

neighborhood or community and the requested variance should be approved. Mr. Stevenson seconded, and the motion carried; all voting aye (5-0)

Joseph Scoglio Area Variance Public Hearing at 34731 Old County Route 7, Cape Vincent, NY 13618 (Tax Map# 40.25-2-2)

The Chair opened the Public Hearing at 6:06 pm. Ms. Rafferty Taylor from Taylor Law Firm, PLLS, who was representing Mr. Thomas Rogers, was present. Ms. Taylor submitted a letter to the Board, which is attached to these minutes, stating the opposition of the variance on behalf of Mr. Rogers. There is also concern that the applicant did not obtain a permit before removing the existing deck and starting to build the new deck. The building of the new deck was stopped by the ZEO when he was informed of the project. It was also noted that the existing lower deck did not comply with the zoning laws but it is uncertain as to how long ago the existing deck was built. According to the Chair, there are no zoning permits on file for this property. The Public Hearing closed at 6:20 pm. The Chair and the Board reviewed Mr. Scoglio's request for a 25-foot front variance in order to add a raised deck to existing deck due to flooding.

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: 5-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: 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: 5-yes, 0-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. Stevenson made a motion that the benefit to the applicant does not outweigh the detriment to the neighborhood or community and the requested variance should be denied and the owner may return the property to the original state with a valid building permit. Mr. Docteur seconded, and the motion carried; all voting aye (5-0)

New Business: TDS Telecom Area Variance Application at 6300 Gosier Road, Cape Vincent, NY 13618 (Tax Map# 40.06-1-14.8)

Board members reviewed the application submitted by Fisher Associates on behalf of TDS Telecom. Mr. Justin Cree was present who was representing Fisher Associates. TDS Telecom is requesting that the front and side setback be waived or reduced to 45 feet in order to replace the existing TDS pole and equipment, including demo and removal of existing structure at Gosier Road. The width and frontage of the parcel is not wide enough to meet the 2x tower height setback requirement, section 7.14.6 section f1 of the zoning laws.

The current pole is 60-feet in height and the new pole would be 90-feet in height. Mr. Cree also explained that the neighboring parcels are wooded and the closest structure is the equipment building owned by TDS. The new pole is fiberglass and minimum burial of the pole would be 11-feet deep. The board discussed and accepted the application made on a motion by Mr. Stevenson and seconded by Mr. Nebbia. A public hearing has been set for Monday, March 1, 2021 at 6 pm at Recreation Park.

Next Meeting: The ZBA will meet on Monday, March 1, 2021 at 6 p.m. at Recreation Park.

Meeting Adjourned: With no further business, Mr. Stevenson made a motion to adjourn the meeting. Mr. Docteur seconded the motion and the Chair adjourned the meeting at 6:37 pm.

Respectfully submitted,

Sharon A. Nebbia
ZBA Secretary