

The regular meeting of the Town of Cape Vincent Planning Board was held on January 9, 2019, at Recreation Park. The Chair opened the meeting at 7 p.m. with the Pledge of Allegiance.

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

Board Members Excused: Karen Bourcy

Other:

There were 8 visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members on a motion by Mr. Macsherry and seconded by Mr. Docteur approved as written the minutes of the December 12 , 2018 meeting.

Old Business: Dillenbeck Minor Subdivision Application

The Chair reopened the review of the Dillenbeck minor subdivision application that was tabled from the meeting of December 12, 2018. The Board reviewed the updated survey that was submitted. The new survey map divided the 7.93 acres into Lot 1 of 5.01 acres and Lot 2 of 2.92 acres. On the application, 5f was completed and initialed. The application was accepted by the Board and a Public Hearing was scheduled for Wednesday, February 13, 2019 at 7 p.m. at Rec Park, Cape Vincent.

New Business: Veith Trust Lot-Line Adjustment Application

The Board reviewed the application submitted by Arthur F. and Lois I. Veith Trustees- Sandra L. Ivey and John H. Veith, for a lot-line adjustment. Ms. Ivey and Mr. Veith are requesting a lot-line adjustment to subdivide a 40' wide strip of land of 0.429 acres from a 3.680 acre parcel known as Tax Map Parcel # 40.06-1-14.11 and combine it with a 1.862 acre parcel known as Tax Map Parcel #40.06-1-14.14 at 6232 Gosier Road, Cape Vincent, NY 13618. Mr. Patsy Storino, P.L.S. spoke on behalf of Ms. Ivey and Mr. Veith. After reviewing the application, the Chair and Board accepted the application. The Board and Vice-Chair, Mr. Macsherry, completed and signed Part 2 of the SEQR. The secretary will mail the approved application to Mr. Veith and Mr. Storino.

Zoning Laws- The Chair opened up the floor to the public in regards to the December Town Board Public Hearing. Mr. Macsherry started the discussion that at the Town Board Public Hearing he advised the Town Board that it would be inappropriate that evening to vote on the Zoning Laws due to the fact that the Planning Board would be reviewing the suggestions given by the County Planning Board. It was also mentioned that the hearing started on a sour note due to a comment made by the Town Supervisor and that the public was not given the opportunity to voice their concerns at the Town Board Public Hearing. Mr. Macsherry thought it was important that the public's voice was heard, therefore the public was invited to this meeting.

Michelle Oswald: Michelle spoke in regards to the proposed changes in the Zoning Law. She stated that the Planning Board's chief job is to protect neighbors and felt that rights have been taken away in regards to wind such as noise, visual, etc. Realtors are stating that property sales are up and that the River District was taken out of SWECS for a reason and the Planning Board should be looking at everything that went into wind.

Mr. Macsherry stated that the average house is 20 KW for wind.

Mr. Gianquinto stated that realistically the Town would be looking at 2-3 turbines. The River District was changed to allow 10-60 KW on the East Side.

Mr. Macsherry reiterated that there was no change in the agricultural district.

Ms. Oswald asked why are they allowed in the River District at all? What is the thinking? She asked the board to look at Mary Groben's property.

Mr. Macsherry reiterated that the Board is reviewing again the proposed changes to the Zoning Laws.

Hester Chase stated that the Board has not published work sessions dates and times.

Ms. Oswald also stated that there was no liaison from the Town Board present.

Deb Suller asked what comments the County had to say.

Mr. Macsherry reiterated that they were nothing about wind and then proceeded to read the comments from the county.

Carole Jinks asked what is the difference between valued and scenic versus historic properties for WECS. It could just be semantics in the writing of the Law and what does it mean to everyone?

Lynn Jinks stated his property lines.

Mrs. Jinks reiterated that she has to visualize distance.

Mr. Macsherry reiterated that WECS were not changed.

Mrs. Chase asked for clarity that the Town Board has given the revised edition back to the Planning Board to review. She was told yes. She asked if the next and future Zoning Laws worksessions could be posted on the Town website and made public. The Chair said that he would talk to the Town Clerk. She then asked why Decommissioning was taken away?

Mr. Macsherry stated that in Chaumont in 2012, 6-8 months before B.P cashed in, he asked who was responsible for holding the Decommissioning money? The answer was in "Albany's" hands.

Ms. Chase asked if it was at the discretion of the Town Board.

Mr. Docteur stated that the Town Board should be responsible to holding Decommissioning Funds.

Mr. Macsherry stated that under Article 10, Albany will hold the money.

Ms. Chase stated that it doesn't take away the purposes of the funds even if we don't see it. She believes that there is a uniform opinion that large WECS are bad for Cape Vincent and why are we changing the laws?

Mr. Docteur stated that the intent was to separate WECS or large wind from SWECS or small wind because the law was confusing.

Ms. Oswald in concerned with having 200' turbines in the River District.

Mr. Macsherry voiced his frustration that no calls were made to any member of the Planning Board before the Town Board Public Hearing to voice concerns.

It was then mentioned that meetings should be videotaped.

The Chair stated that the Town can not afford to video tape all meetings.

Mrs. Suller stated that her brother has been involved in a very large solar project and the downsides to solar. She asked that if we were protected in the Zoning Laws from a huge solar farm and would they have to go through a Site Plan Review?

Mr. Macsherry stated that yes they would and Board and SEQR process would probably end the project.

Mrs. Suller has why WECS were not required to take out concrete bases?

Mr. Macsherry stated that the Board can not justify for the the Town to force them to take the pillboxes out.

Ms. Oswald asked why take out Special Use Permits for SWECS?

Mr. Gianquinto stated that a Special Use Permit basically kills a project.

Mrs. Chase stated that it does not kill a project if the project conforms to the law. The Special Use Permit is not the same as a Special Use Variance and does allow protection for the community.

Mrs. Oswald discussed the 1000' setback for the River District in regards to personal wind turbines. She discussed that Canadian Laws for more rural areas were very lenient but as one gets closer to towns, they have more setbacks. In regards to Mary Groben, there is the setback from the road, but no setback from dwellings.

Mr. Macsherry stated the law does have side setbacks.

Mrs. Oswald stated that the Canadian Law setbacks state where the turbines can go.

Mr. DeSouza stated that the setbacks are covered through the radius from the blade on the height of the turbines.

Mrs. Chase that to be fair the Zoning Laws work sessions were not posted.

Mrs. Oswald reiterated that she went to the Town Board Public Hearing to ask questions and felt that they were blown off. She also heard that APEX has visited Cape Vincent and felt that the laws could be changing to include large wind such as APEX.

The Chair reiterated that the Board will be reviewing the proposed changes to the law by taking into consideration the comments and suggestions form the County as well as the public.

Zoning Laws Work Session: The next session will be held on Wednesday, January 16, 2019 at 7 p.m. at Rec Park.

Next Meeting: The Planning Board will meet on Wednesday, February 13 , 2019 at 7 p.m. at Recreation Park.

Meeting Adjourned: At 8:30 p.m., with no further business, the Chair asked for a motion for the meeting to be adjourned. Mr. Macsherry made the motion. Mr. DeSouza seconded; all voting aye.

Respectfully submitted,

Sharon A. Turner
Planning Board Secretary