

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on November 4, 2018, at Recreation Park. The Chair opened the meeting at 6 p.m. with the Pledge of Allegiance.

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

Other: Jim Millington-ZEO - Present

There were 5 visitors.

Privilege of the Floor: None

Approval of Minutes:

The board reviewed and approved the minutes as written of the October 1, 2018 meeting.

Old Business: Claire Moore- Public Hearing for Area Variance- Public Hearing was cancelled because Ms. Moore withdrew her application.

Timothy Baker- Public Hearing for Area Variance-

The Chair opened the Public Hearing at 6:02 pm. Mr. Raymond Zimmer who owns the land adjacent to Mr. Baker state his opposition to the requested variance. The Chair asked Mr. Baker to provide proof of ownership of the property. Mr. Baker stated there is no mortgage and the closing took place on October 25, 2018. The Board reviewed the provided documents and agreed to accept the proof of ownership. Mr. Zimmer stated that he met Mr. Baker while Mr. Baker was removing brush and that he may be removing brush on land that he does not own. Mr. Zimmer would like a survey conducted to mark exactly where the property line is due to the land being vacant for many years and the stakes not being clear. Mr. Zimmer also stated that Mr. Baker should have come to discuss the issue with him first before the letter was sent. Mr. Baker replied that he did not send the letters out until he closed on the property. The Chair clarified that the letters are a Town requirement for the public hearing. The Chair asked for comments from the board. The consensus of the Board was that the property has been surveyed at some point in the past, but there seems to be a current issue with the location of the stakes. The Chair suggested that due to where the building is being placed, that the easiest way to settle the disagreement would be to have Mr. Baker get the property surveyed. Mr. Baker agreed to survey the property. The Public Hearing was closed at 6:29 pm. The Chair and the Board then reviewed Mr. Baker's request for a 2' front and 2' rear setback variance at Bates Rd, Cape Vincent, Tax Map #59.08-2-26. The Board discussed changing the variance to 4' front setback and requiring a survey to be completed before placement of the building. 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 to change the variance to a 4' front setback contingent that a survey is completed and shared with the zoning officer before the building is placed. Ms. Chase made the motion. Mr. Culkin seconded the motion and carried; all voting aye.

Jonathan Benvenuto- Tabled Area Variance Application

The Chair asked for a motion to bring back Mr. Benvenuto's application to the floor. Ms. Chase made the motion. Mr. Culkin seconded the motion and carried; all voting aye. Mr. Benvenuto is requesting a 13' side variance at 298 Tibbetts Point Assn. Loop, Cape Vincent, NY 13618, Tax Map #49.09-1-6.3. There was no representation on Mr. Benvenuto's behalf and Mr. Millington has not been able to get in touch with him. A new drawing/map has been sent. The Board reviewed and discussed the application. The Board accepted the application with the new map and a Public Hearing has been set for December 3, 2018 at 6 pm at Rec Park in Cape Vincent, NY.

New Business: David Bonney Area Variance Application

Board members were given an copy of an application for an area variance (front) located at 29902 Co. Rt. 4, Cape Vincent, NY 13618, Tax Map# 49.00-1-43 submitted by David Bonney. Mr. Bonney would like to build a barn. Mr. Tom Mantilotta, who would be constructing the barn, stated the variance is needed due to the topography of the land and the amount of stone that would be needed to make the building level. The Chair requested a more detailed map showing property lines and that the Board is tasked with keeping variances to a minimum. The Chair suggested tabling the application until next month so Mr. Bonney can possibly make up a new design with a smaller variance. It was also suggested to put the map on graph paper and possibly accompany it with a print out of google earth for more accuracy. The Board reviewed and accepted the application. A Public Hearing has been scheduled for Monday, December 3, 2018 at 6 pm at Rec park in Cape Vincent, NY.

Next Meeting: The ZBA will meet on Monday, December 3, 2018 at 6 p.m. at Recreation Park.

Meeting Adjourned: At 7:02 p.m., with no further business, the Chair asked for a motion to adjourn. Mr. Culkin made the motion. Mr. Saliby seconded; all voting aye.

Respectfully submitted,
Sharon A. Turner
ZBA Secretary