

Town of Cape Vincent Zoning Board of Appeals

June 3, 2019

Present: Edward Hludzinski, Chairman
Dennis Faulkham
Geoffrey Culkin
Steve Docteur
Cody Higgins, ZEO
Absent: Craig Stevenson, Excused
Mike Nebbia, Excused
Visitors: Amy Rhodes, Tim White, Kitty White, Alan Wood, Margaret Aubertine, Darrell Aubertine

Chairman Hludzinski opened the meeting at 6pm with the pledge of allegiance.
Privilege of the floor was offered, no one wished to speak.
The minutes of the May 6, 2019 meeting were accepted as submitted with no changes.

Old Business: James & Amy Rhodes Public Hearing

Chairman Hludzinski opened the Public Hearing at 6:03pm and he called for public comments.
Kitty White – Kitty said that she feels the improvements along the water front makes the town look nicer. She said that she is all for the proposed placement of the Rhodes gazebo. She referenced the Aubertine’s gazebo next door to the Rhodes, stating that she felt it was a nice use of the waterfront.

Darrell Aubertine – Darrell said that he was there to support the Rhodes’ proposed gazebo project. He said that he was also speaking for the neighbors, Janel O’Neill and Kevin Aubertine who are also supporting the project. Darrell said that he feels that the placement of the gazebo is not a detriment to the waterfront, and he referenced the bath house and cottage along the river. Darrell said they pay a lot of money to be able to use the gazebo and maintain it. Darrell said that he recommends that the board grant the variance.

Amy Rhodes – Amy spoke to the board regarding her families desire to use the waterfront side of their property and the gazebo would help make a nice spot for them to do this. She said that the guardrail along the highway goes beyond their property line. She said that they need to get to the river side safely, and they have to walk along the shoulder of the highway. She said that it is a safety issue, and she said that the traffic does not slow down when they are walking along the shoulder. She said that her family would be using the gazebo for picnics and storing kayaks.

Chairman Hludzinski called for other comments, there being none, and the public hearing was closed at 6:09pm. He called for board discussion.

Dennis Faulkham read from the town’s Comprehensive Plan and the town’s Zoning Law, which discourages any negative development along the Seaway Trail and that the town recognizes the area as a scenic byway. Dennis said that because of this he is not in favor of granting the variance.

Geoffrey Culkin – Geoffrey said that as he sees it, the roll of the zoning board is to advocate for the town and maintain the scenic vistas. He said that the safety issues are a bigger concern for him. Geoffrey said

that Mrs. Rhodes stated that they have to cross the road and the traffic does not slow down, puts them at risk.

Mrs. Rhodes said that there is already a cottage on the waterside of the road that looks bad and is rodent infested. She said that their gazebo will look nicer than that, and can't understand why the board would want the area to look like a hillbilly campground.

Chairman Hludzinski reminded her that when they staked out the placement of the gazebo for the board to see the project, they were told that there was nothing the board could do about the cottage she is referring to as it was there before the zoning law was in place and is grandfathered in.

Geoffrey Culkin said that having a gazebo on the river, that they will have to cross the road to get to, does not alter the safety issue, and because of this he is not in favor of granting the variance.

Steven Docteur – Steve said that although the proposed gazebo does not meet the setback requirements, he feels it will not look bad and because of this he is in favor of granting the variance.

Chairman Hludzinski stated that the zoning board is required, by law, to protect the health, safety and welfare of the citizens. He said that he is very concerned that the family will be crossing the road to use the gazebo. He said this is a safety issue for him. Chairman Hludzinski also discussed the measurements and placement of the gazebo and said that there is not a lot of room to place it on the riverside of the property. Because of these concerns, he is not in favor of granting the variance.

The 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, 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: 3-yes, 1-no
3. The requested variance is substantial: 4-yes
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood: 4-yes
5. The alleged difficulty was self-created: 4-yes

After taking into consideration the five factors, Chairman Hludzinski asked for a motion on the variance. Dennis Faulknham made a motion to deny the variance based on the concerns for their safety and that it does not follow the guidelines of the towns Comprehensive Plan and Zoning Law, seconded by Geoffrey Culkin.

Vote was taken; Chairman Hludzinski, AYE, Dennis Faulknham AYE, Geoffrey Culkin AYE, Steven Docteur NAY.

The next meeting of the Zoning Board of Appeals will be July 1, 2019.

There being no further business, Geoffrey Culkin made a motion to adjourn at 6:23pm, seconded by Dennis Faulknham.

Respectfully submitted,

Michelle Bouchard