

Town of Cape Vincent Zoning Board of Appeals

September 8, 2025

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, September 8, 2025 at Recreation Park. The Chair opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

Board Members Present: Ed Hludzenski, Chair Darrel Aubertine, Vice-Chair
 Michael Nebbia Sarah Dayton
 Maret Salisbury-(moved up to regular member for this meeting)

Board Members Absent: Bill DeSouza Neale Farrell

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

There were a total of 5 visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members approved the minutes of the August 4, 2025 meeting with a motion made by Mr. Aubertine and seconded by Mr. Nebbia with a unanimous vote.

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

Mr. Clapp has submitted his response to the Full EAF as requested to the Town Engineers and Planning Board. The Planning Board will take no action until the current litigation is resolved as per the town lawyer, Mr. Burrows.

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

No new update. Continues to remain on the table until the Board hears from the DEC on the SEQR completion.

David LaMora Area Variance Application Public Hearing (Tax Map#: 30.00-1-2.2)

Mr. LaMora is requesting a 4'3" front setback variance from the Zoning Law Section 3.3, paragraph 2 for his building that he would like to open an art gallery in. The Chair opened the Public Hearing at 6:06 pm. Mr. Aubertine suggested that the application be changed to commercial since he intends to submit a site plan review application to the Planning Board to make the property commercial for an art gallery. Mr. Bonvouloir, Planning Board Vice-Chair, mentioned that Mr. LaMora plans on resubmitting a Site Plan Review application to the Planning Board. Mr. Aubertine made a motion to accept the amended application. Mrs. Dayton seconded the motion and it carried, unanimously. With no other comments from the public, the hearing was closed at 6:09 pm. The Board discussed the application. The Chair reminded the Board that the request for the variance came after Mr. LaMora was given a permit for the permit. The error in the front setback was discovered while completing the Site Plan Review application. 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, 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: 2-yes, 3-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 with a unanimous vote.

Bernie Perkosky Area Variance Application (Tax Map#: 59.07-1-7)

Mr. Perkosky is requesting a 6' 6" side setback variance from the Zoning Law Section 3.2, paragraph 2 to construct a deck. They are replacing an existing deck. The Chair opened the Public Hearing at 6:27 pm. Hearing no comments from the public, the hearing was closed at 6:28 pm. The Board discussed the application. The Chair reported that there are several cottages in the neighborhood that have the same situation. The new deck is in line with the house. 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, 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: 1-yes, 4-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: 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 approve the application. Mrs. Dayton seconded the motion and it carried with an unanimous vote.

New Business: None

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

Meeting Adjourned: With no further business, Mr. Aubertine made a motion to adjourn the meeting. Ms. Salisbury seconded the motion and the Chair adjourned the meeting at 6:33 pm.

Respectfully submitted,

Sharon A. Nebbia, ZBA Secretary