

variance is needed. At present VanAlstyne Road is unpaved, and there are only a few residences on the whole road; Mr. Gardner's property is mostly surrounded by state-owned land.

At 7:29 **MOTION** made to declare this a Type II action by Les Drake, 2nd by Harold Carpenter. Motion carried. **MOTION** to close the public hearing made by Dave Storandt, 2nd by Dale Maclaughlin. Motion carried. Chairman Jim Kenney went through the finding of fact. At 7:37 **MOTION** to approve this application made by Dave Storandt, 2nd by Dale Maclaughlin.
Aye: Jim Kenney, Harold Carpenter, Les Drake, Dale Maclaughlin, Dave Storandt
Nay: None Abstain: None Absent: None

7:39 --- Town --- Frederick F. Schweitzer, Jr., 9655 Palisades Lane East, Tax Map No. 30.05-1-47.2, in the Marine-Residential District. Request for area variance.

Raymond Countryman did the presentation for Mr. Schweitzer. The applicant plans to expand his current deck and add another, lower deck, both of which would come closer to the front property line than is allowed by current ordinance. The currently existing deck would be enlarged from 10 x 14 ft. to 12 x 26 ft., and the lower deck would be 10 x 26. A setback of 55 ft. from the high water mark is required on waterfront properties, so the planned decks would need a 23 ft. front yard variance.

No letters or calls were received about this application, but one of the neighbors, Roger Napier, came forward at the meeting with some questions concerning the legality of the original deck and house, whether any trees would be cut, how this proposed additional deckage would affect the assessment, and how the town assessor becomes aware of potential changes to a building's assessment.

At 7:49 **MOTION** to declare this a Type II action made by Les Drake, 2nd by Dale Maclaughlin. Motion carried. **MOTION** to close the public hearing made by Les Drake, 2nd by Dave Storandt. Motion carried. Chairman Jim Kenney went through the finding of fact. At 7:58 **MOTION** to approve the application made by Dale Maclaughlin, 2nd by Les Drake.
Aye: Jim Kenney, Harold Carpenter, Les Drake, Dale Maclaughlin, Dave Storandt
Nay: None Abstain: None Absent: None

8:00 --- Town --- Christopher and Cynthia Matthews, Round Island, Tax Map No. 20.07-1-45, in the Marine-Residential District. Request for Area Variance.

Attorney Robert Slye did the presentation with Mr. Matthews. Mr. Matthews is proposing to subdivide his property on Round Island into two lots that would both be of substandard size: Lot A (19,818 sq. ft.) smaller by 10,182 sq. ft. from the required 30,000 sq. ft., and Lot B (22,071 sq. ft.) smaller by 7,929 sq. ft. 30,000 sq. ft. is required by the ordinance, rather than 15,000 sq. ft., because there is no public water and sewer available. Attorney Slye presented a tax map of Round Island, to be put into the public record for this application, that showed many similar-sized or smaller lots. Mr. Matthews produced several photos to show the nature of the neighborhood as flat, and affirmed that the lots in question slope away from the river, so the drainage would not endanger the water's purity. Attorney Slye noted that the Matthews are

currently conferring with the Frontenac Islanders, Inc., the association that owns a good deal of Round Island. The association is concerned that selling two substandard lots would set a bad precedent for Round Island; Mr. Slye asserted that the current application for a variance was for only one specific situation and would not in any way set any precedents. He also asserted that these two lots had been measured from the high water mark, not from the river bottom as had happened in some older deeds for Round Island properties. He said that Mr. Matthews would be willing to put certain limitations in the deeds to the lots, if that would make the action more palatable to the association. He is asking, for Mr. Matthews, that a decision on the application be delayed until talks are completed between the Matthews and the Frontenac Islanders, Inc.

Present and representing the Frontenac Islanders, Inc., were Robert Digel, Jr., president of the association, and Bruce Lippa, secretary of the association. Mr. Digel gave a brief history of the association and its relationship to Round Island, and asserted that the association was looking out for the good of all on Round Island. Chairman Jim Kenney read a letter received from Mr. Digel, speaking for the association, that was opposed to the proposed subdivision. Two other letters were also read, from Jean Hoehn and Cecil Curran, also opposed to the proposed subdivision, in large part because of the problems with the septic systems and drainage into the St. Lawrence River. It was pointed out by various members of the board that the issue at hand was an area variance; septic problems were not within the scope of the board's concerns, and would need to be dealt with by other bodies.

Discussion was held as to whether to close the public hearing, thereby closing off any further input from any of the concerned parties, or to just adjourn it till the next meeting or some undetermined time, thereby leaving open the possibility of more input being given. At 8:45, MOTION to close the public hearing made by Harold Carpenter, 2nd by Dave Storandt. Members Jim Kenney, Harold Carpenter, Dave Storandt, and Dale Maclaughlin voted in favor; member Les Drake voted against. Motion carried. Attorney Slye requested an adjournment. At 8:46 MOTION to adjourn the application until the next ZBA meeting on July 18, 2011, made by Dave Storandt, 2nd by Harold Carpenter. Motion was carried.

Old Business

At 8:47, the decision at the May meeting to deny the variance request of Sheila Badour/River Vista Properties, LLC, was brought up. More information had been received since that decision, including a letter from H&R Block verifying that the company demanded signs of a certain size and kind. Some informal discussions had also taken place. The board has the option to rehear an application, but it must be agreed to by a unanimous vote of the members present. It was noted that member Les Drake, who recused himself from the original decision, is allowed to vote on whether the application can be reheard. Also noted was that member Dale Maclaughlin, who was absent at the meeting when the decision was made, may also vote since he had familiarized himself with the facts of the application.

Some discussion was held as to whether it was necessary to rehear the application, since no really new information had come in: the letter from H&R Block merely verified what the applicant had asserted at the original hearing, and was not therefore new information, even if it

counted as official documentation. The board members were told that they had to decide if they had received information subsequent to their decision that might affect that decision.

At 8:56, MOTION to rehear the Sheila Badour/River Vista Properties, LLC, application made by Dale Maclaughlin, 2nd by Les Drake.

Aye: Jim Kenney, Harold Carpenter, Les Drake, Dale Maclaughlin

Nay: Dave Storandt

Abstain: None

Absent: None

The motion was not passed unanimously, therefore the board will not rehear the application.

At 9:00 MOTION to adjourn the meeting made by Dale Maclaughlin, 2nd by Jim Kenney.
Motion was carried.