

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

June 5, 2017

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on June 5, 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 Hludzenski, Chair
Geoffrey Culkin
Michael Saliby
Stephen Docteur, Alternate
William DeSouza, Alternate

Other: James Millington, ZEO - Excused

There were nine visitors.

Privilege of the Floor: None

The Chair asked Alternate DeSouza to participate in the three public hearings scheduled for the meeting. (Mr. Saliby did not attend the May meeting and Mr. DeSouza took his place at the table.)

Approval of Minutes:

The Board reviewed and approved the minutes as written of the May 1, 2017, meeting.

Old Business:

• **Public Hearing – John and Faye Carr – Area Variance**

The Chair opened the public hearing at 6:02 p.m. The Chair asked for any public comments. There were none and there were no comments received in the mail. The hearing was closed at 6:04 p.m. Board members shared they all had visited the site. The board discussed the application for a 5' side setback area variance to build a single-story bunkhouse at 33299 State Route 12E, Tax Map #40.09-1-2.2. The contractor, Toby Dwyer, discussed and answered board members' questions regarding the project. Board members reviewed and discussed each of the five criteria when considering an area variance and voted 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; 4 – yes; 1 - no
3. the requested variance is substantial; 0 – yes; 5 - no
4. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, 0 – yes; 5 - no
5. the alleged difficulty was self-created. 5 – yes; 0 - no

After taking into consideration the five factors, the Chair asked for a motion on the variance. Mr. Faulknham made the motion that the benefit to the applicant *does* outweigh the detriment to the neighborhood or community and the requested variance (5') be approved with the stipulation that a survey of the property is done that shows the structure is 10' from the property line and

that the building's overhang is included in the 10'. Mr. Culkin seconded and carried; all voting aye (5-0).

- **Public Hearing Thomas Ruffrage – Area Variances**

The public hearing on the application of Thomas Ruffrage opened at 6:26 p.m. The Chair asked for any comments from the public.

Sylvia King, neighboring property owner, objected to the proposed deck construction as the existing deck is 7" from her property line and the proposed deck addition with the stairs would be 18" from her property line. She indicated this new deck would affect her property value and the aesthetics of the area.

Rollie Hanson, neighboring property owner, stated that the properties in this area (Beadle Point) are located very close together. He indicated that this construction, if the variance was granted, would be a further encroachment on others' property and privacy. He stated he was concerned with the requested front setback (30') and said that the Zoning Law's front setback requirement should be followed for environmental reasons.

Mr. and Mrs. Ruffrage shared that the existing deck was there when they bought the property. They told the board that they would like to square off the existing deck and relocate the stairs to the side of the deck (next to Ms. King's property).

The hearing was closed at 6:32 p.m. Board members shared they all had visited the site. Board members reviewed the drawings and discussed with the Ruffrages their request for an area variance of 10'5" or less to build a 12'x14'6" addition to an existing deck at 35745 Beadles Point Road, Tax Map #29.66-1-26. (It was noted that the applicants did not need a front setback variance (per the survey map) as the figures on the application were incorrect. Board members reviewed and discussed each of the five criteria when considering an area variance and voted as follows:

1. an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties; 4 - yes; 1 - 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, 2 – yes; 3 - no
5. the alleged difficulty was self-created. 5 – yes; 0 - 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 variance (10'5") be approved with two stipulations: that the deck has an open railing and the stairs are built in another location other than what is requested on the application. Mr. Culkin seconded and carried; all voting aye (5-0).

- **Public Hearing - Thomas J. Burge – Area Variance**

The public hearing on the application of Thomas Burge opened at 6:54 p.m. The Chair asked for comments from the public. There were none and the hearing was closed at 6:55 p.m. Board members shared they all had visited the site. They reviewed the application for an area variance of 6'7" or less side setback to build a 26'x16'6"x30'6" addition at 34653 Ross Lane, Tax Map #40.25-1-3. Mr. Burge was present and answered questions board members had during the review of his application and drawings of the proposed addition.

Board members reviewed and discussed each of the five criteria when considering an area variance and voted 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; 0 – yes; 5 - no
3. the requested variance is substantial; 0 – yes; 5 - no
4. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, 0 – yes; 5 - 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* outweigh the detriment to the neighborhood or community and the requested variance (6'7") be approved. Ms. Chase seconded and carried; all voting aye (5-0).

At this point in the meeting, Mr. Saliby came back to the table and Alternate DeSouza went back to his seat.

New Business:

Board members were given a copy of an application for area variances submitted by Benjamin Kasproicz. Mr. Kasproicz is requesting a side setback of 10' or less to build a 34'x20' deck and an 18'5" rear setback to build a 12'x20' shed on his property at 33931 Brandy Rock Lane, Tax Map #40.09-1-23, in the River Front District in the Town of Cape Vincent. Mr. Kasproicz was not in attendance to answer any questions. The Chair accepted the paperwork and scheduled a public hearing for July 3, 2017, at 6 p.m.

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

Adjournment: At 7:16 p.m., with no further business, the Chair asked for a motion to adjourn. Mr. Culkin made the motion. Ms. Chase seconded; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
ZBA Secretary