

TOWN OF CAPE VINCENT PLANNING BOARD

October 10, 2012

The regular meeting of the Town of Cape Vincent Planning Board was held on October 10, 2012, at Recreation Park. The meeting conducted by the Board Chair, Richard Macsherry, opened at 7 p.m. with the Pledge of Allegiance.

Board Members Present: Richard Macsherry, Chair
Robert Brown
Rockne Burns
Cyril Cullen
Paul Docteur
Karen Bourcy, Alternate
Robert Cardarelli, Alternate

Others: Brooks Bragdon, Town Councilman Liaison
Kathleen Pierce, Planning Board Secretary

There were 26 visitors.

PRIVILEGE OF THE FLOOR:

Paul Mason, 35874 State Route 12E, expressed his feelings about having to spend \$57 on certified mailings to notify property owners adjacent and across the road from his property of the public hearing concerning his request for a minor subdivision. The Chair responded that he understood Mr. Mason's frustration, especially when relatives have to be notified, but with some applications, it is especially important to notify all neighboring property owners, and it is a requirement of the Site Plan Review application process.

APPROVAL OF MINUTES:

Board members reviewed the minutes of the meeting of September 12, 2012. Mr. Macsherry asked for a motion to accept the minutes as written. Mr. Burns made the motion, seconded by Mr. Docteur and carried; all voting aye.

The minutes of the special meeting of September 21, 2012, were reviewed and accepted as written with one correction—change the last sentence from Mr. Bragdon to read "Mr. Macsherry made a motion to adjourn" Mr. Cullen made the motion, seconded by Mr. Brown and passed unanimously.

OLD BUSINESS:

Public Hearings: The Chair announced that the public hearing regarding the application of Laurie Nicoson for a minor subdivision is postponed per the applicant's request.

The public hearing to consider the application of Paul and Elaine Mason and Gerald and Beverly Aubertine opened at 7:08 p.m. The applicants requested a minor subdivision approval of property of three lots on 5.9 acres on State Route 12E. The Chair asked if there were any comments from the public. With no comments from the public, the Chair closed the hearing at 7:09 p.m. Mr. Brown,

board member, asked if each lot had 100' of shoreline. Mr. Robert Busler of LaFave, White & McGivern, L.S.P.C. assured the board that there is 100' of shoreline for each lot as indicated on the survey map. The Chair asked the secretary to read the Resolution.

Resolution offered by: Robert Brown.

WHEREAS, the Planning Board of the Town of Cape Vincent (the "Board") is reviewing the Site Plan Application submitted by Paul and Elaine Mason/Gerald and Beverly Aubertine (the "Applicants") for approval of a minor subdivision of property of three lots on 5.9 acres on State Route 12E (Town of Cape Vincent), Tax Map #29.16-1-2.1 in an application dated September 10, 2012, and

WHEREAS, the Board has complied with the requirements of the New York State Environmental Quality Review Act and the regulations promulgated thereunder and declared this action to be an "unlisted" action and issued a negative declaration at an October 10, 2012, meeting, and

WHEREAS, a public hearing was held on October 10, 2012, after due notice of said hearing, at which time no adverse public opinion was expressed,

NOW, THEREFORE, BE IT RESOLVED THAT,

1. The application and implementation of the application submitted by the Applicants has no significant adverse effect on the public health, safety, welfare, comfort, and convenience of the public in general and residents of the immediate surrounding area.

2. The application submitted by the applicants addresses all of the required and applicable items set forth in the Town of Cape Vincent Zoning Law.

3. The Clerk of the Town of Cape Vincent is hereby directed to file a negative declaration, substantially in the form and substantially to the effect of the negative declaration attached to this Resolution, in the main office of the Town of Cape Vincent in a file that will be readily accessible to the public. Any subsequent notices concerning this project shall state that a negative declaration has been issued.

Seconded by: Cyril Cullen and carried; all voting aye (5-0).

The second public hearing opened at 7:11 p.m. to consider the application of Paul Mason for approval of a minor subdivision of property of one lot of 3.20 acres at 35574 State Route 12E. The Chair asked if there were any comments on the proposed application. There were none and the hearing was closed at 7:12 p.m. With no further comments, the secretary read the Resolution.

Resolution offered by: Cyril Cullen

WHEREAS, the Planning Board of the Town of Cape Vincent (the "Board") is reviewing the Site Plan Application submitted by Paul Mason (the "Applicant") for approval of a minor subdivision of property of one lot on 3.20 acres at 35574 State

Route 12E (Town of Cape Vincent), Tax Map #30.00-1-7 in an application dated September 10, 2012, and

WHEREAS, the Board has complied with the requirements of the New York State Environmental Quality Review Act and the regulations promulgated thereunder and declared this action to be an “unlisted” action and issued a negative declaration at an October 10, 2012, meeting, and

WHEREAS, a public hearing was held on October 10, 2012, after due notice of said hearing, at which time no adverse public opinion was expressed,

NOW, THEREFORE, BE IT RESOLVED THAT,

1. The application and implementation of the application submitted by the Applicant has no significant adverse effect on the public health, safety, welfare, comfort, and convenience of the public in general and residents of the immediate surrounding area.

2. The application submitted by the Applicant addresses all of the required and applicable items set forth in the Town of Cape Vincent Zoning Law.

3. The Clerk of the Town of Cape Vincent is hereby directed to file a negative declaration, substantially in the form and substantially to the effect of the negative declaration attached to this Resolution, in the main office of the Town of Cape Vincent in a file that will be readily accessible to the public. Any subsequent notices concerning this project shall state that a negative declaration has been issued.

Seconded by: Robert Brown and carried; all voting aye (5-0).

ITEMS FOR INFORMATION:

- Mr. Brown informed the public that a letter dated September 25, 2012, signed by members of the Town Council, Town Planning Board, and Town Zoning Board of Appeals, had been sent to the Secretary of the NYS Public Service Commission in response to BP’s Public Involvement Program (PIP) statement that was submitted to the State Energy Siting Board. The letter is available on the Town’s website.
- Chair Macsherry also shared information on BP’s re-permitting of their meteorological towers. He indicated that he had told Mr. Gross to re-permit the towers, but there is no evidence or documentation, either verbally or in writing, after review of the Town’s and the Zoning Enforcement Officer’s files and records for 2011 and to date in 2012 of the Town, of receiving any fees or paperwork by BP to re-permit their meteorological towers.
- The Chair also shared that he and Town Supervisor, Urban Hirschey, spoke jointly on the phone with Richard Chandler, Director of Development for BP. Mr. Chandler requested a meeting to bring the Town and Planning Board up to date on where BP stands with regard to their application. Mr. Macsherry and Mr. Hirschey informed Mr. Chandler that any meeting would be with all members of both boards and open to the public. The Town

Board of Lyme and their Planning Board also plan to attend the meeting along with Attorney Paul Curtain who will assist in conducting the meeting. The meeting is scheduled for Tuesday, October 23, 2012, at 6 p.m. at Recreation Park in Cape Vincent.

- Cliff Schneider, Town Councilman, informed board members that there will be a training session sponsored by the Jefferson County Department of Planning and the Tug Hill Commission for local land-use officials on October 22, 2012, at 6:30 p.m. at Jefferson Community College. All board members are invited and encouraged to attend.

NEW BUSINESS:

Joseph Martin, 36788 State Route 12E, presented his request for a lot-line shift on 6.5 acres that he had been given approval for a minor subdivision after a public hearing on August 12, 2009. The proposed lot-line shift would create a parcel approximately 3.26 acres in size. The Board reviewed a survey map submitted by Mr. Martin with the proposed lot-line shift and determined that it meets all the setback requirements for the River Front District. Approval for the lot-line shift was granted on a motion by Mr. Docteur, seconded by Mr. Cullen, all voting aye (5-0).

NEXT MEETING: The next Planning Board meeting will be Wednesday, November 14, 2012, at 7 p.m. at Recreation Park.

ADJOURNMENT: At 7:34 p.m., with no other business, Mr. Macsherry made a motion to adjourn the meeting. Mr. Docteur seconded and carried; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
Board Secretary

