

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

June 6, 2016

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on June 6, 2016, at Recreation Park. The Chair opened the meeting at 6 p.m. with the Pledge of Allegiance.

Board Members Present: Hester Chase
Dennis Faulkham, Chair
Edward Hludzenski
Joseph Martin
Michael Saliby
Geoffrey Culkin, Alternate
Stephen Docteur, Alternate – arrived at 6:03 p.m.

Absent : James Millington, ZEO

There were six visitors.

Privilege of the Floor:

Stephanie White, 28453 CO RT 6, Cape Vincent, asked if the Board had given any thought to having more than one meeting a month. She indicated because of the short construction season in the area a more expedient procedure would help applicants. The Chair reviewed, per NYS Law, the application and public hearing process and the time lines involved making a meeting more than once a month difficult.

Approval of Minutes:

The Board reviewed the minutes of the May 2, 2016, meeting and approved them as written.

Old Business:

Public Hearing: The Chair announced that Joseph Avola had phoned the Town Clerk's office and asked that his application to install a fence be withdrawn. The Chair shared that he felt the public hearing should be held as it had been published and the neighbors were notified of the hearing. The question was asked whether the hearing was necessary since the applicant had withdrawn his request. The Chair polled board members as to whether or not to proceed with the public hearing on Mr. Avola's application for an area variance. Board members were in favor of proceeding with the hearing as the decision on the area variance would stay with the property.

The hearing opened at 6:06 p.m. on the application for an area variance in the Lake Recreation District submitted by Joseph Avola, 2952 Martin Drive, Cape Vincent, Tax parcel #59.08-1-62. Mr. Avola requested an area variance of 22" or less (side setback) to install a 150' x 5' high chain link fence. The Chair opened the floor for public comments.

Stephanie White, neighboring property owner, passed out pictures of her property in relation to Mr. Avola's property line and where he wants to install the fence. She is not in favor of the fence and indicated the fence, if installed, would be too close to a mobile home on her property and could become a safety issue for the tenant when exiting the back door of the mobile home.

With no further comments from the public, the hearing was closed at 6:09 p.m., and the Chair asked for the board's input while taking into consideration the criteria for a variance:

- 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.

Board members discussed the size of the requested variance (22") and the concerns that Ms. White shared. Several board members questioned the need for a two-foot setback and expressed a desire to see a change in the zoning law regarding the required setback. Mr. Hludzinski, who served on the committee in revising the Zoning Law, shared the reasoning for the two-foot setback. After their discussion, the Chair asked for a motion on the variance. Mr. Martin made a motion to deny the area variance. Mr. Hludzinski seconded the motion and all voted in favor of denying the variance (5-0).

New Business:

- Ron Troyer, Application for an Area Variance. The Chair shared that this was Mr. Troyer's third application for an area variance to build a deck at 33982 Grass Bay Lane, Cape Vincent, Tax Parcel #40.09-1-49.9. His first application was incomplete; the second application was denied by the Board at their January 4, 2016, meeting for a deck at 43'x 10' or 12'. The third application is also incomplete, and Mr. Troyer is proposing a deck 43' x 10'. Board members reviewed the application. Mr. Faulkham made a motion that the ZBA has received the application and a check from Mr. Troyer for the variance; that the application is not complete; and the request (10') is not significantly different from the second application that was denied; and therefore, the Board will not accept the application; and Mr. Troyer's check will be returned to him. Mr. Martin seconded the motion and carried; all voting aye (5-0).

Next Meeting: The ZBA will meet on **Tuesday, July 5, 2016**, at 6 p.m. at Recreation Park. **Note:** Monday, July 4, is a legal holiday. A change in the date of the meeting will be published.

Adjournment: At 6:24 p.m., with no further business, the Chair asked for a motion to adjourn. Mr. Martin made the motion, seconded by Mr. Hludzinski; all voted aye.

Respectfully submitted,

Kathleen M. Pierce
ZBA Secretary