The regular meeting of the Town of Cape Vincent Zoning Board of Appeals was held on Monday, January 8, 2024 at Recreation Park. The Chair opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

Board Members Present:Ed Hludzenski, Chair
Michael NebbiaCraig Stevenson, Vice Chair
Darrel AubertineBoard Members Absent:Steve Docteur, alternateBill DeSouzaOther:Cody Higgins, ZEOFrivilege of the Floor: NoneApproval of Minutes:Board members approved the minutes of the December 4, 2023 meeting.

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

The Chair stated that Mr. Clapp has resubmitted a different map plan for the villa and camp/glampground, therefore he would like a motion to table the public hearing until next month until more information is received on the revised plan. Mr. Aubertine made a motion to table the public hearing until next month. Mr. Stevenson seconded the motion and it carried, unanimously.

Mr. Clapp has submitted an area variance request based on the revised plan. He is requesting a 100 ft. front and side setbacks. The Chair and the Board reviewed the application. The Chair mentioned that he is not sure if the Board should accept the variance application due to the revised plan needing more information submitted to the Board. Mr. Aubertine said that if the change is substantial, Mr. Clapp should be here to address issues such as parking, etc. The Chair reiterated that that statement goes along with the Special Use Permit which goes hand in hand with the variance. The application is also incomplete as the tax map number is not correct. He would like to not accept the variance application. Mr. Stevenson made a motion not to accept the application because it is incomplete. Mr. Nebbia seconded the motion and it carried, unanimously. Dr. Giaquinto asked if he could speak. The Chair allowed. Dr. Giaquinto asked why the Board is not looking at attacking the Special Use Permit first which is the concept and then look at the variances needed. If the concept is not do-able, then the variance is moot. The Chair thanked Dr. Giaquinto for his input. Mr. Jake Tibbles asked to speak and was granted permission. Mr. Tibbles inquired as to what is the time-line for putting the new plans on the town website and is Mr. Clapp amending his Special Use Permit application? He was answered with yes, he will be asked to amend the application to reflect the new plan. As far as the timeline, the secretary spoke up that it is usually put on the website after the application is accepted by the Board. Mr. Aubertine said that a Special Use Permit does not allow Mr. Clapp to build

anything. Mr. Tibbles spoke that he is concerned with the public not having enough time to review the amended plan. The Chair spoke to the fact that if a Special Use Permit is granted, Mr. Clapp will need variances and other agencies such as the DEC, Coast Guard, Health Department, etc. will be involved. The Planning Board will more than likely be the Lead Agency unless another agency steps in. Mr. Tibbles inquired about whether a full SEQR would be required. He was answered that the SEQR would more than likely be the Planning Board but that is being looked into. Mr. James Oliver was granted permission to speak. He asked that due to the nature and scale of this project and approval of other agencies involved, would this set a precedent for others to submit the same type of request on other islands. Mr. Aubertine said that variances do not set a precedence and the variance runs with the land. Mr. Nebbia reiterated that variances are decided upon on a case by case basis. Mr. Noel Bonvolouir was granted permission to speak. He asked for clarification that if the Special Use Permit needs to be approved first before the approval of other agencies, then why look at the variance now? It was reiterated that the variance application was not accepted. Mr. Clapp changed the map for the Special Use Permit and the Board needs to review the revised application before looking at the variance. Ms. Tina Rocker was granted permission to speak. She asked if the Special Use Permit was based on the concept of use, and if so, then isn't the concept the same with the revised application? The Chair stated that an argument could be made for that, but all the comments at the Public Hearing in December were based on the original application and comments may change based on the revision. Mr. Cody Higgins, the ZEO, reviewed the process for granting a special use permit and it is much more involved than just granting permission based on a concept. Dr. Giaquinto asked if the Board is allowed to put restraints on the Special Use Permit. The Chair stated that yes, Mr. Clapp must meet all the requirements and the Board can put in any caveat desired. Mr. Tibbles asked again as to who was responsible for the SEQR. The Chair stated that normally it is the Planning Board and the ZBA is responsible for variances. It is being determined if he will need a Type I or Type II SEQR. Mrs. Kathleen Pierce inquired if it is required to complete a SEQR for a Special Use Permit. Mr. Higgins stated that he has spoken to the town attorney, Mr. Burrows, and that Mr. Clapp will probably need a Type II SEQR. The Chair stated that Mr. Clapp submitted a short form SEOR, but it was an outdated form. Mr. Oliver asked how radically different does the Board feel the new plan is? The Chair stated that he will start by asking Mr. Clapp if what he has submitted is what he wants to do, and if so, his application needs to reflect it.

New Business: none

Next Meeting: The ZBA will meet on Monday, February 5, 2024 at 6 p.m. at Recreation Park.

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 6:33 pm.

Respectfully submitted, Sharon A. Nebbia ZBA Secretary