Town of Cape Vincent Zoning Board of Appeals October 5, 2026

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, October 5, 2026 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
	Sarah Dayton	Michael Nebbia
	Bill DeSouza	
	Maret Salsbury-alternante	Neale Farrell -alternate

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

There were 3 visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members approved the minutes of the September 7, 2026 meeting with a unanimous vote by a motion made by Mr. Aubertine and seconded by Mr. Farrell.

Old Business:

Carleton Island- Continues to be tabled until the Town gives the go ahead to proceed.

Lyle Wood- still tabled. Waiting for SEQR completion from the DEC who is the Lead Agency.

Michael Grant Area Variance Public Hearing (Tax Map #: 49.00-1-8.3)

The Chair opened the Public Hearing at 6:01 pm.

The Chair reiterated that the applicant will remove the old shed to build a new one. With no comments from the public, the Public Hearing was closed at 6:03 pm. The Board discussed the application. The Chair asked each Board member for their comments. Mr. Aubertine stated the proposal will improve the property. Mr. Nebbia, Mr. Farrell, and the Chair agreed that it would be an improvement. Mrs. Dayton had no questions. 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: 0-yes, 5-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. Mr. Farrell seconded the motion and it carried with an unanimous vote.

New Business: Richard Jacobson Area Variance Application (Tax Map #: 39.16-1-11)
The Chair explained the application. The applicant would like to put on a new deck at 32933 Wapen Lane, Cape Vincent. The applicant was asking for a 10 ft. front variance due to the house being at an angle and the uneven shoreline. The Chair changed the variance to 13ft. The property is in the river front zoning district. Mr. Aubertine made a motion to accept the application as complete. Mr. Nebbia seconded the motion and it carried, unanimously. A Public Hearing will be held on Monday, November 2, 2026 at 6 pm.

Donald Laemmermann Area Variance Application (Tax Map #: 30.09-1-70)
The Chair explained the application. The applicant would like to build a building on a pre-existing non-conforming lot at 8911 Shady Shores Road, Cape Vincent. The applicant is asking for a 5ft side variance. The property is in the river front zoning district. Mr. DeSouza questioned the height of the building to make sure it was correct. Mr. Nebbia made a motion to accept the application as complete. Mr. DeSouza seconded the motion and it carried, unanimously. A Public Hearing will be held on Monday, November 2, 2026 at 6pm.

Cheryl Pastor Area Variance Application (Tax Map #: 59.12-1-40.2)
The Chair explained that this application was referred to the Board by the Planning Board. Mrs. Pastor would like to subdivide the property but needs a few variances in order to do so. Mrs. Pastor needs to subdivide her portion of the property which is owned by multiple family members in order to get property insurance and repair the docks. The cottages on the property are in Mrs. Pastor's name, but the land is in multiple family members' names. She would like to subdivide the lot into 2 non-conforming lots due to the current lot size. Mrs. Pastor is requesting a total of 6 variances which include:

1. Frontage- 100 ft. is needed and is requesting 46 ft.
2. For the boathouse, 10 ft side is needed and is requesting 10ft
3. For each of the 2 cottages, 10 ft side is needed and is requesting 3ft for each cottage
4. A variance request to make 2 non-conforming lots of approximately .3 and .38 acres.

The Board members reviewed the map. Mrs. Dayton voiced that she would like to speak to the landowner. Mrs. Pastor's insurance has been cancelled to the status of the land. The Chair called Mr. Higgins, the ZEO. Mr. Higgins explained that her insurance has dropped due to the multiple owners. Mrs. Pastor takes care of the property. She wants to own the parcel with the 3 cottages on it. Ms. Salisbury inquired on how the utilities and septic would factor in in the subdivision. Mr. Higgins is not sure how many septic tanks there are. Mrs. Dayton inquired if there is anything in the law to contemplate accommodating insurance issues? Mr. Higgins stated that not that he is aware of. Mr. Aubertine mentioned that the property is in the name of the Patrick J. Morrison Trust and Mrs. Pastor is one of the owners of the trust. The property taxes are mailed to Theresa and her address is in Adams. The Board would like Mr. Higgins to prove that everyone in the trust is in agreement with the subdivision. The Chair would like Mr. Higgins to ask for a new application from the trust administrator/executor and not just in Mrs. Pastor's

name. The Chair stated that based on the information that the Board has and doesn't have, he would like to entertain a motion to not accept the application as written. Mr. Aubertine made the motion. Mr. Nebbia seconded the motion and it carried, unanimously.

Good of the Board: Ms. Salisbury mentioned that according to Section 5.2 of the Town Zoning Law, the ZEO "shall submit a report with the number of Zoning Permits and Certificates of Zoning Compliance issued, fees collected, and complaints received at each regular Town Board Meeting." She is requesting that this be done. Mrs. Dayton also mentioned The NY Town Law 267-A5 and if he was in compliance with it as each order needs to be filed in the Town Office.

Mrs. Dayton inquired if Carleton Island is still in litigation? The Chair reiterated the town Lawyer sent a letter not to do anything.

Next Meeting: The ZBA will meet on Monday, November 2, 2026 at 6 p.m. at Recreation Park.

Meeting Adjourned: With no further business, Mr. Aubertine made a motion to adjourn the meeting. Mr. DeSouza seconded the motion and the Chair adjourned the meeting at 6:47 pm.

Respectfully submitted,

Sharon A. Nebbia
ZBA Secretary