

The regular meeting of the Town of Cape Vincent Planning Board was held on Wednesday, June 9, 2021, 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-Vice-Chair
Harvey White	Dr. Frank Giaquinto
Karen Bourcy- alternate	Bill DeSouza

There were 14 visitors

Privilege of the Floor: Hugh Dietz- Mr. Dietz thanked the members of the Board for serving on the board as the town needs such oversight.

Old Business:

**Schmeer Family Trust Minor Subdivision Application Public Hearing
(Tax Map #: 49.18-1-24.111)**

The Chair opened the Public Hearing at 7:06.

Mr. Gary Brown, who was representing Barbara Brown, stated that there had been chaos with the right of way for 19 years. The Schmeer Trust owns it, but the property owners take care of it. He questioned what the ‘fair share’ portion from the Schmeer Family Trust would be. He was very concerned with the maintenance of the road. They have repaired it at least 5 times. They are willing to pay their ‘fair share’, but not one that the Schmeer Family Trust will profit from and they do not. Mr. Macsherry stated that the property owners may need legal advice. He has talked to Mr. Steve Hall, but there has been no commitment to repairing the road as of yet. In tax map terms, the road is all 50 ft, but in reality it is not.

Mr. Jim Weir spoke. Mr. Weir read a letter from James Vermeulen and Marsha Weissman. The letter is included in these minutes. He reiterated that he read a letter at the previous Planning Board meeting where the Board indicated that the access road is not the Board’s responsibility. He feels that it is the Boards responsibility to not approve this subdivision. He also wanted the Board to know that Mr. Bob Bastible is not the point man. Mr. Macsherry pointed out that the information that is recorded in the minutes is the information that is presented to the Board. Dr. Giaquinto also pointed out that this Board is not responsible for the maintenance of the roadway and the only way to make the Board responsible is if this were a major subdivision, not a minor. The Board is attempting to make a uniform 50 foot roadway.

Kathy Lacey spoke. She recently bought the Hubbard’s place. When she purchased the house, she was made aware that property owners are to take care of the road in front of their own properties, therefore everyone is subject to a lawsuit. She is concerned that if an emergency vehicle can not get to where it needs to go, whose fault is it? At the time when she purchased the

house, she did think about the vacant lots. If the road is not passable, who would they sue? She is concerned with the safety issue. The Schmeer Family needs to understand that if an emergency vehicle can not get down the road, they could be sued if they do not put in their 'fair share'.

Joe Lacey spoke. He is in agreement with his wife, Kathy.

Brenda Weissenberg spoke. She pointed out that she has the newest construction on Fuller Bay Drive. While under construction, she was denied services from several propane companies between the months of October and May due to the road condition as well as Time Warner services. It took National Grid many months to provide service due to the road condition. She has called and left text messages with Steve Hall many times in regards to this matter with no response. She is concerned that other new constructions may have the same issues.

Dr. Giaquinto suggested that the property owners go to the Town Board and have the town take over the road or form a homeowners association.

Mr. Macsherry pointed out that the condition of the road has been an ongoing problem and the owner is not present at this meeting. It is beyond the capacity of the Schmeer Family's representative to answer the questions properly.

Mr. Storino stated that he has been given authorization by the Schmeer Family Trust to speak on their behalf.

Mr. Macsherry asked Mr. Storino if he is prepared to discuss the outlay of monies with Steve Hall the cost and determine the contribution from the Schmeer family.

Mr. Storino spoke with Bob Bastible again after the May meeting who has spoken to Steve Hall who is working 'something up'. Mr. Storino has a letter signed by Mark and Kyle Schmeer that both trustees are willing to contribute their reasonable share but they need to know the cost. Mr. Storino also noted that Kyle Schmeer is the Trustee for Fuller Bay Drive and Mark Schmeer is the Trustee for the Schmeer Family Trust. According to Mr. Storino, Mr. Bastible is to be following up with Mr. Hall as that is not part of Mr. Storino's job. Mr. Storino reiterated the updates on the map to show bigger lots and a 50 foot right-of-way for the proposed 4 lots. Mr. Storino read a note on the updated map that states that the homeowners are responsible for the maintenance of the road.

The Chair made a motion to table the hearing until Mr. Storino is able to obtain an estimate and a commitment from the Schmeer family as to their contribution. Mr. White seconded the motion. All approved, aye. The Public Hearing was then closed.

The Chair read the portion of the SEQR which addresses safety. The Chair reiterated to Mr. Storino that the Board needs a quote and a commitment from the Schmeer family either by or at the next meeting or the hearing will be tabled again. The Chair then spoke to the home owners that they should look at their deed to determine what right-of-way they have to their own properties. Possibly obtain an attorney to form a homeowners association in order to have some legal document to stand behind.

Hugh Dietz spoke as he did not have an opportunity before the hearing was closed. He looked up what was going on in the world with private roads. He read an excerpt from a passage

entitled “Private Roads: A lawsuit waiting to happen” by Andrew Clark, which is included in these minutes. He would like to see this minor subdivision be changed to a major subdivision.

Approval of Minutes:

Board members on a motion by Mr. Macsherry and seconded by Dr. Giaquinto approved as written the minutes of the May 12, 2021 meetings.

Old Business Continued: Terrance Falzano Minor Subdivision Application (Tax Map #: 49.00-1-47.83)

Mr. Terrance Falzano, who is represented by Mr. Rob Busler, re-submitted an application for a minor subdivision to divide a 42.60-acre lot into 3 lots of 40.6-acres and 2 lots of 1-acre each on Huff Road, Cape Vincent, NY 13618. This new revision now meets the 5:1 ratio requirement. After reviewing the application, Mr. Macsherry made a motion to accept the application. Dr. Giaquinto seconded the motion. All approved, aye. A Public Hearing has been set for July 14, 2021 at 7 pm at Recreation Park in Cape Vincent, NY 13618.

New Business: Paul & Elaine Mason Minor Subdivision Application (Tax map #: 30.09-1-83.1)

Mr. and Mrs. Mason, who are represented by Mr. Rob Busler, submitted an application for a minor subdivision to divide a 65-acre lot into 2 lots of 2.57-acres and 62.43-acres at 35874 NYS Route 12E, Cape Vincent, NY 13618. After reviewing the application, Mr. Macsherry made a motion to accept the application. Dr. Giaquinto seconded the motion. All approved, aye. A Public Hearing has been set for July 14, 2021 at 7 pm at Recreation Park in Cape Vincent, NY 13618.

Mud Bay RV Park and Motel Site Plan Application (Tax map #:59.08-1-63.53)

Richard and Judith O’Hara, owners of Mud Bay RV Park and Motel, submitted an application for a site plan review at 28453 County Route 6, Cape Vincent, NY 13618. Mr. and Mrs. O’Hara would like to add 10 new campsites with electric and water, gravel access roads, and a dump station to the existing campground. After reviewing the application, Mr. Macsherry made a motion to accept the application. Mr. White seconded the motion. All approved, aye. A Public Hearing has been set for July 14, 2021 at 7 pm at Recreation Park in Cape Vincent, NY 13618.

Deb Suller- Pre-conference: Mrs. Suller would like to subdivide her property. She attended the meeting with the potential buyer, Barca Chase. It was determined that she would need a lot-line shift as well as a minor subdivision application.

Next Meeting:

The Planning Board will hold its next regular meeting on Wednesday, July 14, 2021 at 7 p.m. at Recreation Park.

Meeting Adjourned: At 8:20 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. Nebbia
Planning Board Secretary