

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Tuesday, September 6, 2022, at Recreation Park. The Chair opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

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

Board Members Excused: Craig Stevenson, Vice Chair

Other: Cody Higgins, ZEO - present

There were no visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members approved the minutes as written of the August 1, 2022 meeting.

Old Business: John & Jennifer Eveleigh Area Variance Public Hearing at 32761 Rte. 12E, Cape Vincent, NY 13618 (Tax Map#: 39.16-1-5.1)

The Chair opened the Public Hearing at 6:03 pm. With no comments from the public, the Chair closed the Public Hearing at 6:04 pm. The Chair and the Board reviewed Mr. & Mrs. Eveleigh's variance for 35 foot front and 7 foot side setback in order to build a shed with limited property options as the lot is very small. Mr. DeRose does not agree as the property is too small. The other members present agreed with the variance. The Chair reiterated that the new shed is not visible from the road and the owners have a previous variance for an existing shed. 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 with a 4-1 vote.

New Business: Randall Bergman Area Variance Application at 6209 Riverview Drive, Cape Vincent, NY 13618 (Tax Map #: 40.25-1-47.2)

Board members reviewed the application submitted by Mr. Bergman. Mr. Bergman is requesting a 6 foot side setback variance in order to build a shed with limited property options as the lot is very small. The new shed will be placed next to an existing shed. The Board discussed the application request and accepted the application. A Public Hearing has been set for Monday, October 3, 2022 at 6 pm.

Resignation: Mr. DeRose submitted and the Town of Cape Vincent accepted his resignation from the ZBA. Mr. DeRose is relocating out of town. He will be present at the October meeting.

Next Meeting: The ZBA will meet on Monday, October 3, 2022 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 6:20 pm.

Respectfully submitted,

Sharon A. Nebbia
ZBA Secretary