

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on, Monday, 2019, at Recreation Park. The Chair opened the meeting at 6 p.m. with the Pledge of Allegiance.

Board Members Present: Ed Hludzinski, Chair
Michael Saliby
Geoffrey Culkin
Craig Stevenson, Alternate

Board Members Excused: Steve Docteur
Dennis Faulkham

Other: David Rowe- Temporary ZEO- **excused**

There were 8 visitors.

Privilege of the Floor: none

Approval of Minutes:

The board reviewed and approved the minutes as written of the March 4, 2019 meeting.

Old Business: Michael Nebbia Public Hearing- Variance Application

The Chair opened the public hearing at 6:01 pm. With no comments from the floor, the hearing was closed at 6:02 pm. The Chair and the Board reviewed Mr. Nebbia's request to allow subdividing property that does not meet the 5:1 ratio requirements of the Subdivision Law Section 520, Paragraph 3 at 27678 Lisa Dr., Cape Vincent, NY 13618, Tax Map #59.06-1-16.111. The Chair stated that according to the lawyer, the Board has the authority to grant the variance. In regards to this particular piece of property, all agreed that the presented map is the best way to subdivide the property.

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: 3-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: 3-yes, 0-no.
3. The requested variance is substantial: 3-yes, 0-no.
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood: 0-yes, 3-no.
5. The alleged difficulty was self-created: 3-yes, 0-no.

After taking into consideration the five factors, the Chair asked for a motion on the variance. Mr. Culkin made a motion that the benefit to the applicant does outweigh the detriment to the neighborhood or community and the requested variance should be approved. Mr. Stevenson seconded and the motion carried; all voting aye (3-0).

New Business: Alvin Boss Area Variance Application- After the Chair and the Board reviewed the application, it was determined that the lot is two separate lots with one Tax Map number, therefore it is a pre-existing, non-conforming lot and does not need a variance. The Chair asked the secretary to draft a letter to the Planning Board stating that there is no need for a variance because it is two separate lots.

Gary Hoover Area Variance Application- Mr. Hoover is requesting to erect a roof over an existing deck. The Chair read Section 8.4C of the Zoning Law which states that changing the height of the pre-existing structure up to a height of a 35 feet shall not be considered an expansion of the non-conformity. After the Chair and the Board reviewed the application, it was determined that there is no need for a variance. The Chair asked for a motion to dismiss the variance. Mr. Culkin made a motion to dismiss the variance. Mr. Stevenson seconded and the motion carried, all voting aye (4-0).

Shailesh Patel Area Variance Application- The Chair and the Board reviewed the application from Mr. Patel who is appealing Section 3.3, paragraph 2, table #3 of the Zoning Law and is requesting a 7-foot side variance at 32426 NYS Route 12E, Cape Vincent, NY 13618, Tax Map #39.20-1-12.21. Mr. Patel would like to remove an existing trailer and erect a permanent house. The Chair and the Board discussed and accepted the application. A Public Hearing has been set for May 6, 2019.

Next Meeting: The ZBA will meet on Monday, May 6, 2019 at 6 p.m. at Recreation Park.

Meeting Adjourned: At 6:18 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

