

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, April 3, 2023, 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 Steve Docteur

Board Members Excused: Bill DeSouza, Alternate Darrel Aubertine

Other: Cody Higgins, ZEO - present

There were 3 visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members approved the minutes of the March 6, 2023 meeting.

Old Business: David Lofgren Area Use Variance Application at 6161 Riverview Drive, Cape Vincent, NY 13618 (Tax Map#: 40.25-1-42)

The Chair opened the Public Hearing at 6:02 pm. Doug Gutzmer, a neighbor to Mr. Lofgren, had no objection. With no other comments from the public, the Chair closed the Public Hearing at 6:03 pm. The Chair and the Board reviewed Mr. Lofgren's variance for the replacement and movement of an existing shed. The Board all agreed that moving it back from the water would be an improvement. 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, 4-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, 4-no
3. The requested variance is substantial: 0-yes, 4-no.
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood: 0-yes, 4-no
5. The alleged difficulty was self-created: 0-yes, 4-no

After taking into consideration the five factors, the Chair asked for a motion on the variance. Mr. Stevenson 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 the motion and it carried, unanimously.

Gregory Wegman & Johanna Potter Area Use Variance Application at 8711 Number 3 Road, Cape Vincent, NY 13618 (Tax Map#: 30.09-1-60)

The Chair opened the Public Hearing at 6:07 pm. With no comments from the public, the Chair closed the Public Hearing at 6:08 pm. The Chair and the Board reviewed Mr. Wegman's variance for the replacement of a deck that would align with the existing cottage. 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, 4-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, 4-no
3. The requested variance is substantial: 0-yes, 4-no.
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood: 0-yes, 4-no
5. The alleged difficulty was self-created: 0-yes, 4-no

After taking into consideration the five factors, the Chair asked for a motion on the variance. Mr. Stevenson 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 the motion and it carried, unanimously.

New Business: None

Next Meeting: The ZBA will meet on Monday, May 1, 2023 at 6 p.m. at Recreation Park.

Meeting Adjourned: With no further business, Mr. Stevenson made a motion to adjourn the meeting. Mr. Nebbia seconded the motion and the Chair adjourned the meeting at 6:13 pm.

Respectfully submitted,

Sharon A. Nebbia
ZBA Secretary