

The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, December 4, 2023, at Recreation Park. The Chair opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

Board Members Present: Ed Hludzinski, Chair Craig Stevenson, Vice Chair
Michael Nebbia Darrel Aubertine
Bill DeSouza, Alternate

Board Members Absent: Steve Docteur

Other: Cody Higgins, ZEO

There were 85 visitors.

Privilege of the Floor: None

Approval of Minutes:

Board members approved the minutes of the November 6, 2023 meeting.

Old Business: Carleton Villa, LLC (Ron Clapp) Special Use Permit Public Hearing (Tax Map#: 39.27-1-16)

The Chair reminded the public that usually only those who have standing speak at public hearings, but due to the special circumstance of the island, he will allow anyone to speak. He also reiterated that the meeting will not be held virtually but that Mr. Clapp will attend via telephone. The secretary called Mr. Clapp on the phone and he was available through a speaker so all could hear. The sign in sheet for those who spoke will be included in this file. The Chair opened the Public Hearing at 6:06 pm. Edward Kernan spoke. He read his submitted email and gave the Board a hard copy of his speech which is attached to these minutes. The Chair reiterated that there is no need to read any email that was sent to the Town Office or the ZEO on behalf of this hearing as all Board members have received a copy of all emails and to please speak on only items not included in the emails. The secretary read the list of the names of the emails that have been received: Christine and Adrian Martin, Todd Atkinson, Ian Golden, Michael Comerford, Stephen Sabo, Jim McQueeny, Carol Thomas, Jana McDonald who is representing Philip and Yalena Argersinger, Lois and Sam Giamber, Emily Waterman and Evan Farrell, Charles Millar, Julia and Niklas Searles, William Kernan III, Maura Kernan, Michael and Jane Falvey, David Kernan, Andrew Bott and Christine Sebor, Phillip Oswald who is representing the TI Land Trust, Kendra Beaven, Mark Beaven, Angela Kernan Wisler, and Russell Wisler, Leanne and Steven Waterman, Katherine Kernan, and Karli Foster.

Jana McDonald, who is the attorney for Philip Argersinger, spoke. She said that she had several procedural objections. She asked Mr. Clapp to swear in, which he did. She objected to the

meeting not being held virtually and giving the residents of the island the same opportunity to attend in the same manner as the applicant. She asked Mr. Clapp a series of questions including if he plans on living at the Villa. He replied that he was unsure. She also inquired how many bedrooms the bed and breakfast will have. Mr. Clapp stated it will have 12 bedrooms, so approximately 24 people. She asked where the 150 people come from? He said that number is the maximum capacity that the building can hold. Ms. McDonald said that under the Cape Vincent Zoning Law, this does not qualify as a bed and breakfast and that Mr. Clapp is asking for 2 separate things, a bed and breakfast and camp/glampground. She also stated that the application on the Town website is illegible. She also objected to the EAF form, that is the wrong form and has missing information. The forms have been updated and are available on-line. Mr. Aubertine clarified that no action will be taken on the SEQR tonight. She also asked if the application has been supplemented in any way to address issues such as the nuisance law, employees, parking, and emergency situations. Mr. Clapp mentioned that all those issues will be clarified as the process continues. Ms. McDonald also spoke of the town's comprehensive plan and the historical qualities of the area which will be addressed under the SEQR Part I. The island is different than it was 100 years ago when the Villa was an operating hotel. Ms. McDonald reiterated that she would have expected the applicant to be in person at this meeting out of respect for the other residents who were able to attend. Mr. Clapp said that his father recently passed away in Florida which is why he was unable to attend this meeting in person. David Kernan spoke. He stated that he owns 3 properties on the island. He said that he was excited when Mr. Clapp purchased the villa and would like to see it restored. He said the glampground portion of the project was not part of the initial bed and breakfast and restaurant project. He reviewed what he felt were hardships such as no access to medical and first responders. He is also worried about loud music, partying, and trespassing with no immediate access to police available. He also said the head of the island is criss-crossed with dirt roads. The easements of these roads are not recognized on Mr. Clapp's proposed map of the project. He also stated that there are no campgrounds on any island in our area. Mr. Stevenson said that there are 3 campgrounds on islands and named them. Mr. Kernan felt that there was a significant difference between pitching a tent and being invited.

Maura Kernan spoke. Maura stated that she was there on behalf of her cousins who are the younger generation. They have been on the island for 37 years. She feels that the island is a special place and the proposal will threaten their freedom and safety.

Philip Argersinger spoke. He is speaking on behalf of himself and his wife, Yelena. He has lived on the island for 25 years. He said that he feels that it is important to promote commercialization but not at the expense of the town. He supported the villa project that was proposed as a bed and breakfast. He feels that this project will be a 10-20 million-dollar project and that there is a hidden agenda and there will not be enough money to finish the project. He stated that he flew in from Florida to attend the meeting. He also felt that if Mr. Clapp could not attend the meeting that it should have been postponed. He discussed how he owns 109-acres where 3 people live. There are trails all around Carleton Island that all the residents use. He said

that he feels Mr. Clapp will not get financing due to insurance needs. He said that he has to have two insurance company's cover his property because very few insurance companies will cover property on the island. Mr. Argersinger is also concerned with parking and the access for medical emergencies such as a fire boat and if the 911 roads on the island will need to be brought up to legal standard. He also stated that if the project was that important to Mr. Clapp, he would have been in attendance or would have postponed the project. He, himself, made an investment in a law firm to protect others.

James Oliver spoke. He said that he has owned property on the island since 2003. He shares the same concerns as those who have already spoken. He asked that the board postpone the meeting so that everyone would have proper time to look over the project map. He feels that board members should go to the island and look at the property of the proposed project.

Carol Thomas, who owns Angel Rock, spoke. She stated that she also owns property on the island since 1992 as well as Angel Rock. She submitted a list of correspondence from others who were unable to attend the meeting as well as their letters/emails for the board to review.

Vincent Williams spoke. He has owned property on the island for 25 years. He is against the project. He lost a finger on the island and it took 2 hours to get to the hospital. He feels that the project needs to be slowed down and it is not a money maker. He is 100% against the project.

Trajanka Williams, Vincent William's wife, spoke. She said that Mr. Clapp painted a beautiful picture to restore the villa when he purchased it but now feels he has a hidden agenda. Her husband almost died on the island. She is very concerned about the safety of the island. It is a protected island with rules where all residents look after one another. She has a fear that there will be more trespassing due to the project.

Ann Kernan spoke. Ann has been a resident of Cape Vincent since 1983 as well as a property owner on the island. She is concerned of the residential area of the villa becoming commercial. She is concerned about partying as residents of the island go there for peace and quiet. She wants Cape Vincent to prosper, but believes that Carleton Island is not the place to start.

Michael Avery spoke. Michael is a village resident and is excited to see the investment and renovation of the villa. He understands that it will take money to make money and Mr. Clapp may want to think about changing the project.

John Peach, the Executive Director of Save the River, spoke. He spoke to the board regarding the project having an effective and safe sewer system. He is asking that the board not grant the Special Use Permit until this issue has been addressed.

Spencer Busler, Assistant Director of TILT (Thousand Island Land Trust), spoke. He requested a minimum of a 60 day adjournment in order for TILT to discuss issues, such as easements, with Mr. Clapp as TILT owns property around the proposed project site.

Alec Johnson, President of the Hickory Point Club, spoke. The Hickory Point Club is a group of 11 owners on the island. They are a non-for-profit organization and they have had a presence on the island since 1950. They are limited to 12 members and conduct no commercial activity. He was very excited when Mr. Clapp purchased the villa and discussed the project of renovating the villa. The glampground portion of the project came as a surprise to him. He submitted an email

to the board, which is attached to these minutes, with his objections and reasons. He specifically mentioned the Patten Development and the deed restrictions included in that development which the board needs to look at more closely before making a final decision on the project.

Brody Smith, representing Jim McQueeeny, spoke. Mr. Smith is from Bond, Schoeneck, and King law firm. He submitted a letter to the board, which will also be attached to these minutes.. He outlined the highlights of the letter including the town codes and setbacks. He said the project does not meet the setbacks as outlined in the town zoning law and feels that the project is inconsistent with the character of the island. Mr. Brian Jones, the architect for the villa, was present. He had no comment on the setbacks. Mr. Smith also highlighted that the SEQR is incorrect and more information is needed. He feels that a full EAF should be provided as opposed to the short form. He also highlighted that on the DEC there are 3 endangered species located on the island that the board should look further into. He highlighted that the plans for the restoration and glampground are vague and feels that there is not enough room with the setbacks the way the proposed map is configured. He advised the board that they need to review visual simulations and pay attention to lighting. He said that it is his understanding that the residents are excited and happy about the villa being restored. He also spoke on the certificate of occupancy. He understands that it is up to the board to decide if a Special Use Permit will be allowed and mentioned that if it is approved to put in the condition of a phased approach where the applicant would have to meet deadlines for each stage of the project. He also suggested that the board has the right to hire their own engineer to review the project and make sure it is adequate and will be done accurately. He also mentioned that our town codes were good and they provide good protection. He thanked the board and feels that the board has satisfied many people by not making a decision tonight.

Dawn Williams spoke. She thanked everyone for their comments and she has nothing more to add. She thanked the attorneys for their comments and agreed that more information is needed.

The Chair said that this is the first step in the process and recommended that the board adjourn the hearing and reconvene at the next meeting in January. Craig Stevenson made a motion to adjourn and leave the public hearing open until January 8, 2024. Darrel Aubertine seconded the motion and it carried, unanimously.

New Business: none

Next Meeting: The ZBA will meet on Monday, January 8, 2024 at 6 p.m. at Recreation Park due to the January 1 holiday.

Meeting Adjourned: With no further business, Mr. Stevenson made a motion to adjourn the meeting. Mr. Aubertine seconded the motion and the Chair adjourned the meeting at 7:05 pm.

Respectfully submitted,
Sharon A. Nebbia ZBA Secretary