

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, April 1, 2024 at Recreation Park. The Chair opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

Board Members Present: Ed Hludzinski, Chair
Bill DeSouza

Michael Nebbia

Board Members Excused: Steve Docteur, alternate

Darrel Aubertine

Board Members Absent: Craig Stevenson, Vice Chair

Other: Cody Higgins, ZEO

There were 2 visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members approved the minutes of the March 4, 2024 meeting.

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

The Public Hearing remains open and is currently in the hands of the Planning Board.

John Foster Area Variance Application Public Hearing (Tax Map #: 39.20-1-2.4)

The Chair opened the Public Hearing at 6:05pm. Mr. Andrew Garlock, who is representing Mr. Foster, reviewed the application with the Board. He stated that Mr. and Mrs. Foster are elderly and require a 2 car garage and the site is small. This side is the only side to put the garage as the septic is on the other side of the house. Currently the plans are for a 16' wide door. Mr. Garlock is inquiring if it is possible to increase the variance 2' in order to install an 18' foot door to give the couple more room in the garage. Therefore, he is currently asking for a 2'7" variance. Mr. Dave Docteur, one of the neighbor's, may not be ok with the extra 2'. The Chair stated that another Public Hearing notice may be required because the Public Hearing that was advertised was for a 7" variance and reiterated that the Board is required to post what the applicant is requesting. The Board does have the power to put contingencies. The Chair asked the Board if they felt comfortable with putting on a contingency that the Board will approve the other 2' with letters from the neighbors. Mr. Garlock stated that approval would still be needed for the original 7". The ZEO suggested approving the original 7" as well as another approval with the letters for the additional 2'. The Board discussed their options. The Board members were ok with obtaining letters from the neighbors for the other 2'. The ZEO suggested checking with Mr. Burrows, Town Attorney, to see if the letters can be accepted upon contingencies. The Chair closed the Public Hearing at 6:21pm. The Chair stated that after the discussion with Mr. Garlock, it was decided that the Foster's will need more room. The Chair stated that he would

accept a motion that will accept a 2'7" variance contingent upon letters from the two interested parties and verification with the Town Lawyer. Mr. Nebbia made the motion that the Board approves the 2'7" variance contingent upon letters from the two interested parties and verification with the Town Lawyer. Mr. DeSouza seconded the motion and it carried, unanimously. Upon further discussion, the Chair made a motion to rescind the previous motion. Mr. Nebbia seconded the motion and it carried, unanimously. Mr. Nebbia made a motion to approve the original 7" variance. Mr. DeSouza seconded the motion and it carried, unanimously. The Board then completed the Area Variance Findings. The Board continued the discussion on how to obtain the other needed 2'. The ZEO called Mr. Burrows who confirmed that the Board could not approve the other 2' feet tonight due to the fact that the interested parties could challenge the decision within 30 days. The discussion continued. Mr. Garlock submitted a new application at the meeting asking for an additional 2' variance on the property for a garage. Mr. Nebbia made a motion to accept the application. Mr. DeSouza seconded the motion and it carried, unanimously. Mr. Garlock stated that he would discuss with Mr. and Mrs. Foster if they would like a special meeting to get the variance approved more quickly.

New Business: None

Next Meeting: The ZBA will meet on Monday, May 6, 2024 at 6 p.m. at Recreation Park with the contingency that the Board may meet on Monday, April 15, 2024.

Meeting Adjourned: With no further business, Mr. Nebbia made a motion to adjourn the meeting. Mr. DeSouza seconded the motion and the Chair adjourned the meeting at 6:45 pm.

On Tuesday, April 2, Mr. Garlock informed the Board and the ZEO that Mr. and Mrs. Foster are satisfied with the original 7" and will not pursue the other 2'.

Respectfully submitted,

Sharon A. Nebbia
ZBA Secretary