

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

January 3, 2017

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on January 3, 2017, at Recreation Park. The Chair opened the meeting at 6 p.m. with the Pledge of Allegiance.

Board Members Present: Hester Chase
Dennis Faulknham, Chair
Edward Hludzenski
Michael Saliby
Geoffrey Culkin
Stephen Docteur, Alternate

Absent: James Millington, ZEO

There were three visitors.

Privilege of the Floor: None

Full Board Member: The Town Board appointed Geoffrey Culkin to full board member status at their December 2016 meeting. Mr. Culkin previously served as an alternate.

Approval of Minutes:

The Board reviewed and approved as amended the minutes of the December 5, 2016, meeting on a 4-1 vote. Faulknham, Hludzenski, Culkin and Saliby - yes; Chase - no.

New Business:

Brian Leech – Area Variance for a Lot-Line Adjustment (LLA) – Background information on the application was shared. Brian Leech attended a Planning Board meeting in November 2016 and submitted a LLA application. The Planning Board, after review and discussion, denied the request as it would create a non-conforming lot (less than one acre) per the Zoning Law. He was informed that he could appeal to the ZBA for an area variance.

Mr. Leech shared a map with ZBA members of two properties he owns in the River Front District at 35629 and 35639 State Route 12E, Cape Vincent. He reviewed his proposed LLA as indicated on the map. The new property line for Tax Map #29.66-1-57.1 would create a 1.20 acre-lot and one .23-acre non-conforming lot Tax Map #29.66-1-58. Board members in their review and discussion with Mr. Leech also referred to the Zoning Law under Lot Requirements, in the River Front District that the “Area Minimum” is one acre. The board discussed with Mr. Leech alternatives to a LLA. After the discussion, the Chair set a public hearing for February 6, 2017, at 6 p.m. on Mr. Leech’s application.

Old Business:

John Corso – Application for an Area Variance Continued

Mr. Docteur, alternate, was asked to sit in for Mr. Hludzenski for this agenda item. (Mr. Docteur was present at the December meeting when the initial discussion took place as Mr. Hludzenski was excused from the meeting).

The Chair asked for a motion to bring back to the table the application of John Corso for an area variance of side setbacks—9’ and 6’ to build a home at 5524 Merlin Drive, Town of Cape Vincent, Tax Map #40.31-1-6 in the River Front District. Ms. Chase made the motion and Mr. Docteur seconded and carried; all voting aye.

The Chair noted that the newest plan submitted by the applicant requires a larger variance than the original application. Board members were given and read copies of letters submitted by

neighboring property owners (Germain, Bono, and Decker) in support of Mr. Corso's request for a variance. A worksheet entitled, "Area Variance Findings and Decision" was given to each board member. The board reviewed and discussed each of the five criteria to consider for an area variance. Each factor was discussed and then a vote was taken and recorded as follows:

- a. an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties; 3 - yes; 2 - no
- b. the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance; 5 - yes
- c. the requested variance is substantial; 5 - yes
- d. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, 2 – yes; 3 - no
- e. the alleged difficulty was self-created. 5 - yes

After their lengthy discussion and review, the Chair made a motion that the benefit to the Applicant does not outweigh the detriment to the neighborhood or community and therefore the variance requested is denied. Mr. Saliby seconded and carried 4 to 1. Faulknham, Culkin, Chase, Saliby – yes; Docteur – no.

Next Meeting: The ZBA will meet on Monday, February 6, 2017, at 6 p.m. at Recreation Park.

Adjournment: At 7:33 p.m., with no further business, the Chair made a motion to adjourn. Mr. Hludzinski seconded; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
ZBA Secretary