

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

January 7, 2013

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on January 7, 2013, at Recreation Park. The meeting conducted by the Board Chair, Dennis Faulknham, opened at 6:04 p.m. with the Pledge of Allegiance.

Board Members Present: Dennis Faulknham, Chair
Hester Chase
Edward Hludzenski
Joseph Martin - Excused
Keith Walker – arrived at 6:34 p.m.
David Docteur, Alternate
Michael Saliby, Alternate

Others: James Millington, Zoning Enforcement Officer
Kathleen Pierce, Board Secretary

There were 17 visitors.

Privilege of the Floor:

No comments.

The Chair noted that Mr. Docteur will sit in for Mr. Walker and Mr. Saliby will sit in for Mr. Martin.

Approval of Minutes:

Board members reviewed the minutes of the meeting of December 3, 2012, and approved them as written.

Old Business:

None:

Public Hearing(s):

None

Communication/Petition:

1. Mr. Faulknham informed board members of a request from Town Planning Board Chair Richard Macsherry for the board's opinion and comments on an application for a minor subdivision on Humphrey Road in the Town. Mary Collins and Mark McKean and Robert and Brenda Curtis have signed a purchase offer to buy Tax Map #59.07-1-13.62 (Lake Recreation District) from William Price. The parties purchasing the lot want to divide the 100' wide lot equally down the center--50' will go to Mary Collins and Mark McKean to use as a right-of-way to the water from their property across the road (Tax Map #59.07-1-13.7) and the remaining 50' to Robert and Brenda Curtis adding footage to their existing lot (Tax Map #59.07-1-13.63). Board members discussed the intended subdivision and came to a consensus that the projected subdivision with deed restrictions as deemed appropriate by the Town Planning Board would cause no negative environmental impact. All voted in favor of the subdivision.

New Business:

1. ZBA Application: Robert E. Soluri, Jr. -- Chris Soluri, son of Mr. and Mrs. Robert E. Soluri, Jr., spoke to board members on behalf of his parents, who were also in attendance at the meeting. Mr. Soluri shared a statement that contained a time line of dates of applications/ permit/and correspondence that led up to the building of his parents' garage at 35337 CO RT 7, Cape Vincent (Tax Map #29.66-1-1) in the River Front District. Subsequently, the Soluri's were

issued a Stop Work Order by the Zoning Enforcement Officer on December 7, 2012, for an invalid zoning permit and improper setback. (The garage does not meet rear setback requirements of the Zoning Law.) Board members discussed at length the setback requirements and were asked to review before the next meeting the zoning law regarding lot lines. There was also discussion as whether to allow the structure to remain, be modified, or removed, and/or if a variance with the least amount of impact could be given. The ZEO will re-measure the property with setback requirements and review maps with boundary markings that the property owner has in his possession. The Chair recommended tabling the matter until the next meeting. Mr. Hludzenski made the motion to table the matter; seconded by Mr. Saliby and carried all voting aye.

2. Cheryl Morrison Pastor applied for a Zoning Permit and has submitted a ZBA application to build a new, replacement structure at 3130 Morrison Loop Drive Tax Map #59.12-1-40.2 in the Lake Recreation District. The replacement structure will be 10' wider and 5' deeper than the existing building. The ZEO reviewed a map and hand drawing of the parcel and noted all the existing structures on the property. Board members discussed the request and asked the ZEO to calculate the density (open space) requirements before making any decision. The matter was tabled until the February meeting on a motion by Mr. Hludzenski and seconded by Ms. Chase; all voting aye.

3. Van (Cork) Martusewicz of 34477 State Route 12E, submitted a Zoning Permit application to build a steel boat storage structure (120' x 200') on 4.09 acres on the Gosier Road (Tax Map #40.00-1-22.1) The side setback of 75' is required and the owner has 51'. The Board will review the application again at its February 4, 2013, meeting.

Communications: None

Items for Information/Discussion:

- The Chair shared that he has been in the position of Chair of the ZBA for a year. He indicated that was never appointed by the Town Board but would accept the position again for a year if the ZBA would approve his appointment. Mr. Walker nominated Mr. Faulknham as Chair of the ZBA for another year; seconded by Ms. Chase and all voted in favor of the nomination.
- The Chair then asked for a nomination as Vice Chair to assume the responsibilities and duties of the Chair in his absence. Mr. Hludzenski was nominated by Mr. Faulknham for the position; seconded by Ms. Chase and all voted in favor of Mr. Hludzenski as Vice Chair.

Next Meeting: The next ZBA meeting is scheduled for Monday, February 4, 2013, at 6 p.m. at Recreation Park.

Adjournment: At 7:05 p.m., with no further business, the Chair adjourned the meeting.

Respectfully submitted,

Kathleen M. Pierce
ZBA Secretary