

The regular meeting of the Town of Cape Vincent Planning Board was held on Wednesday, April 10, 2024 , at Recreation Park. The Chair opened the meeting at 7 p.m. with the Pledge of Allegiance.

**Board Members Present:**

Dr. Frank Giaquinto- Chair	Noel Bonvouloir- Vice-Chair
Ed Ponto	Shannon Featherly
Harvey White	Karen Bourcy- alternate

There were 35 visitors.

**Privilege of the Floor:** None

**Approval of Minutes:**

Board members on a motion by Mr. Bonvouloir and seconded by Mr. Ponto approved the minutes of the March 31 and April 1, 2024 meetings.

**Old Business:**

**Carleton Villa Revised Site Plan Review Application Public Hearing  
(Tax Map #: 39.27-1-16)**

The Chair addressed the public before opening the Public Hearing by stating that no action will be taken tonight on the SEQR for Carleton Island as the Board is still waiting for responses and information from the Government agencies that the SEQR and Site Plan Review was sent to. He will allow the public to speak for 3 minutes and passing the 3 minutes to another person is not allowed. The Chair opened the Public Hearing at 7:04 pm.

Brody Smith- Mr. Smith passed out to the Board members a packet with new comments in opposition to the project for the Board to review. The Secretary stated that many letters have been received by e-mail and mail to the Board and when speaking to please state your name for the record. Mr. Smith stated that he is from Bond, Schoeneck, and King Law Firm and he is representing the Friends of Carleton Island. The letter is structured in the same sequence as the questions on the EAF Form. There are 18 questions and subquestions. In the letter, information is provided on research conducted by himself and his clients in looking at Part 1 of the EAF which he believes will be helpful in moving forward when looking at Part 2 and Part 3 of the EAF. He thanked the Board for their time.

Josh Truman- His family owns property in Cape Vincent. He has been tracking the discussions regarding the proposed change in the zoning designation for the subject property on Carleton Island. Others have already voiced opinions such as regarding the high likelihood of noise, pollution, degradation, security, and emergency response issues. The one crucial issue that needs to be raised is the long term consequences of this decision on the year round residents and

property owners of the Town of Cape Vincent. The change in the zoning designation will drastically decrease the property values of a great deal of the assessed properties that are not only on the island but also the properties that overlook and comprise of proposed development, which is a vast majority of the shoreline and near shoreline within the Town. The decreased property values will result in lower tax revenue that the Town relies on to provide operations, services to all residents, and local schools as well. This translates to having to raise taxes across the board for all property owners to maintain the same level of service, operations, and school quality to the year round residents of the Town. He hopes that the planning board will fully consider the impact of the decision on the entire constituency and the cost that will be imposed on all of them in the long term. He thanked the Board.

James Oliver- Mr. Oliver is a year round village resident as well as property owner on Carleton Island. He is not sure how we got to where we are now. We were going to restore a beautiful villa and now we're building glampgrounds. He thanked the board for giving him this time and wanted to ask each of the Board members when was the last time each one visited Carleton Island? The Chair stated that the Board was not here to answer questions. Mr. Bonvouloir stated that Mr. Oliver has already asked this question in the past. Mr. Oliver replied that he has not asked this in the past and that he suggested that the Board go visit Carleton Island. Mr. Bonvouloir and Mr. Ponto both replied that they do not go on private property.

Dave Kernan- Mr. Kernan stated that he realizes that the Planning Board at this time was not making a decision or at all was going to make the decision to issue a special use permit or a zoning area variance, but the Planning Board has taken it upon itself to be the lead agency in the environmental review process and the thoroughness of that review is going to be very important when it goes back to the ZBA when making a decision. He is urging the Planning Board to take the time and go into the details that are required for a proper environmental review.

Mr. Bonvouloir reiterated that the Board does not do the special use permit or the variances, but does do the site plan review and we can't discuss anything until the ZBA does what they need to do. Mr. Kernan reiterated that maybe he did not make himself clear and reiterated that he began his talk by stating that he knew that this is not the Planning Board's decision to make, but it is the Board's decision on how thorough and careful the environmental review is conducted and that review is something the the ZBA will rely on in part on reaching its decision and therefore is urging the Planning Board to approach the environmental review very carefully.

Joan Kernan- She is concerned about 2 issues- commercialization of the part of the island where there are 7 residences that will be affected by a campground. She is also concerned with safety. She stated that there will be 12 cabins, what happens if there is a fire? They are a residential area. If there is a fire or any kind of issue, they have to address it themselves or with their neighbors. She is unsure who will be addressing these issues for the campground. She gave an example of when her mother-in-law broke her hip on the island when she was alone and it took 3 hours for her to get help. She hopes that the safety issue will be able to be addressed. She begs the board to come and see where this is to be built and offered to take board members over. She thanked the Board.

The secretary was asked to read the names of the letters that have been received.

The Secretary read the list as follows:

Maura Kernan, James McQueeney, Ellen Denizard, Warnick and Susan Kernan, The Searles Family, Joan Kernan, Carolyn Whiteman, Stephanie Cochinos, Carol Thomas, Trudy Kernan Cox (2 letters), Eileen Comerford, Doris King, Ava Glantz, Andrew Bott and Christine Sebor, John Chisholm, Ron Cocquyt, Jennifer Bernhard, Mike and Erin Alsid, Trent E. Dickey, Dan Rienholtz, Billie Taylor, Christine and Adrian Martin, Lois Giamber, Stephen Sabo, Sam Giamber, Leanne and Steve Waterman, The Wisler Family, Steven and Harriet Sabo, Emily Waterman, Evan Farrell, The Atkinson Family, and The Falvey Family.

Angela Wisler- She asked if these were letters stating that they do or do not want the project?

The Secretary responded that they were letters in response to the Public Hearing. She asked if any of the letters were positive or were they all negative. Mr. Bonvouloir responded that most of the letters were concerns and were the same form letter.

Jake Tibbles- Executive Director of The TI Land Trust. He was with Spencer Busler, the Associate Director. He thanked the Board for their allotted time. He stated they were here this evening on behalf of TILT to provide a follow up to their previous communications with the Town of Cape Vincent ZBA and Planning Board. TILT holds a conservation easement on Carleton Island and as part of the original Patton Corporation subdivision, TILT was entrusted to uphold the terms and conditions of the easement, for the betterment of the public and the natural environment. This is TILT's legal obligation. After completing a detailed review of the Special Use Permit and the accompanying site plan, TILT's legal team determined that the proposed campground development would likely violate several provisions of the conservation easement. Due to this, they immediately made the applicant aware of the situation. On March 1st, TILT issued a cease and desist letter requesting the applicant to withdraw the Special Use Permit application within 30 days. This withdrawal would have provided the applicant and TILT the necessary time to resolve the legal issues outlined in their letter. On April 9th, the applicant mobilized heavy machinery to begin site preparations. Under the Carleton Island Conservation Easement and Declaration of Restriction, the applicant is required to provide a 30-day notice prior to commencing work. In an effort to prevent irreparable damage to conservation lands uniquely positioned between North and South Bay, this afternoon, TILT filed a motion for a preliminary injunction with the Jefferson County Supreme Court. In addition, as part of tonight's public hearing/comment period, TILT would like to formally request the Planning Board to issue a minimum 90-day adjournment of the site plan review process. Not only would an adjournment provide the necessary time to resolve legal issues pertaining to the Carleton Island Conservation Easement, it would ensure those who will be impacted by the proposal have the opportunity to fully engage this governing body, in-person. Thank you for your consideration.

At 7:21 pm, the Chair stated that the Public Hearing will remain open until next month. By then, the Board should have the responses back from the government agencies and the engineers to complete the SEQR which will then be passed on to the ZBA to make their decision on the Special Use Permit and possible variances. He thanked everyone for being here tonight.

**Martin's Marina Inc./ Stephen Martin Site Plan Review Application Public Hearing (Tax Map #: 59.07-1-1.31):**

The Chair opened the Public Hearing at 7:25 pm. With no comments or concerns from the public, the Chair closed the Public Hearing at 7:26 pm. The Board completed the SEQR with a negative declaration. Mr. White made a motion to approve the application. Mr. Ponto seconded the motion, and it carried, unanimously.

**New Business:**

**Angel Rock Properties, Inc. Lot-Line Adjustment Application (Tax Map#'s: 40.06-1-9 and 40.06-1-7.31)**

Carol Thomas, President of Angel Rock Properties, submitted an application to join these parcels that encompass Angel Rock Cottages. The Board discussed the application. Mr. White made a motion to approve the application contingent that Mrs. Thomas provides an appropriate map to the Chair. Mr. Bonvouloir seconded the motion, and it carried, unanimously.

**Kam-in-far, LLC/ Mary and Neal Farrell Minor Subdivision Application (Tax Map #: 49.06-1-30.1)**

Mr. and Mrs. Farrell submitted an application to the Board to subdivide a 35-acre lot into 2 lots of 5.5-acres with the owners retaining the remaining 49.5-acres on the corner of Stone Quarry Road and County Route 6 in Cape Vincent. Mrs. Farrell reported to the Board that Mr. Dorr, the surveyor, is working on the final drawings as the front is being expanded from 260' to 300'. Mr. Ponto made a motion to accept the application. Mr. White seconded the motion, and it carried, unanimously. A Public Hearing has been set for May 8, 2024 at 7pm at Recreation Park in Cape Vincent.

**Hoppel Family Revocable Living Trust/ Greg Hoppel Minor Subdivision Application (Tax Map#: 40.00-1-68.1)**

There were no representatives present and the application was put on hold until the next meeting.

**Stacy Richards- Site Plan Review and Special Use Permit Application (Tax Map #: 49.06-1-30.1)**

Ms. Richards presented the Board with a site plan review application. Ms. Richards is purchasing the property from Mr. and Mrs. Farrell in which they are currently in the process of subdividing. Ms. Richards is applying for a grant to open a daycare and needs to apply for the grant by May 21, 2024. After reviewing the zoning laws, it was determined that Ms. Richards only needs a site plan review. A special use permit is not required. The Secretary stated that a referral needs to be sent to the County Planning Board for a 239-m review. The Board also asked for more detailed information from the DOH for the septic. The SEQR is also required. The Board discussed the application and the time limit issue. Mr. Bonvouloir made a motion to accept the motion

contingent on the remaining paperwork to be submitted to the Town Office by Friday, April 12, 2024. Mr. White seconded the motion, and it carried. A Public Hearing is tentatively scheduled for May 8, 2024 at 7 pm at Recreation Park in Cape Vincent.

**Next Meeting:**

The Planning Board will hold its next regular meeting on Wednesday, May 8, 2024 at 7 p.m. at Recreation Park.

**Meeting Adjourned:** At 8:03 p.m. with no further business, the Chair asked for a motion for the meeting to be adjourned. Mr. Ponto made the motion. Mr. White seconded; all voting aye.

Respectfully submitted,  
Sharon A. Nebbia  
Planning Board Secretary