Because it would be rite in his driveway that goes into the garage.

John Hayslip: So, he's already put the pad in?

Matt Crane: The pad is there.

David Johnson: All right, moving on. We have a neighbor?

Jack Byrne: Frank spoke with the attorney and the property has to be surveyed, can't exactly tell where the property lines are, he's asking for a variance off of a disputed line.

Chandra Jensen: The Code Enforcement Officer went out and he measured it. The calls received about this property from attorneys who represent concerned neighbors, were mainly about the area variance being measured from a property line without a survey. Not knowing exactly how far from the property line the variance is being granted. The Code Enforcement Officer said he found the pin and measured from that pin, for the asked setback variance on the application. The variance is for the backline.

Matt Crane: Jimmy did say that if you, the board wanted an updated survey, that he could get that done if that was easier.

David Johnson: I feel that we should put that in as a stipulation, if we do vote on this, that the stipulation be the property gets surveyed. Can I get a motion to accept the application with the conditions of a survey?

John Hayslip: I will make that motion.

Kim Buell: I'll second.

David Johnson: All in favor. All Aye. Motion Caried.

David Johnson: Motion to adjourn. **John Hayslip:** I will make a motion. **Kim Buell:** I second.

David Johnson: All in favor. All aye. It is 8:28PM the meeting is adjourned.

Submitted by,

Chandra Jensen

Zoning Board Secretary