TOWN OF SODUS

ZONING BOARD

MAY 20, 2019

PRESENT ALSO PRESENT GUESTS

Kim Buell A.J. Villani Shawn Davenport-Mizkan

Steve Zonneville-Chair Mike Virts Chris VerHow-fence contractor

John Hayslip M. Fogel Bob DePew

Bill Lesniak R. Riccelli Clayton DePew

Don Buchwald J. Sokolowski Lisa Rush

James P. Russell-Ad Hoc Lisa LaGasse

Ron Baker-Ad Hoc Donald Ross

Richard Milks

Scott Johnson

Josh Van Eenwyk

Ken Leuze

Tom Watson

Cathy Watson

Melissa DePauw

Jim Cudney

S. Wickman

C. Colasurdo

Wayne Vermeulen

The Chairman called the meeting to order at 7:00PM. There were no addition or corrections

to the minutes for the April meeting. Don Buchwald made a made to accept as written. Motion was

seconded by John Hayslip. All aye. Motion carried.

In the first application, Nakano Foods, Inc. (Mizkan) of 7673 Sodus Center Rd. Sodus, NY 14551

Is requesting a variance to enclose their property at 8251 Ridge Rd. Sodus, NY with an eight foot high fence, when six feet is the maximum allowed. Shawn Davenport of Mizkan explained that the company is aware that surrounding neighbors have used the property in various ways for many years. But as protection from liability and also for the property and neighbors they now want to enclose the area. He states they have tried posting the property, but it doesn’t work. A neighbor on Ridge Rd. states she has been there fifteen years and has never seen a posted sign. Shawn said the Ridge Road frontage was not

posted as the North, West and East sides were. Steve Zonneville asked why eight feet instead of six. Shawn said that the posting did not work and also deer could jump over six feet of fence. A neighbor in attendance suggested the fence issue be put on hold until the many property line disputes of neighbors is dealt with. Shawn stated the company is aware of the property line issues and the fence would not be

in place until all disputes were settled.

There was a question regarding gates on the access road by a neighbor. Chris VerHow, fence contractor, stated there would be two gates. One on the access road to the property and one for Featherlys across from Bond Rd. to maintain their fence. Another question was, if a tree falls and does damage, who fixes. Shawn stated that the company would do repairs. He stated that the DEC has seen

the property and they have passed all DEC compliances. Steve Zonneville stated that while there are a lot of issues between property owners and the neighbors, the issue before the Town of Sodus Zoning Board was a variance to erect an eight foot fence as opposed to six foot. Also stating that if the property owners had wanted a six foot fence the permit would have been issued upon request. (Note from secretary: A neighbor to property, Chris LaGasse, could not be at meeting, but told the secretary while in the office that he also had objections to fence.)

Bill Lesniak made a motion to declare the application a TYPE II under SEQR. Motion was seconded by Kim Buell. All aye. Motion carried. Don Buchwald made a motion to grant the variance for the eight foot fence. Motion was seconded by John Hayslip. All aye. No opposed. Motion carried.

The next portion of the meeting was to be a review by the Zoning Board of all the special permits for excavated properties in the Town (currently three) so that their dates of review by the Zoning Board as stated in the Town Code Book can be coordinated. There was also to be discussion

regarding the wording of the special permits as suggested by the Town attorney, Mr. Villani, at a previous workshop meeting regarding one of the quarry sites. NOTE: This discussion did not occur.

The first site was the South Centenary property of Grandpa’s Nursery and Garden, Inc. at 6720 Rotterdam Rd. Sodus, NY 14551. Josh Van Eenwyk represented the quarry owner. Steve Zonneville asked about issues or questions by neighbors. There were none. The hours on the original permit were from 7 to 5, Monday through Friday, and from 7 until Noon on Saturday. Josh stated that on the renewal

for the permit from DEC effective 2-17-15 to 2-16-20, there is a difference permitting them to operate inside the pit (no trucks) until 4:00PM on Saturday. The secretary did not have a copy of the permitted change. He is going to provide a copy for her.

Steve Zonneville made a suggestion that as the two other quarries have hours from 7 to 4, Monday through Friday, this one should to. John Hayslip that this site is more personal in nature, and not a big commercial operation, and should be able to keep the hours stated. Mr. Villani pointed out that the SEQR evaluation was included in the original permit, but that a motion should be made and seconded to include the SEQR finding in the review. Josh also stated that the DEC may be issuing mining

permits to last four years. Zoning Board mentioned that if that becomes the case, that the Zoning Board

should approach the Town Board to have the Town’s special permit for the operation to run the same

length of time. John Hayslip made a motion to include the SEQR findings from original DEC permit in the

Zoning Board renewal. Motion was seconded by Kim Buell. All aye. Motion carried. Don Buchwald made a motion to extend the special permit until the current DEC permit expires which is in February of 2020.

Motion was seconded by Kim Buell. All aye. Motion carried.

Next review was for the Smith Gravel Pit owned now by Boreal, LLC and represented here by

Justin Sokolowski. The current permit from DEC expires in October of 2020, at which time it will need to

be renewed. S. Zonneville asked if any changes from existing permit. Justin stated for clarification the hours of operation are 7:00AM to 4:00PM, Monday thru Friday, and 7:30AM to 12:30PM on Saturday.

Asked for neighbors comments, Steve Wickman stated his property is to the North of the operation, but

has concerns if operation move East. He and neighbors have hedgerows and a berm. He states that a worker for the operation has taken out two hedgerows and is working on another one. He doesn’t want to be left exposed from the operation. Don Buchwald asked if a berm would work to replace what is now gone. Justin says he will provide a berm for what has been taken, clean up brush that was left, and put trees on new berm. Mr. Colasurdo is first house west of entrance, he would like to see higher berms to alleviate some of the dust. Justin they provide water to keep the dust down. The water sometimes makes a mess of Sodus Center Rd. John Hayslip suggested trying calcium chloride for dust problem. Justin stated he would try it. With concerns regarding truck traffic, Justin was asked if they utilize the South Geneva Road. quarry. Justin stated there are trucks that travel in both directions, and he has no control over county roads. He also stated that trucks from the S. Geneva Rd. quarry travel Arcadia-Zurich-Norris Rd. and Quarry Rd. to lessen the traffic for South Geneva Road. John Hayslip made a motion to include SEQR findings in original DEC permit. Motion was seconded by Don Buchwald.

All aye. Motion carried. John Hayslip made a motion to approve special permit until renewal in 2020,

to include the use of calcium chloride, enhance berms, and vegetate same berms. Kim Buell seconded this motion. All aye. Motion carried.

The next review was for Syracuse Sand & Gravel, LLC quarry on property owned by Mike Virt’s

at 4769 South Geneva Rd. Sodus, NY 14551. The current permit from DEC expires in September of 2019.

( This quarry has been the subject of several meetings regarding various issues including amount of trucks, traffic flow, hours of operation, and two wells.) It was believed these issues had been addressed.

Neighbors and public representatives for the previous meetings were present tonight.

Upon asking for public comment, the representative for public at previous meetings held, stated the quarry was running over the allotted operating time. The overrun complaints were received in the Code office between 4-1-19 and 4-20-19. The Code office received a message on 5-8-19 from the caller making the complaints, that after speaking with quarry personnel, he would like to withdraw the complaints at this time. The representative for the public then mentioned truck traffic, and was told by

the Chairman that this issue was thought to be resolved with comments made at the December 17, 2019 meeting. This was confirmed by the Zoning Board secretary. Representative denied statement

that lead to the resolution, and stated it was taken out of context.

Mr. Villani stated that a new permit application was due in September and that all violations

until that time should be brought to the attention of the Code Enforcement office.

The owner of one of the wells brought paperwork about their well. Also stated the DEC did come to their property, but could not test the water.

John Hayslip stated the water issue puts the permit in jeopardy and needs to be resolved before

September 2019, when current permit from DEC expires. James Russell stated, resolve issues then reword any permit issued for clarity. This concluded the review.

John Hayslip made a motion to adjourn. Motion was seconded by Don Buchwald. All aye.

meeting was adjourned at 8:24PM.

Respectfully submitted,

Holly Warner

Zoning Board secretary