

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, August 5, 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
Sarah Dayton
Darrel Aubertine, Vice-Chair
Michael Nebbia

Other: Cody Higgins, ZEO - **excused**

There were 9 visitors.

Privilege of the Floor: None

The Chair welcomed Sarah Dayton as a new member of the Board.

Approval of Minutes:

Board members approved the minutes of the July 1, 2024 meeting with a motion made by Mr. Aubertine. Mr. DeSouza seconded the motion and it was carried, unanimously.

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

No new action as it is still in the hands of the Planning Board and the courts.

Kevin Russell Area Variance Application Public Hearing (Tax Map #: 40.09-1-44)

The Chair opened the Public Hearing at 6:02 pm. David Rowe spoke in favor of the variance as other neighbors have non-conforming lots and therefore many variances within the neighborhood. Due to the driveway placement and creek, it is the most logical placement for the pole barn. The Chair mentioned that the Board does take into consideration non-conforming lots. With no other comments from the public, the hearing was closed at 6:05 pm. The Chair asked the Board for comments. The Board then completed the Area Variance Findings. 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. Aubertine made a motion to grant the variance. Mr. Nebbia seconded the motion and it carried, unanimously.

Phillip & Pamela Favret Area Variance Application Public Hearing (Tax Map #: 40.09-1-45.1)

The Chair opened the Public Hearing at 6:07 pm. Pamela Favret mentioned that the shed will be adjacent to and not in place of the existing garage. The public hearing notice was incorrect. The secretary took responsibility. David Rowe spoke in favor of the variance. With no other comments from the public, the hearing was closed at 6:08 pm. The Chair asked the Board for comments. The Board then completed the Area Variance Findings. 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. Aubertine made a motion to grant the variance. Mr. DeSouza seconded the motion and it carried, unanimously.

New Business:

Rosemary Pescrillo Area Variance Application (Tax map #: 40.09-1-49.8)

Mr. Patsy Storino submitted an application on the behalf of Rosemary Pescrillo for an area variance. Mr. Storino was referred to the ZBA by the Planning Board. Mr. Storino went to the Planning Board asking for a lot-line adjustment. Due to the two lots being non-conforming and will form two non-conforming lots, Mr. Storino was referred to the ZBA. Mr. Storino shared the survey plat with the Board. Ms. Pescrillo's current lot is a pre-existing non-conforming lot of .33-acres. Ms. Pescrillo is unable to get to the .09-acres due to a ditch and would like to convey that portion to her neighbor, Mr. & Mrs. Sergott who are already maintaining the portion of land. There was a short discussion on the process of the application. Mr. Aubertine made a motion to accept the application. Mr. Nebbia seconded the motion and it carried, unanimously. A Public Hearing will be held at September's meeting.

Lyle Wood Special Use Permit (Tax map #: 40.00-1-1.1)

Mr. Wood submitted a Special Use Permit Application. He would like to open a stone quarry business, H. Wood Stone, LLC, on Wilson Road in Cape Vincent. Mr. Wood stated that the

DEC is the Lead Agency and has completed and approved the project and Mr. Wood only needs a special use permit. Mr. Wood submitted a Mined Land Use Plan and Mining Permit Application prepared by Adirondack Geologic Services DPC dated April 18, 2023. The Board reviewed the application. Mr. Aubertine made a motion to accept the application. Mr. DeSouza seconded the motion and it carried, unanimously. A Public Hearing will be held in September.

Next Meeting: The ZBA will meet on Tuesday, September 3, 2024 at 6 p.m. at Recreation Park due to Labor Day.

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 6:35 pm.

Update on Wood Special Use Permit: Following the meeting, the Chair contacted the DEC. Via e-mail, he let the Board know that he is turning over the lead agencies responsibilities to the DEC. They will complete the SEQR and make a recommendation to the ZBA. At this time Mr. Wood does not have a mining permit. The Chair has contacted Mr. Wood to let him know what needs to be done. The public hearing on this issue had been canceled. When the ZBA hears from the DEC, then the Board can take action on the permit.

Respectfully submitted,
Sharon A. Nebbia
ZBA Secretary