

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, June 7, 2021, at Recreation Park. The Chair opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

Board Members Present: Ed Hludzinski, Chair Craig Stevenson, Vice Chair
Steve Docteur Michael Nebbia
Darrel Aubertine Charles DeRose

Other: Cody Higgins, ZEO

There were 7 visitors.

Privilege of the Floor: none

Approval of Minutes:

Board members on a motion by Mr. Aubertine and seconded by Mr. Nebbia reviewed and approved the minutes as written of the May 3, 2021 meeting.

Old Business: Mary Anne Wiley Townsend Public Hearing for Area Variance Application at 8288 Strauss Blvd, Cape Vincent, NY 13618 (Tax Map#: 30.09-1-8)

The Chair opened the Public Hearing at 6:02 pm. Mr. Tom Dartnell voiced concerns for himself and on behalf of his family concerning the basement, the septic, whether the porch was covered or not as well as other concerns of the proposed home of the Townsend family. The Chair addressed that the presented concerns were of building issues with the county and had no bearing on the proposed variance. Whether or not the deck would be covered, does not have an impact on the variance. Mrs. Carrol James, who was representing her four children, did not agree with the proposed variance. The Townsend house would be too close to her house and she would lose her view of the water. Mr. Patrick Hayes voiced if it would be possible for the Townsend to set their house further back on the property, the neighbor's view would not be lost. He is not concerned with the proposed 4 ft variance on his side, but he is more concerned with the proposed 2 ft variance on Mrs. James' side and the fact that she would be losing her view. There is a right of way that is basically 'non-existent' further back on the property. If a lawyer could be obtained in order to obtain signatures from all the property owners to sign off on the right of way, the right of way would be non-existent and therefore not an issue. The Board reiterated that the Zoning Laws have changed over time and Lawyers have stated that property owners are not 'buying the view.' The Chair reiterated that the Townsend's are well within their right to be 40 feet from the water according to the current Zoning Laws. Mr. Dartnell asked the Board members to introduce themselves, which they did. The Chair closed the Public Hearing at 6:22 pm. The Chair and the Board reviewed Mrs. Townsend's variance for 4 feet on the west side of the house, 2 feet on the ease side of the house, and 2 feet on the east side of the garage. Mr. Aubertine

understands the concern of the neighbor's. Having the house 40 feet from the water is in accordance with the Zoning Laws and will be an improvement to the neighborhood. Moving the house further back would not change the requested variances. Mr. Nebbia also acknowledges Mrs. James' concern, but agrees with Mr. Aubertine. Mr. Docteur and Mr. DeRose asked Mrs. Townsend if it were possible to narrow the house by 2 feet and if the deck would be covered. Mrs. Townsend said it was not possible to make the house more narrow and yes the deck would be covered.

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: 2-yes, 3-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: 1-yes, 4-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. Nebbia seconded, and the motion carried; all voting aye (5-0)

Frederick Bach Area Variance Application at 8291 Catfish Pt. Rd., Cape Vincent, NY 13618 (Tax Map#: 29.16-1-32.1)

The Chair opened the Public Hearing at 6:33 pm. With no comments from the public, the Public Hearing closed at 6:34 pm. The Chair and the Board reviewed Mr. Bach's request for a 5' side variance and a 10' front variance in order to put up a new storage shed. There was a discussion between the Board and Mr. Fred Bach Jr, the applicant's son, on the height of the building which would be 9' 6" at the most which is still under the crest of the hill.

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: 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: 0-yes, 5-no

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

New Business: Due to the observance of the July 4th Holiday on Monday, July 5, 2021, Mr. Aubertine made a motion to move the July meeting to Tuesday, July 6, 2021 at 6pm. Mr. Stevenson seconded, and the motion carried; all voting aye.

Next Meeting: The ZBA will meet on Tuesday, July 6, 2021 at 6 p.m. at Recreation Park.

Meeting Adjourned: With no further business, Mr. Aubertine made a motion to adjourn the meeting. Mr. Stevenson seconded the motion and the Chair adjourned the meeting at 6:40 pm.

Respectfully submitted,

Sharon A. Nebbia
ZBA Secretary