

The regular meeting of the Town of Cape Vincent Planning Board was held on October 8, 2014, at Recreation Park. The Chair, Robert Brown, opened the meeting at 7 p.m. with the Pledge of Allegiance.

Board Members Present: Robert Brown, Chair
 Rockne Burns - Excused
 Cyril Cullen
 Richard Macsherry
 Paul Docteur
 Allen Walker, Alternate
 Karen Bourcy, Alternate - Excused

Others: Brooks Bragdon, Town Council Liaison

There were six visitors.

The Chair asked Allen Walker to sit in for Mr. Burns.

PRIVILEGE OF THE FLOOR: Steve Docteur asked what the procedure was to subdivide property into four parcels. The Chair reviewed the process of a minor subdivision for Mr. Docteur.

APPROVAL OF MINUTES:

Board members reviewed and approved, as written, the minutes of the meeting of September 10, 2014 on a motion by Mr. Macsherry, seconded by Mr. Docteur; all voting aye.

NEW BUSINESS:

- **V. Peter Mortensen, Minor Subdivision** – The Chair opened the public hearing at 7:07 p.m. on the application of V. Peter Mortensen for a minor subdivision. Mr. Peter Walton, representing Mr. Mortensen, reviewed with the board the application and survey drawings of the proposed minor subdivision. The Chair asked if there was any comment from the public. Darlene Burton asked if the subdivision was in a wetland. The Chair read a letter from Julie Worden, Valley Road, and a neighbor of Mr. Mortensen. Ms. Worden, while not opposed to the subdivision, expressed concern over the proposed use (spreading of liquid manure) on the 235.69 acres to be sold. Her worry is that the liquid manure to be spread will contaminate the pond on her property which is fed from the pond on the Mortensen property and also contamination to her well which is her home’s water supply. Board members agreed that Ms. Worden has a legitimate concern over her well water. The Chair will advise her that she should express this concern with the County Health Department and the Department of Environmental Conservation. The Chair closed the public hearing at 7:17 p.m.

The secretary then read the Resolution offered by Richard Macsherry .

WHEREAS, the Planning Board of the Town of Cape Vincent (the “Board”) is reviewing an application submitted by V. Peter Mortensen for a minor subdivision, (10 acres and 235.69 acres), from a 245.69-acre parcel at 29766 Valley Road, Cape Vincent, Tax Map #49.00-1-5.2.

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 8, 2014, meeting, and

WHEREAS, a public hearing was held on October 8, 2014, after due notice of said hearing, at which time 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.

Allen Walker seconded and carried; all voting aye (5-0).

- Daren Morgan of LaFave, White, McGivern, representing Thomas Thayer submitted a Lot-Line Adjustment application for Thomas Thayer, 34908 Muttan Lane, Clayton, (Town of Cape Vincent) and Leo Ingerson (Ingerson Living Trust), 334427 Muttan Lane. The LLA will transfer 11.27 acres from Tax Map #41.00-1-28.1 and combine it with Tax Map #30.18-1-27. Board members reviewed the survey drawings that included the proposed LLA. Mr. Macsherry made a motion to approve the Lot-Line Adjustment as proposed. Mr. Cullen seconded and carried; all voting aye (5-0).

OLD BUSINESS:

- **Roger Napier** – No paperwork has been submitted for the Lot-Line Adjustment Mr. Napier inquired about at the September meeting.
- Board members reviewed and discussed the Town attorney's suggestions that will be included in the amended Subdivision Law, the proposed language on enforcement of a violation that will be included, minor and major subdivision definitions, and lot-line adjustment. The final draft will be sent to the Town attorney for his review. Earlier in the conversation, Mr. Brown made a motion to send the revisions to the Subdivision Law on to the Town Board for their review but withdrew the motion as board members wanted the attorney to review the proposed changes one more time.
- Following the review of the changes to the Subdivision Law, Mr. Docteur stated that he had a concern on the process of a lot-line adjustment. He suggested that a line be added to the application for the "use" of the intended LLA. He shared his concern that neighboring property owners do not have any input as to what the property would be used for. The attorney will be consulted.

TRAINING OPPORTUNITY:

October 30, 2014, Land Use law Q & A Workshop sponsored by Jefferson County and NYS Tug Hill Commission, at JCC from 6:30-8:30 p.m.

NEXT MEETING: The next meeting will be Wednesday, November 12, 2014, at 7 p.m. at Recreation Park.

ADJOURNMENT: At 8:10 p.m., with no other business, Mr. Brown asked for a motion to adjourn. Mr. Macsherry made the motion, seconded by Mr. Docteur and carried; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
Board Secretary