

VILLAGE OF CAPE VINCENT PLANNING BOARD

August 20, 2013

The regular meeting of the Village of Cape Vincent Planning Board was held on August 20, 2013, in the Conference Room of the Village Offices. The meeting conducted by the Chair, Jeffrey Herpel, opened at 7 p.m. with the Pledge of Allegiance.

Board Members: Edgar Barr
Jeffrey Brooks
Richard Hodge
Jeffrey Herpel, Chair
Willard Kirchgessner

Others: Perry Golden, Zoning Enforcement Officer
Kathleen Pierce, Planning Board Secretary

There were eight visitors.

Old Business:

- **Approval of the Minutes**

Board members reviewed the minutes of the meeting of July 16, 2013. Mr. Herpel made a motion to accept the minutes as written; seconded by Mr. Brooks and carried; all voting aye.

Site Plan Reviews Continued:

The board continued their examination of a Site Plan Review on Jacquelyn D. Aznoe's application to operate a home occupation (Jackie's Tax Service) in her home at 355 South Esselstyne Street (Tax Map #49.25-1-78), as per Article 7, Section 7.9, Home Occupations, of the Village Zoning Law. The Chair asked Mr. Aznoe, representing Mrs. Aznoe, shared a diagram of the proposed parking for the business. Board members reviewed the diagram and pictures on a cell phone and asked what the measurements of the parking area were. Mr. Aznoe indicated the parking area was 36' from the garage to the sidewalk. There were no further comments from the Board or the public. The Chair made a motion to approve the operation of a Home Occupation, Jackie's Tax Service, located at 355 South Esselstyne Street in the village and that off-street parking space requirements according to Village Code, Article 5, Section 5.4, is provided and adhered to, and that the Tax Service serves a maximum of two clients, for parking purposes, at a time. Mr. Hodge seconded the motion and carried; all voting aye (5-0).

The Board continued their assessment of a Site Plan Review (SPR) for Charles Porto (Breakers Restaurant) for an 8' x 10' accessory structure on his property at 194 E. Broadway (Tax Map #39.81-2-14). Mr. Porto submitted two sketches of a plan for the use of the area that surrounds the accessory structure. The drawing was shared with the public in attendance. The Chair read comments from a letter from the Jefferson County Department of Planning. The County Planning Department reviewed Mr. Porto's project at their meeting on July 30, 2013. The County Board "...adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only." The County did make several local advisory comments that concerned lighting for the accessory structure (tiki bar) that the lighting would not be obtrusive to neighboring parcels and the board should get clarification on the full use of the tiki bar and surrounding area. The comments were advisory only and up to the Village Planning Board to make the final decision. The board did reference the "Town and Village of Cape Vincent Comprehensive Plan Update to the 2003 Joint Comprehensive Plan" in their review as it pertains to the development of commercial areas in the Village. Other discussion on the project included animals and smoking laws in areas where food is served and noise and noise

abatement. When asked for any comments from the public, the public in attendance expressed their on-going concern over noise coming from an outside bar and/or speakers from entertainment that may take place outside when a special use permit is requested by Mr. Porto. Neighboring residents expressed that the Portos are very hard workers, their restaurant is very quiet, and they want to see them succeed but without outside activities and an outside bar. Mr. Porto said that he was trying to grow/improve his business and didn't feel the board was being fair putting restrictions on his establishment when other restaurants and the Legion in town did not have the same restrictions placed on them. Mr. Herpel suggested approving the SPR with some conditions and restrictions, i.e. no outside speakers. Mr. Brooks stated that an outside bar did not fit the neighborhood style, wasn't in the original SPR, and that Mr. Porto should move ahead with his successful business without the accessory structure. Mr. Hodge shared that the Village does not have any outside bars and did not feel one is needed. The board discussed with Mr. Porto restrictions on speakers in the outside area. Mr. Porto was against any restrictions for speakers as he felt that they would be needed by any performers/singers he had for outside entertainment.

Mr. Hodge made a motion to deny the SPR for an accessory structure (tiki bar) to serve liquor. Mr. Brooks seconded the motion. The vote to deny was two yeas (Hodge and Brooks); two nays (Herpel and Kirchgessner); and one abstention – Barr. (2-2-1)

The board then discussed using the accessory structure for food concession only. A motion was made by Mr. Herpel to approve the SPR for an accessory structure for food concession. Mr. Kirchgessner seconded the motion and carried all voting aye except Mr. Brooks who voted no. (4-1)

New Business:

The Chair informed board members that he had signed a new survey map with the lot-line shift on the front of the property (River frontage) at 481 W. Broadway Street (Tax Map #49.24-1-41.231) to property at 523 W. Broadway Street (Tax Map #49.24-1-41.232). Property owners will file the new survey map with the assessor and the County.

Item for Information: Training opportunity for board members. A "Local Government Conference" will be held on October 15, 2013, at SUNY Potsdam. A handout with a schedule of the conference was given to board members.

Next Meeting: The next meeting will be Tuesday, September 17, 2013, at 7 p.m.

Adjournment: At 7:55 p.m., with no other business, Mr. Herpel made a motion to adjourn the meeting. Mr. Kirchgessner seconded and carried; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
Secretary