

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

December 3, 2012

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on December 3, 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 Hludzenski
Joseph Martin
Keith Walker
David Docteur, Alternate
Michael Saliby, Alternate

Others: Kathleen Pierce, Board Secretary

There were four visitors.

Privilege of the Floor:

No comments.

Approval of Minutes:

Board members reviewed the minutes of the meeting of November 6, 2012, and approved them as written.

Old Business:

An application for a variance submitted by Ken and Sharon Barron of 5010 Pine Lane, Cape Vincent was discussed. Upon further review, the property's non-conforming lot size (less than one acre) was determined to be a pre-existing condition. Therefore, no variance was needed and the public hearing that was scheduled was not required. A zoning permit has been issued to the Barron's by the ZEO.

Public Hearing:

The public hearing to consider the application for a variance (side setbacks) for Doug Martin of 4990 Pine Lane, Cape Vincent, opened at 6:04 p.m. Mr. Martin requested approval to place a larger, two-story manufactured home on the site. The Chair received one phone call from Marion McNeill, a neighbor, objecting to a two-story home on the site as it would obstruct the view. After board members discussed the variance requested, the Chair asked for a motion to grant the side setback variance. Mr. Walker made the motion and seconded by Mr. Martin; all voting aye (5-0) with the following Resolution:

WHEREAS, the Zoning Board of Appeals of the Town of Cape Vincent (the "ZBA") is reviewing an application submitted by Doug Martin for approval of a variance of local Zoning Law, District Regulations, (River Front District) Section 2, Lot Requirements, side setbacks, to replace and install a new manufactured home at 4990 Pine Lane, Cape Vincent, NY, Tax Map #40.06-1-28.

WHEREAS, a public hearing was held on December 3, 2012, after due notice of said hearing, at which time one 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.

The public hearing closed at 6:10 p.m.

Communication:

The Chair shared that a letter from BP Wind Energy summarizing information given out at the Open House held by BP on November 10, 2012, would be available at the Town Office for review.

Items for Information:

- The Chair shared that he recently had attended a workshop at Jefferson Community College (JCC) for Zoning Board members. One of the points Attorney Mark Gebo made was that ZBA boards should have in their Resolutions are the five points the board considers when reviewing an application. Subsequently, the Resolution would be in the board's minutes as a matter of record for the applicant's application.
- Mr. Faulkham asked board members to consider attending an all-day workshop on local governments at JCC on March 28, 2013. Once the registration applications are received, he will notify board members. Mr. Faulkham indicated that he has attended in the past and it is very worthwhile and informative.

Next Meeting: The next ZBA meeting is scheduled for Monday, January 7, 2013, at 6 p.m. at Recreation Park.

Adjournment: At 6:15 p.m., with no further business, the Chair asked for a motion to adjourn the meeting. Mr. Walker made the motion; seconded by Ms. Chase and carried; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
ZBA Secretary