

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, November 7, 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 Craig Stevenson, Vice Chair
Michael Nebbia
Darrel Aubertine

Board Members Absent: Steve Docteur

Other: Cody Higgins, ZEO - present

There were 5 visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members approved the minutes as amended with changes of “300 ft. setback” to “300 ft. frontage” and the Public Hearing being set for November, not October 7, to the October 3, 2022 meeting.

Old Business: Nicholas LaChance Use Variance Application Public Hearing at 36644 NYS Rte. 12E, Clayton, NY 13624 (Tax Map# 30.09-1-93)

The Chair opened the Public Hearing at 6:02pm. Mr. Matthew Turcotte, who lives on Fairview Lane, sent an email to the Board prior to the meeting. At the meeting he asked that since storage buildings were not permitted that it can't be done? The Chair responded with no and that the purpose of the ZBA is to make amendments to the Zoning Laws because the laws are not perfect. The ZBA grants exceptions to their own law but it is a case by case basis. Mr. Turcotte has concerns that if this variance is granted that it will open the door for other applicants to apply for other variances that are currently prohibited. The Chair responded that the approval of one variance does not set a precedent for other variances. Mr. Turcotte also brought to the attention that the lot size is .9-acres and according to the Zoning Laws it should be 1-acre. The Chair responded that the lot was deemed commercial before Zoning Laws were created, therefore the acreage does not apply. The Board attempts to accommodate to the best of their ability. The Board also reiterated to Mr. Turcotte that a variance is granted to a property and not the property owner. The Chair also reiterated that when considering a variance, the Board reviews as to whether the variance fits the character of the area. Mr. Turcotte stated that all his questions were answered. The Chair closed the Public Hearing at 6:11 pm. The Chair stated that this variance also needs approval of the County Planning Board. The paperwork has been sent to the County

who has 30 days to respond. Mr. Nebbia made a motion to table the discussion and the decision until next month's meeting. Mr. Stevenson seconded the motion and the motion was carried with a unanimous vote.

New Business: Sybil Gouchie Area Variance Application at 2228 Kelly Road, Cape Vincent, NY 13618 (Tax Map#: 59.07-3-40)

The Board reviewed an application submitted by Ms. Sybil Gouchie who is asking for a 14 foot rear variance to install a shed. The ZEO explained that a permit was approved in May for a shed that was never delivered and they were offered a larger shed which now needs a variance. The Board discussed the application and would like more information such as the dimensions of the lot, why a variance is needed for an empty lot, as well as a more accurate drawing. Mr. Aubertine made a motion to accept the application with the caveat that more information including lot size and a more accurate drawing is required by Monday, November 14, 2022 in order for a Public Hearing to be scheduled for December. Mr. Nebbia seconded the motion and the motion carried with a unanimous vote.

Next Meeting: The ZBA will meet on Monday, December 5, 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 6:30 pm.

Respectfully submitted,

Sharon A. Nebbia
ZBA Secretary