

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on February 5, 2018, at Recreation Park. The Chair opened the meeting at 6 p.m. with the Pledge of Allegiance.

**Board Members Present:** Ed Hludzinski, Chair  
Geoffrey Culkin  
Dennis Faulknham  
Michael Saliby  
Hester Chase

**Board Members Excused:** Steve Docteur, Alternate

**Board Members Absent:** William DeSouza, Alternate

**Other:** Jim Millington-ZEO

There were 4 visitors.

**Privilege of the Floor:** None

**Approval of Minutes:**

The board reviewed and approved the minutes as written of the January 2, 2018 meeting.

The board reviewed and approved the revised minutes of the January 15, 2018 minutes.

Ms. Chase noticed a mistake on page 2. It was written as she made a motion to oppose the variance where it was actually a motion to table the public hearing and no one seconded the motion. Minutes were accepted with the amended sentence.

Town board named Ed Hludzinski as chairman. He would like to continue with status as is with Mr. Culkin as Vice Chair. All agreed and the Chair appointed Mr. Culkin as Vice Chair.

**Old Business:**

**Public Hearing- Wayne Davis- Area Variance**

The public hearing on the application of Mr. Davis reopened at 6:05 p.m. The Chair asked for comments from the public. There were none and the hearing was closed at 6:05 p.m. The Chair explained that Beth White would like to buy a portion of lot to build a garage/storage building which would then be divided into two lots. This was tabled at the last meeting.

Discussion continued amongst board members. The board had concerns as to whether the variance would exclude any residential building in the future. The Chair stated that it was a non-

conforming lot and there is nothing that would stop anyone from selling or putting a new house on the lot. He would like a motion or resolution with a stipulation attached that lot would only be allowed for garage/storage shed. Since it doesn't meet stipulations for a full lot, variance should be passed with caveat of garage/storage building only. Ms. Chase and Mr. Saliby were not in favor because the zoning laws could be changing lot size to ¾ acre and it is almost a full lot size. She feels it is too restrictive to stipulate that a house could never be built on lot. There was concern about the bacterial/septic issue of a possible residence. Mr. Culkin mentioned that the soil is clay and raised bed systems are the only ones that work and new houses are being built with raised bed systems. It is felt that the zoning laws should enforce raised bed systems if the Health Department does not. Ms. Chase stated that the new septic would have to meet Health Department codes. Mr. Culkin agreed to grant the variance with minimal needs for storage building. Jim Millington stated that the Code Enforcement Officer is responsible for water and septic, not the Health Department as the county does not have one. It is the responsibility of the Code Enforcement Officer to conduct a perk test. If the test fails, it goes to an engineered system and the engineering department stamps it which the Code Enforcement Officer will then approve. The Code Enforcement Officer is available for consultation only. He also states that a raised bed system will work if done properly.

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 character of neighborhood or detriment to nearby properties; 0- yes; 5-no
2. the benefit sought by 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  
in the neighborhood?
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 detriments to the neighborhood or community and to grant the variance and divide the lot into two lots, approximately 1 acre and the other approximately .97 acres. Mr. Saliby seconded and carried (3-2).

**New Business:**

**Richard Verneti- Area Variance**

Board members were given a copy of an application for area variance (rear setback) submitted by Richard Vernetti. Mr. Vernetti would like to remove an old shed and install a 24'X30' garage at 33938 Brandy Rock Lane, Tax Map #40.09-1-50. The board reviewed the application and a site plan. Setbacks requested are 15' (rear). The National Grid has overhead power lines in way. The chair accepted the application and scheduled a public hearing for 6 p.m. on March 5, 2018. The Chair will determine whether he needs 8' (front) or 10' (side) variance before the hearing. Steve Hall was absent but is representing Mr. Vernetti. Mr. Millington spoke on Mr. Vernetti's behalf stating that Mr. Vernetti received the approval from National Grid to go 6'. As of now, the Chair will leave the variance as is until he receives a better answer. Notice will be put in paper.

**Tug Hill Training** paperwork was given to Michelle Bouchard.

**Possibility of relocating meetings:**

The Chair made a motion to move the Zoning Board meeting back to the Town Hall starting next month for a couple of months. If doesn't work, will move them back. He feels that Recreation Park is too big with an unsafe parking lot. The Town Hall's parking lot is kept cleaner and safer. There was discussion as to what would happen with a large public hearing or if there is a holiday and the meeting is moved to Tuesday, court is on Tuesday's at the Town Hall and the meeting would have to be moved. It was decided that the meetings will continue to be held at Recreation Park.

**Introduction of new secretary:** Sharon Turner was introduced as the new secretary for both the Zoning Board of Appeals and Planning boards.

**Next Meeting:** The ZBA will meet on Monday, March 5, 2018 at 6 p.m. at Recreation Park.

Both Mr. Culkin and Ms. Chase noted that they will be out of town.

**Meeting Adjourned:** With no further business, the Chair asked for a motioned to adjourn at 6:35pm. Mr. Saliby made the motion, seconded by Mr. Culkin.

Respectfully submitted,

Sharon A. Turner  
ZBA Secretary