The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, October 3, 2022, at Recreation Park. The Chair opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

Board Members Present: Ed Hludzenski, Chair Craig Stevenson, Vice Chair

Michael Nebbia Steve Docteur

Darrel Aubertine

Other: Cody Higgins, ZEO - present

There were 3 visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members approved the minutes as written of the September 6, 2022 meeting.

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

The Chair opened the Public Hearing at 6:01 pm. With no comments from the public, the Chair closed the Public Hearing at 6:02 pm. The Chair and the Board reviewed Mr. Bergman's variance for 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 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. 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, and the motion carried, unanimously.

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

Board members reviewed the application submitted by Mr. LaChance. Mr. LaChance is requesting permission to install self-storage units which are not permitted in the river front district. Ms. Taylor Queior, who is speaking on behalf of Mr. LaChance informed the Board that the house is located between White Caps store and camper storage. Mr. LaChance and Ms. Queior are in the process of selling their house and the new owners would like to put in self-storage units for public use. The Chair informed the Board that according to the Zoning Laws, self-storage units are not permitted in the river district. The property is also still zoned commercial. Mr. Macsherry, Chair of the Planning Board, discussed with The Chair the concern over the 300 ft. setback. The Chair stated that since the property is zoned commercial, the 300 ft. setback is a moot point. The Chair stated that the variance would be a user variance for storage units and goes with the property. The Board discussed the application request and accepted the application. A Public Hearing has been set for Monday, October 7, 2022 at 6 pm.

Next Meeting: The ZBA will meet on Monday, November 7, 2022 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 6:21 pm.

Respectfully submitted,

Sharon A. Nebbia ZBA Secretary