

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

March 6, 2017

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on March 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 - **Absent**

There were seven visitors.

Privilege of the Floor: None

Approval of Minutes:

The Board reviewed and approved the minutes as written of the February 6, 2017, meeting.

Old Business:

John Corso – Application for an Area Variance

The public hearing on John Corso's application for an area 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, opened at 6:04 p.m. The Chair asked for comments from the public. There were none. He noted that several neighbors had sent in letters all in support of Mr. Corso's request for a variance. The hearing was closed at 6:05 p.m. and each Board member had an opportunity for input on the application. The board reviewed and discussed each of the five criteria when considering 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; 0 - yes; 5 - no
2. the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance; 1 – yes; 4 - no
3. the requested variance is substantial; 1 – yes; 4 - no
4. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, 2 – yes; 3 - 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 on the variance. Ms. Chase made the motion that the benefit to the applicant *does* outweigh the detriment to the neighborhood or community and the requested variances be approved. Mr. Saliby seconded and carried 4 to 1. (Hludzinski, Saliby, Chase, Culkin, - yes; Faulknham – no)

Lisa Dehm – Application for an Area Variance

The public hearing on application of Lisa Dehm 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, opened at 6:33 p.m. Paul and Lisa Dehm were both present and board members asked them questions regarding the proposed location of the shed. Board members felt the variance requested was substantial and alternative locations for the shed were suggested and discussed with the applicants. The Chair asked for comments from the public. There were none. Board members had a copy of a letter sent in from a neighboring property owner objecting to the requested variance. The Chair closed

the hearing at 6:47 p.m. The board reviewed and discussed each of the five criteria when considering 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; 5 - yes; 0 - 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; 0 - no
3. the requested variance is substantial; 5 – yes; 0 - no
4. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, 4 – yes; 1 - no
5. the alleged difficulty was self-created. 5 – yes; 0 - no

The Chair asked for a motion on the variance. Mr. Culkin made the motion that the benefit to the applicant *does not* outweigh the detriment to the neighborhood or community and therefore the variance is denied. Mr. Faulknham seconded and carried; all voting aye to deny the variance. (5-0)

New Business:

An application for an area variance was submitted by John and Faye Carr to build a 24'x36' bunkhouse/garage at 33299 State Route 12E, Cape Vincent, Tax Map #40.09-1-2.2. Neither the ZEO nor the applicant was present to answer questions regarding the application. The Board felt they could not move forward on the application until either the ZEO or the applicant was present to answer questions.

Item for Information:

- NYS Tug Hill Commission's 28th Annual Local Government Conference on March 30, 2017.

Privilege of the Floor for Board Members:

Mr. Faulknham shared that he was taken aback with the ZEO's statement at the February meeting where he stated that it was his (ZEO's) error in issuing the original permit to John Corso to build a storage building. Ms. Chase asked about notification of decisions to applicants after a meeting. Mr. Culkin noted the ZBA is an appellate board and one of the board's responsibilities as stated in the Zoning Law, Section 1.3, No. 7. is to "Preserve and enhance real property values and protect private property rights and enjoyment of landowners." Mr. Saliby said that he felt zoning issues are being addressed and the Zoning Law is having an effect as he sees improvement. Mr. Faulknham noted that the ZBA's purpose is to follow the Zoning Law and that there are rules and regulations to be followed as specified by New York State. Ms. Chase said she had contacted Robert Freeman (State's Committee on Open Government) and asked for some guidance on procedures to follow in a meeting. The board is reviewing parliamentary procedures and possibly will use Robert's Rules as a guideline.

Next Meeting: The ZBA will meet on Monday, April 3, 2017, at 6 p.m. at Recreation Park.

Adjournment: At 7:17 p.m., with no further business, the Chair asked for a motion to adjourn. Mr. Culkin made the motion. Mr. Faulknham seconded; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
ZBA Secretary