

The regular meeting of the Town of Cape Vincent Planning Board was held on February 14, 2018, at Recreation Park. The Chair opened the meeting at 7 p.m. with the Pledge of Allegiance.

Board Members Present: Robert Martin, Chair
Richard Macsherry
Frank Gianquinto
Paul Docteur
Harvey White

Board Members Absent: Bill DeSouza
Karen Bourcy

Other: Mark Crandall, GYMO Architectural Firm on behalf of Seville Development

There were 26 visitors.

Privilege of the Floor: None

Approval of Minutes: Board members on a motion by Mr. Macsherry and seconded by Mr. Giaquinto approved the minutes as written of the January 10, 2018 meeting.

Board members on a motion by Mr. Giaquinto and seconded by Mr. Macsherry approved the minutes as written of the January 26, 2018 meeting.

The Chair mentioned where all the exits were and wished everyone a Happy Valentines Day.

Old Business: Public Hearing on Dollar General continued from January 26, 2018.

The Chair asked Ms. Turner, the Planning Board Secretary, to read mail correspondence from Marlene and Darrell Burton.

The Chair introduced Mark Crandall, site designer from GYMO Architectural Firm on behalf of Seville Development, who gave a quick overview of Dollar General project and changes as of the January 26, 2018 meeting. He reiterated that the project will be located on the corner of Route 12E and South James Street. There is a house on the corner that will be torn down. On December 13, 2017, a lot line adjustment was approved to expand the property line to the adjoining farmland. The store will be a 9100 Sq. Ft facility with 8600 Sq. Ft. of leasable interior. There will be 30 parking spaces and two entrances, South James St. and Route 12E. Mr.

Crandall referred to a map to note the changes between the previous plan and the modifications. They are currently in the Phase 2 of the DOT approval process. The DOT would like to see a drive entry further down on route 12E. This has been realigned on the map and has visual benefit. The dumpster has been relocated sideways with a wooden shadow box enclosure. The vegetation has been updated to provide more screening and now includes shrubs and large trees including lilacs, viburnum, and rose bushes. The planting around the sign will remain the same as previously discussed. The sign has been moved back due to the new driveway location. The green area would be removed on the James St. entrance and a wider apron made on the route 12E entrance due to its narrowness. Mr. Crandall then updated the board on where they were in the process. They have had two pre-submission conferences with the Planning Board, 11/8/2017 and 12/13/2018. The first public hearing was held on January 26, 2018. The first pre-submission was denied due to the signage knowing that it was not meeting the zoning laws. On January 15, 2018, the ZBA granted a variance to allow a second sign on the building. GYMO sent out an agricultural data statement which is a requirement due to the farm location within 500 ft. of the site, to the county with no response in return. In regards to questions about the lighting at the Dollar General in Chaumont, Mr. Crandall talked to the manager and was informed that the Dollar General in Chaumont was built over 10 years ago and the lighting requirements have been updated. As per request of the board, the lighting plan has been updated. The entrance lighting has been softened and reduced to 5.9 ft. candles. The highest intensity is in the back of the property. Mr. Crandall is asking for the following contingencies. He will finish the storm water calculations due to the last minute change which will be ready to submit to the village engineer by Monday, February 18, 2018 with the final set of stamped drawings. He needed official DOT approval which was completed in Phase 1. They are currently in Phase 2. Phase 3 includes the insurance bonding which they will receive and issue the certificate to the village. The lot line adjustment has not been filed due to not having DOT approval with the whole package together because changing of ownership of the property would take place at that time. Mr. Crandall provided current copies of the plan to the board with highlighted changes and asked for questions from the board.

Mr. Macsherry- The board should proceed with the contingency of lot alignment as a secondary feature.

The Chair asked for any other questions. He then commented on a comment from the county regarding a connection for pedestrians from the proposed building to James St. Mr. Crandall commented that it was not currently on the plan showing a connection. He can add a connection with a stone dust base if the board wishes.

Mr. Docteur- Commented that maybe the town could continue with the sidewalk where the village sidewalk ends which is 50-60 yards short of the town line. He would like to hear from the village.

The Chair asked for comments from the village.

Mr. George Speer- Village representative- Commented that this was discussed at a meeting the previous evening that if French Towne Market was put out of business by Dollar General, that people would walk to Dollar General, and there are no sidewalks and that is a concern.

Mr. Bob Ewell- He is also concerned about the foot traffic safety walking to Dollar General. James St. can be very congested, especially when activities occur, and he is hoping that it is addressed, and the village would do their part. The Chair confirmed that their part would be to continue the village sidewalk to the town line. Mr. Ewell is sure that the town and village would work together.

The Chair then asked if someone from the town could speak.

Mr. Ed Bender- commented that the town would look into it, but that it would likely not be a problem.

Mr. Crandall showed on the map two options for the proposed stone based walkway. He needs to know which option to add to ensure that the storm water is not going into the basin or ditch.

Carly Basinger- Commented in regards to extending the sidewalk that street lighting should also be looked into as James St. is very dark.

The Chair reassured that the best method for a sidewalk would be looked at.

Dean White- He is concerned about Market St. If people were to walk up Market St. the sidewalk does end and there is an 8 in. shoulder the rest of the way up and a blind hill in the road. He feels that is a very dangerous situation.

Michelle Oswald- She stated that the proposed sidewalks at the Dollar General are not acceptable and should be conformed with the village and town sidewalks as cement and not just stone dust. She doesn't want the Dollar General sidewalk to be different than the town and village sidewalk. She also agrees that Market St. is just as necessary as James St. to have a sidewalk as this is a walking community.

Kirk Grant- Stated a problem that at the top of Market St. hill is not village land so where to continue the sidewalk at that point. Can not go through private land.

There was a commentary between Ron Trottier and Kirk Grant stating that the stone dust is a temporary solution. Mr. Trottier provided additional information that the sidewalk on Market St. ends on the westside of the road and the proposed store is on the east. A new sidewalk would have to continue after Mr. Grant's house or use this point as a crosswalk and new sidewalk. It was also stated that a possible sidewalk should be around Recreation Park not knowing who owns the land in the center of the triangle at the top of the hill. Putting in a sidewalk is a big job and lot of commitment. The Dollar General is used to doing business without sidewalks.

Mr. Crandall reiterated that he cannot commit to putting in concrete for the sidewalk at this point. There is no requirement in the zoning laws to provide an internal sidewalk. Mr. Crandall understands the concern but he cannot make contingencies in the application to turn the stone dust to concrete in the future. He again reiterated the two proposed options. If the board agreed on a preferred way, he could input it in the drawings for Monday, February 18.

A comment was made from the public (did not give name) as to the location of the door.

Mr. Crandall commented on the location of the door. It is currently nicely graded and it's the shortest distance. There is no ice flow on the roof and is safe for pedestrians. He can only do the work to the property line. It would then be up to the community to gain DOT approval for the the last 5 ft. connection. He reiterated that it is easier for communities to negotiate with the DOT than it is for developers.

The Chair asked if this was acceptable to the board and all agreed.

Mr. Crandall reiterated that the new drawings will show a 4 ft. stone dust sidewalk from the building to the property line onto James St. This location would also provide for a crosswalk in the future.

Mr. Docteur commented that is not required in the zoning laws to put in a sidewalk on the property or to put restraints on that it would be included in the future.

Mr. Crandall cannot commit to concrete without discussing with his client first. It is a considerable investment. The distance of the sidewalk is 150-160 ft.

There was commentary between Mr. White, Mr. Macsherry, Mr. Grant, and Mr. Crandall. Mr. Grant was concerned that the stone dust base would not be easy for wheelchairs. The entrance to the store will be wheelchair accessible and ADA compliant. Mr. Crandall reiterated that wheelchairs can be used on the stone base more easily in the second season when it is more

compacted. Even though it is only a recommendation and not a requirement, Mr. Crandall is willing to put in a stone base sidewalk.

Michelle Oswald- When the town puts in sidewalks, they will not just stop at the property line, but go all the way up to the store and why should that be a town expense?

Mr. Macsherry reiterated that it is not a town expense. There are no current plans for the town and village to continue with the sidewalk, therefore cannot ask a developer to put in a sidewalk. It is not a requirement in the zoning laws, just a recommendation.

Michelle Oswald- Thanked Mr. Crandall for listening to the landscaping as a screening. She is concerned that because at the last meeting it was brought to attention that the screening at the prison was never put in nor enforced. She is asking the board to put money in an escrow account to enforce the screening and hopes that the developers would use local nurseries.

Mr. Crandall reiterated that they are willing to consider using local resources as much as possible. His client is very willing to get bids from local businesses. He then addresses the issue of bonding. If it is on the drawing at the time, they are obligated to have it there at final inspection. The State can have the right to not issue a Certificate of Occupancy if not there.

Mike Bell- The bond issue is addressed in Section 6. He believes that Ms. Oswald's point is that if the plants die within a year that there would be some guarantee they would be replaced. He then thanked the veteran, past, and new members of the board for taking the responsibility to enforce the zoning laws. He then read Section 13 and 1.1 of the Town Comprehensive Plan and reiterated that this is what the board should be basing their decisions on.

Mr. Macsherry said that the Comprehensive Plan is a theoretical construct, not the basis of law. That is the Zoning Law. One follows the spirit of it which is to further the growth of the village and town to promote businesses normally found to be acceptable in a municipality of the size and type of Cape Vincent. Businesses that are not in that scope include adult entertainment and slaughter housing. When the Comprehensive Plan was being developed, it was never brought to attention during public hearings that anyone would not want a chain store.

Mike Bell- The Comprehensive Plan is a guideline for the vision for the community. It's the board job to decide if the business fits in. Since the last public hearing, he can see that Mr. Crandall is willing to listen and adjust plans as he has already addressed several of the issues. He just wants to make sure that the board ensures that the developer is following proper procedures.

Mr. Machserry- Reiterated why he brought up Article 78.

Gordon Weir- He stated that he just heard about the proposed Dollar General after the last public hearing on January 26, 2018. He doesn't understand how the board expects members of the community to talk about a certain project that the board wants to bring into the community unless the board asks them. He is not sure how this is accomplished as he lives here most of the time and he just heard about it. He does not agree with this business as it will hurt the businesses already here. He and his wife will never shop at this store and there are other stores that are better in the community. Mrs. Weir asked why they did not receive anything with their tax bill asking for their opinion. Mr. Weir said that the board has said that they have presented this and there was no disagreement. He feels there was no disagreement because it was not presented. The Chair reiterated that this project been has been in discussion since November.

Mr. Macsherry- Asked Mr. Weir if he was here during the months of discussions and public hearings while developing the Comprehensive Plan and Zoning Laws. Mr. Weir replied no. Mr. Macsherry suggested that the Town and Village be approached as to why there is not more publicity. He stated that when he was previously on this board, it was videotaped. It was the town's decision to stop taping the meetings. It is not the duty of the board to advertise for public hearings. The board members are all volunteers. He also feels more publicity is necessary, but the Town Board does not think it is worth the money.

Mike Bell reiterated that the town is obligated to announce public hearings in the paper.

Michelle Oswald stated that since there are representatives of the the village and town here at this meeting, this is a good example as to why meetings should be videotaped because it takes time for people in the community to hear about things. She believes that the chairman of the board can request to have his meetings recorded. She feels that it is the zoning and planning board's responsibility to look at the economic impact of new businesses on the community. She requested this study and Mr. Crandall said that he had it but no one on the planning board asked to look at it. She feels that it would helpful when making a decision. The board reiterated that it is not their responsibility. Ms. Oswald disagrees. Mr. White said that the board cannot argue the economics of one business versus another.

Mr. Crandall clarified that he never offered the economic study as it was Dollar General that conducted the study, not Seville Development, therefore the results cannot be released.

Michelle Oswald- She asked if a SEQRA was completed for the zoning board and if the box for endangered species was marked. She claims that there is no SEQRA on file.

Mike Bell- stated that there is a SEQRA that addressed the construction of the sign and it was filed in the town office.

The Chair verified that the Environmental Assessment Form was completed on 12/6/2017, filed, and available in the town office.

Mr. Grant why are people doing this now? Ms. Oswald stated that no one was allowed to speak in November.

Mr. Crandall stated that he believes that Ms. Oswald is confused as to why this has not been completed because traditionally the SEQRA is not handled until after public comment.

Mike Bell- He is concerned about the pedestrians and vehicles coming over the hill on Market St. because this can be dangerous.

Mr. Giaquinto iterated that this is a town and village issue, not the planning boards.

Mike Bell asked if the board could make a recommendation to the town.

Mr. Macsherry stated that the board would make recommendations. He then reiterated that all potential sites for small businesses have been made available for months with no objections. It a function by which the board says Aye or Nay to the proposed site use. Possibly the zoning laws could be revised to include the things that could impact a business that there would be issues with. At this point, it is the board saying Aye or Nay to this particular site used by the developer then their recommendation is for the town and village to work together to develop a pedestrian plan.

Mike Grant- Stated that Joe Chavoustie is his first cousin and the owner of French Towne Market. He stated that it is his cousins choice to close two days a week during February and March. Next year, if he chooses to close for all of February and March, people need to go somewhere. Since people cross the street all over town, that should not be a problem. At some point, people need to take responsibility for their safety when crossing the street. He does not think that a project such as this should be micromanaged, but he understands. The Dollar General will bring tax money coming into the community. He feels that we can not chase out every business before the business is given a chance. He doesn't feel that it is right since communities around Cape Vincent have new businesses and are very happy. He feels that the community needs the Dollar General.

Ron Trottier- Reiterated that he is a business owner and is looking forward to Dollar General. It will take some of the load off of his business. It is not the job of the board to focus on sidewalks because immediately have to focus on economic issues such as tax rates and plowing. The Dollar General will also provide year round employment. He also mentioned that the Dollar General is in the 45 mph zone.

The public hearing was discontinued at 8:15 pm on a motion made by Mr. Doctuer and seconded by Mr. Giaquinto. All agreed Aye (5-0).

The Chair and the board reviewed the three contingencies and voted:

1. To add a stone dust sidewalk from the back of the building to the property line.
2. Continue with the DOT approval process. Modifications need to be made to the SWPPP (Stormwater Pollution Prevention Plan). Changes will be issued to the village engineer to be stamped and filed in the town office on Monday, February 18, 2018
3. The Lot-line adjustment variance was approved on 12/13/17 but needs to be signed and filed.

Board members reviewed and discussed each of the 11 criteria of the Part 2 Short Environmental Assessment Form- Impact Assessment.

1. The proposed action will create a material conflict with an adopted land use plan or zoning regulations. 0-yes, 5-no
2. The proposed action will result in a change in the use or intensity of use of land. 0-yes, 5-no.
3. The proposed action will impair the character or quality of the existing community. 0-yes, 5-no
4. The proposed action will have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA). 0-yes, 5-no.
5. The proposed action will result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway. 0-yes, 5-no.
6. The proposed action will cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities. 0-yes, 5-no.
7. a.. The proposed action will impact existing public/private water supplies. 0-yes,5-no
b. The proposed action will impact existing public/private wastewater treatment utilities. 0-yes, 5-no
8. The proposed action will impair the character or quality of important historic, Archaeological, architectural or aesthetic resources. 0-yes, 5-no.
9. The proposed action will result in an adverse change to natural resources. 0-yes,5-no
10. The proposed action will result in an increase in the potential for erosion, flooding, or Drainage problems. 0-yes, 5-no.

11. The proposed action will create a hazard to environmental resources or human health.

0-yes, 5-no.

Motion was made by Mr. Macsherry to accept the application of Dollar General with documented contingencies, seconded by Mr. Docteur. All approved- Aye.

New Business: None

Next Meeting: The Planning Board will meet on Wednesday, March 14, 2018 at 7 p.m. at Recreation Park.

Meeting Adjourned: At 8:21 p.m., with no further business, the Chair made a motion for the meeting to be adjourned. Mr. Giaquinto made the motion. Mr. Docteur seconded; all voting aye.

Respectfully submitted,

Sharon A. Turner
Planning Board Secretary