

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

**February 6, 2017**

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on February 6, 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  
Edward Hludzinski, Chair  
Michael Saliby  
Geoffrey Culkin  
William DeSouza, Alternate  
Stephen Docteur, Alternate

**Other:** James Millington, ZEO  
There were eight visitors.

**Privilege of the Floor:**

*Michelle Oswald: said that there was a procedural error on the part of the Town Board at their January 4, 2017, meeting in appointing ZBA members for 2017. She felt that any action taken by the ZBA at their January 3, 2017, meeting was not valid and that this was unfair to the citizens that came before the ZBA at that meeting. She said that any action taken at the ZBA's January meeting that needed to be redone should be at no charge to the applicant.*

The legality of the appointments was briefly discussed. The Chair indicated that the ZBA's January meeting took place *before* the Town Board met and that appointments made by the Town Board in 2016 were still in effect. (There were only two appointments to be filled on the ZBA board—a regular member and an alternate member. At the Town Board's December 15, 2016, meeting, Mr. Culkin was appointed as a regular member for a five-year term and Mr. DeSouza was appointed as an alternate member for a two-year term. Both appointments were effective January 1, 2017.) In January, the Town Board appointed Edward Hludzinski as Chair of the ZBA for 2017.

**Approval of Minutes:**

The Board reviewed and approved the minutes as written of the January 3, 2017, meeting.

**Old Business:**

**Brian Leech – Public Hearing for an Area Variance**

The public hearing was opened by the Chair at 6:04 p.m. Background information on the application was shared by the Chair. The Chair asked for any comments from the public. There were none and the hearing was closed at 6:06 p.m. Board members each gave their input on the application. Mr. Leech shared a map with ZBA members of the two properties he owns in the River Front District at 35629 and 35639 State Route 12E, Cape Vincent. He reviewed his proposed realignment of his properties. 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. The board reviewed and discussed each of the five criteria to consider for an area variance and voted on each as follows:

1. an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties; 1 - yes; 4 - no
2. the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance; 5 - yes
3. the requested variance is substantial; 4 – yes; 1 - no
4. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, 1 – yes; 4 - no
5. the alleged difficulty was self-created. 4 – yes; 1 - no

After taking into consideration the five factors, the Chair asked for a motion. Ms. Chase made the motion that the benefit to the applicant does outweigh the detriment to the neighborhood or community. Mr. Saliby seconded and carried 3 to 2. (Hludzinski, Saliby, Chase - yes; Culkin, Faulknham – no)

The Chair asked for a motion on an area variance to create a 1.2-acre lot and a .23-acre non-conforming lot. Ms. Chase made the motion to grant the requested variance. Mr. Saliby seconded and carried 3 to 2. (Hludzinski, Saliby, Chase - yes; Culkin, Faulknham – no)

#### **New Business:**

##### **John Corso – Application for an Area Variance**

Steve Hall, contractor for Mr. Corso, shared with board members a new application along with a drawings and map of the proposed home. Mr. Corso is requesting a variance for side setbacks of 8' or less on the east side and 7' or less on the west side to build a home at 5524 Merlin Drive, Town of Cape Vincent, Tax Map #40.31-1-6 in the River Front District. The Chair accepted the application and set a public hearing for Monday, March 6, 2017, at 6 p.m.

##### **Lisa Dehm – Application for an Area Variance**

The ZEO presented to board members Ms. Dehm's application for an area variance for a 13' or less side setback to build a 10'x6' storage shed at 33523 State Route 12E, Cape Vincent, Tax Map #40.09-1-3.71. Each board member received a copy of the application along with a map and drawing of the location of the shed. The Chair accepted the application and set a public hearing for Monday, March 6, 2017, at 6:10 p.m.

#### **Vice Chair Nomination/Election:**

The Chair asked for a nomination for a Vice Chair. Mr. Culkin nominated Mr. Faulknham and was seconded by Mr. Hludzinski. Mr. Faulknham declined the nomination. Mr. Hludzinski nominated Mr. Culkin to be Vice Chair. Mr. Saliby seconded the nomination and carried; all voting aye.

#### **Items for Information/Discussion:**

- The Chair asked board members to think about adopting and using Robert's Rules for conducting meetings.
- NYS Tug Hill Commission's 28<sup>th</sup> Annual Local Government Conference on March 30, 2017. If attending, board members were asked to notify the Town Clerk.
- A copy of a booklet entitled, "The ABC's of the ZBA" was handed out to board members.

#### **Privilege of the Floor for Board Members:**

The ZEO wanted to share with the board that John Corso had been upfront with him when submitting his original application to build a storage building on State Route 12E. He shared that Mr. Corso wanted to, at first, build a commercial building and was told he would need engineered drawings. The ZEO issued a permit to build a residential building. The ZEO further stated that it was his error in overlooking the setback requirements to build a commercial building. The ZEO said that Mr. Corso never misrepresented himself to the ZEO.

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

**Adjournment:** At 7:29 p.m., with no further business, the Chair asked for a motion to adjourn. Ms. Chase made the motion. Mr. Saliby seconded; all voting aye.

Respectfully submitted,

Kathleen M. Pierce  
ZBA Secretary