

**TOWN OF CAPE VINCENT
ZONING BOARD OF APPEALS**

September 10, 2012

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on September 10, 2012, at Recreation Park. The meeting conducted by the Board Chair, Dennis Faulknham, opened at 6 p.m. with the Pledge of Allegiance.

Board Members Present: Dennis Faulknham, Chair
Hester Chase
Edward Hludzinski
Joseph Martin
Keith Walker
David Docteur, Alternate - Excused
Michael Saliby, Alternate

Others: Edward Bender, Zoning Enforcement Officer
Kathleen Pierce, Board Secretary

There were nine visitors.

Privilege of the Floor:

No comments.

Approval of Minutes:

Board members reviewed the minutes of the meeting of August 13, 2012, and were approved as written.

Public Hearings:

The Chair opened the public hearing at 6:05 p.m. on the application for a variance submitted by John Benvenuto to construct a deck with stairs on the shoreline of his property. There were no comments from the public and after a brief discussion of the application by the board, the Chair asked the secretary to read the Resolution at the close of the hearing at 6:08 p.m.

Resolution offered by: Keith Walker

WHEREAS, the Zoning Board of Appeals of the Town of Cape Vincent (the "ZBA") is reviewing an application submitted by John Benvenuto for approval of a variance of local Zoning Law, Article III, Section 300, paragraph D., Lot Dimensions, for a deck with stairs (11' 6"x 7') at the shoreline at 32891 CO RT 6, Cape Vincent, NY, Tax Map #49.09-1-7.

WHEREAS, a public hearing was held on September 10, 2012, after due notice of said hearing, at which time no adverse public opinion was expressed,

NOW, THEREFORE, BE IT RESOLVED THAT,

1. In the Board's review of the application submitted by the Applicant it takes into consideration the benefit to the applicant as weighed against any effects on the public health, safety, welfare, comfort, and convenience of the public in general and residents of the immediate surrounding area. The Board also considered whether:
 - a. an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties;
 - b. the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
 - c. the requested variance is substantial;
 - d. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, and
 - e. the alleged difficulty was self-created.
2. The application submitted by the applicant addresses all of the required and applicable items set forth for a variance in the Town of Cape Vincent Zoning Law.
3. The Applicant's application for a variance is hereby granted.
4. This resolution shall take effect immediately.

Seconded by: Edward Hludzenski and carried; all voting aye.

A second public hearing opened at 6:10 p.m. on the application for a variance for Frank and Linda Leonardi, to build a new shed on their property. The Chair asked for public comments. The Board reviewed the application and after some discussion on removal of the old shed requested that it be stipulated in granting the variance that the old shed be torn down and removed from the property by July 1, 2013. The hearing was closed at 6:20 p.m. and the secretary read, at the Chair's request, the following Resolution.

Resolution offered by: Keith Walker

WHEREAS, the Zoning Board of Appeals of the Town of Cape Vincent (the "ZBA") is reviewing an application submitted by Frank Leonardi for approval of a variance of local Zoning Law, Article V, Section 585, Accessory Structure on Individual Lots, to build a new 12'x 20' shed with the stipulation that the old shed will be removed by July 1, 2013, at 2554 Ponds Shore Drive, Cape Vincent, NY, Tax Map #59-12-1-13.

WHEREAS, a public hearing was held on September 10, 2012, after due notice of said hearing, at which time no adverse public opinion was expressed,

NOW, THEREFORE, BE IT RESOLVED THAT,

1. In the Board's review of the application submitted by the Applicant it takes into consideration the benefit to the applicant as weighed against any effects on the public health, safety, welfare, comfort, and convenience of

the public in general and residents of the immediate surrounding area. The Board also considered whether:

- a. an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties;
 - b. the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
 - c. the requested variance is substantial;
 - d. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, and
 - e. the alleged difficulty was self-created.
2. The application submitted by the applicant addresses all of the required and applicable items set forth for a variance in the Town of Cape Vincent Zoning Law.
 3. The Applicant's application for a variance is hereby granted.
 4. This resolution shall take effect immediately.

Seconded by Hester Chase and carried; all voting aye.

Communication:

Board members received a packet of correspondence and photographs with reference to a complaint on some construction (a retaining wall) on a neighbor's property. Since the packet contains a large amount of information, Mr. Faulknham asked to table the matter in order for board members to have time to review the material and to visit the site referenced in the complaint. Mr. Walker made the motion to table any discussion and action on the complaint until the October 1, 2012, meeting. Mr. Martin seconded and carried; all voting aye.

New Business:

Mr. Bender, Zoning Enforcement Officer, asked that a variance that was granted to James Knight for a 30" garage setback at the October 10, 2011, ZBA meeting be continued. Mr. Bender shared that Mr. Knight had valid personal reasons for not obtaining a Zoning Permit and was now seeking a continuance. Mr. Bender informed the Board that he had requested a drawing of the garage and its placement on the property for the file. Ms. Chase made a motion to continue the variance for one year. Mr. Hludzinski seconded, and carried; all voting aye.

Next Meeting: The next ZBA meeting is scheduled for October 1, 2012, at 6 p.m. at Recreation Park.

Adjournment: At 6:30 p.m., with no other business, Mr. Faulknham asked for a motion to adjourn the meeting. Mr. Walker made the motion, seconded by Mr. Hludzinski, and carried; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
ZBA Secretary