

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, November 6, 2023, due to Labor Day, 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
 Darrel Aubertine Bill DeSouza, Alternate
 Steve Docteur

Board Members Absent: Craig Stevenson, Vice Chair

Other: Cody Higgins, ZEO

There were 3 visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members approved the minutes of the October 2, 2023 meeting.

Old Business: Francis Letizia, Jr. Area Variance Public Hearing (Tax Map #: 59.06-1-21)

The Chair opened the Public Hearing at 6:02 pm. Don Swete, a next door neighbor, spoke on his behalf. He reiterated what he wrote in the letter he submitted to the Board. He stated that it is his understanding of variances that they are to relieve the hardship of the applicant. The application was not on the website, therefore, he does not know what the hardship of Mr. Letizia is. He stated that he agreed to the side setback in the past when the house was built. He feels that this hardship is self-created because the deck is a want and not a need. The deck would obstruct his view. This variance is 50%, which is substantial. Variances, as is his understanding, are usually minimal such as 1-2 feet to solve an issue. The Chair did speak to the fact that the Zoning Laws have changed since the house was built and the lot is now conforming. Mr. Swete continued that he does not know the purpose of the deck except for pure enjoyment which would affect the privacy of his property. The deck would allow others to look into his windows. The Chair clarified that granting the use of variances is so that property owners can enjoy their property within limits. There was a pre-existing boat house on the property that Mr. Letizia could legally rebuild which would be more obstructing than the proposed deck. Mr. Aubertine mentioned that he would be agreeable to a more minimal variance. The Chair stated that the deck would be 7ft. high and the ground slopes as the deck goes further out adding another 5.5 in making it look higher. Dave Marion, the neighbor on the other side, reiterated the fact that Mr. Letizia could rebuild the boat house. He is in favor of the deck as opposed to another boat house. The Chair asked Mr. Letizia if he would be amenable to a compromise. Mr. Letizia was not and reviewed his reasons with the Board. He distributed Exhibits 1 and 2. He first thanked the Board and apologized for not being present at October's meeting. He stated that the neighbors' boat houses

obstruct the view 100%. The previous boat house on his property had a 100% obstructed view and the deck is less obstructive. The deck is also of a lesser setback than the boat house and is more beautifying to the property. The Board members reviewed the exhibits. Mr. Swete is willing to compromise with an 8' variance in which the deck would be behind his house and not in front. With no further comments, the Chair closed the Public Hearing at 6:26 pm. The Chair asked for comments from the Board. Mr. Aubertine brought up the concern of others looking into Mr. Swete's house, which is a concern, but also wants property owners to be able to use their own property. Mr. Aubertine asked Mr. Letizia if he would be willing to modify in any way. He asked if the step-up would change the size. It does not, it just raises the deck from 6.5 ft. to 7 ft. in height which is less than the previous boat house. Mr. Letizia stated that he was not looking to invade property. He has a very small house and the deck would increase the living space. Underneath the deck will remain open and he does not intend to enclose under the deck. Mr. Nebbia commented that a 21 ft. variance was substantial and he would be more willing if the variance was smaller. Mr. DeSouza commented that after seeing the pictures of the boat house, he could rebuild on that footprint up to 35 ft. in height. The Chair commented that he would like to see the deck take a step down instead of up. After a discussion, a step going down would be more obstructive to Mr. Swete's view than a step up.

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: 4-yes, 1-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: 1-yes, 4-no

After taking into consideration the five factors, the Chair asked for a motion on the variance. Mr. Aubertine made a motion to grant the variance. Mr. Docteur seconded the motion and it carried, unanimously.

New Business: Carleton Villa, LLC (Ron Clapp) Special Use Permit (Tax Map#: 39.27-1-16)

Mr. Clapp submitted an application for a Special Use Permit for Carleton Villa, LLC. He would like to renovate and restore the villa to be a Bed and Breakfast on the upper floors with a restaurant on the first floor. He would like campground/glampgrounds which would consist of cabins and pre-built safari tents on the back portion of the 6.9 acres located between the North and South Bays. After reviewing the application and provided map, Mr. Aubertine made a motion to accept the Special Use Permit application. Mr. Nebbia seconded the motion and it carried, unanimously. The Board then discussed the process of possibly having the meeting by

zoom or a phone call due to the fact that Mr. Clapp is in Florida and will not be able to physically attend the meeting. The meeting may also be followed by a Planning Board meeting and public hearing for Mr. Clapp if the Site Plan Review Application is accepted at the Planning board meeting on Wednesday.

Next Meeting: The ZBA will meet on Monday, December 4, 2023 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 7:00 pm.

Respectfully submitted,

Sharon A. Nebbia
ZBA Secretary