The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, March 1, 2021, at Recreation Park. The Chair opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

Board Members Present: Ed Hludzenski, Chair Michael Nebbia

Steve Docteur Darrel Aubertine

Charles DeRose, Alternate

Board Members Excused: Craig Stevenson, Vice Chair

Other: Cody Higgins, ZEO

There was 1 visitor.

Privilege of the Floor: none

## **Approval of Minutes:**

Board members on a motion by Mr. Docteur and seconded by Mr. Nebbia reviewed and approved the minutes as written of the February 1, 2021 meeting.

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

The Chair opened the Public Hearing at 6:02 pm. With no comments from the public, the Public Hearing closed at 6:03 pm. The Chair and the Board reviewed TDS's request for that the front and side setback be waived or reduced to 45 feet in order to replace the existing TDS pole with a 90-foot pole and equipment, including demo and removal of existing structure at Gosier Road. Board members reviewed and it was determined that if the pole were to fall, it would only damage equipment belonging to TDS and that the new pole would be beneficial to providing better internet service to the community. The Board then 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: 2-yes, 3-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

After taking into consideration the five factors, the Chair asked for a motion on the variance. Mr. Aubertine 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. Docteur seconded, and the motion carried; all voting aye (5-0)

New Business: None

Next Meeting: The ZBA will meet on Monday, April 5, 2021 at 6 p.m. at Recreation Park.

**Meeting Adjourned:** With no further business, Mr. Aubertine made a motion to adjourn the meeting. Mr. Nebbia seconded the motion and the Chair adjourned the meeting at 6:17 pm.

Respectfully submitted,

Sharon A. Nebbia ZBA Secretary