### Town of Cape Vincent Zoning Board of Appeals

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, December 2, 2024 at Recreation Park. The Chair opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

<b>Board Members Present:</b>	Ed Hludzenski, Chair	Da
	Bill DeSouza	Sa
<b>Board Members Excused:</b>	Michael Nebbia	

Darrel Aubertine, Vice-Chair Sarah Dayton

Other: Cody Higgins, ZEO - Absent

There were 2 visitors.

Privilege of the Floor: None

#### **Approval of Minutes:**

Board members approved the minutes of the November 4, 2024 meeting with a unanimous vote.

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

No new update from the Planning Board on the status of the Carlton Island SEQR, therefore remains on the table.

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

This application remains on the table until we hear from the DEC on the SEQR completion.

#### Rick Blocker Area Variance Application Public Hearing (Tax Map#: 40.09-1-39.2)

Mr. Blocker requesting a 3' rear and side variance in order to replace an existing shed with a new garage. The Chair opened the Public Hearing at 6:06 pm. Hearing no comments from the public, the hearing was closed at 6:07 pm. The Board discussed the application. There was a discussion on whether the garage could be moved closer to the cottage, but due to the vehicular traffic, it is not possible. The Board completed the Area Variance Findings 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 approve the application. Mrs. Dayton seconded the motion and it carried, unanimously.

## Ann Clobridge Variance Application Public Hearing (Tax map#: 59.12-1-34.1)

Mr. Bonvouloir was present representing Ms. Clobridge. The Chair reiterated that in order for a lot-line shift approval, it will necessitate a side variance and the 5:1 depth to ratio variance. The Chair opened the Public Hearing at 6:13 pm. Mr. Bonvouloir stated that the new lot will mirror the lots next to it. With no other comments, the hearing was closed at 6:14 pm. The Board discussed the application. Mr. Aubertine thought that it might be a minor subdivision as opposed to a lot-line shift. There was a discussion on why it was 16' setback on the building that will remain with Mr. Bonvouloir as opposed to 15'. It was determined it was because of the well clearance. The other Board members had no concerns and feel that the variances address the issues faced by the homeowners. The Board completed the Area Variance Findings as follows:

- 6. An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties: 0-yes, 4-no
- 7. 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
- 8. The requested variance is substantial: 0-yes, 4-no.
- 9. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood: 0-yes, 4-no
- 10. 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 4" (3'11") variance. Mr. Aubertine made a motion to grant the variance. Mr. DeSouza seconded the motion and it carried, unanimously. The Board used the same answers from the area variance findings for the 5:1 depth to width ratio from the subdivision law. Mr. Aubertine made a motion to approve the 13.1:1 ratio. Mrs. Dayton seconded the motion and it carried, unanimously.

#### New Business: None

Next Meeting: The ZBA will meet on Monday, January 6, 2025 at 6 p.m. at Recreation Park.

**Meeting Adjourned:** With no further business, Mr. Aubertine made a motion to adjourn the meeting. Mrs. DeSouza seconded the motion and the Chair adjourned the meeting at 6:21 pm.

Respectfully submitted, Sharon A. Nebbia ZBA Secretary