

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

**January 5, 2015**

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on January 5, 2015, 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  
David Docteur  
Edward Hludzenski  
Joseph Martin

Michael Saliby, Alternate  
Geoffrey Culkin, Alternate - Excused

There were nine visitors.

**Privilege of the Floor:** Stephanie White asked about the procedure when an applicant has a public hearing on an application before the ZBA. The Chair reviewed the legal procedure for public hearings and the procedure that is followed by the ZBA for Ms. White.

**Item for Discussion:**

One board member asked for clarification of two terms used in the Town's Zoning Law. Board members discussed at length the definition of "Lot Line – Front" and the interpretation of the definition by board members. The consensus was that the next time the Zoning Law was to be amended that the definition needs clearer wording. They also discussed a "created harbor" or man-made harbor as it applies to the Zoning Law.

**Approval of Minutes:**

Board members reviewed the minutes of the December 1, 2014, meeting and approved them as written.

**Old Business:**

**Gerald Docteur – Area Variance** – The Chair opened the public hearing at 6:23 p.m. on the application of Gerald Docteur. Mr. Docteur requested an area variance for a side setback per the local Zoning Law, Section 3.3, paragraph 2. Lot Requirements, to install a two-story 24'x30' storage building with bedrooms and bath in the River Front District at 35591 State Route 12E, Cape Vincent, NY, Tax Map #29.66-1-51. The Chair asked if there were any comments from the public. There were none from the audience and the ZEO received no adverse comments from the neighboring property owner. The Chair closed the hearing at 6:24 p.m. and board members discussed the application. Included in their discussion, they took into consideration and discussed area variance criteria and the impact of each criterion as it applied to Mr.

Docteur's application: The criteria discussed and considered were:

- 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.

After discussion and input from each board member, the Chair asked for a motion on the requested application. Mr. Hludzinski made a motion to approve the variance application as requested. Mr. Martin seconded and carried; all voting aye (5-0).

**New Business:**

- Joseph Piche has submitted a revised drawing for an area variance for a side setback (seven feet) per the local Zoning Law, Section 3.3, paragraph 2. Lot Requirements, to install a 12'x20' storage shed in the River Front District at 35093 Ash Lane, Cape Vincent, NY, Tax Map #29.19-1-23. Board members reviewed the drawing and asked the ZEO to clarify the requested setback with Mr. Piche. The Chair set a public hearing for 6 p.m. on February 2, 2015.
- Lyle Wood submitted an application for an area variance (side setback) per the local Zoning Law, Section 3.3, paragraph 2, Lot Requirements, for a 20'x10' tiki bar in the River Front District at 36080 State Route 12E, Clayton, NY (Town of Cape Vincent), Tax Map# 29.16-1-16.2. The Board reviewed the application and a diagram of the property with the applicant. The Chair accepted the application and scheduled a public hearing for 6:05 p.m. on February 2, 2015.

**Next Meeting:** The ZBA will meet on February 2, 2015, at 6 p.m. at Recreation Park.

**Adjournment:** At 6:43 p.m., with no further business, the Chair asked for a motion to adjourn. Mr. Docteur made the motion, seconded by Mr. Martin; all voting aye.

Respectfully submitted,

Kathleen M. Pierce  
ZBA Secretary