

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Tuesday, September 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 Steve Docteur
 Michael Nebbia Darrel Aubertine
 Charles DeRose

Board Members Excused: Craig Stevenson, Vice Chair

Other: Cody Higgins, ZEO - present

There were 3 visitors.

Privilege of the Floor: none

Approval of Minutes:

Board members on a motion by Mr. Aubertine and seconded by Mr. DeRose reviewed and approved the minutes as written of the August 2, 2021 meeting.

Old Business:

John Mrowka Area Variance Application Public Hearing at 32323 County Route 6, Cape Vincent, NY 13618 (Tax Map: 49.06-1-2.2)

The Chair opened the Public Hearing at 6:01 pm. Mr. Mrowka explained that he would like to build a deck on the river and there is not much room. He will use pressure treated lumber and wire so as not to obstruct the view. He also talked with Andy Makuch from the County who is ok with the placement and a snow plow will not hit it. Mr. Mrowka has also obtained a Permit of Construction within a County Right-of-Way. Mr. Leschorn, a neighbor of Mr. Mrowka, also spoke and said the deck would be an excellent improvement. With no other comments, the Chair closed the Public Hearing at 6:06 pm. The Chair and the Board reviewed Mr. Mrowka's variance for 25 foot front and rear due to the insufficient shore available to accommodate the required setback for a deck. 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. 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, October 4, 2021 at 6 p.m. at Recreation Park.

Meeting Adjourned: With no further business, Mr. Aubertine made a motion to adjourn the meeting. Mr. DeRose seconded the motion and the Chair adjourned the meeting at 6:14 pm.

Respectfully submitted,

Sharon A. Nebbia ZBA Secretary