

VILLAGE OF CAPE VINCENT PLANNING BOARD

July 15, 2014

The regular meeting of the Village of Cape Vincent Planning Board was held on July 15, 2014, in the Board 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
Jeffrey Herpel, Chair
Richard Hodge
Willard Kirchgessner

There were two visitors.

Old Business:

- **Approval of the Minutes:**
Board members reviewed the minutes of the meeting of June 17, 2014. Mr. Herpel made a motion to accept the minutes as written. Mr. Barr seconded and carried; all voting aye.
- The Chair opened the public hearing on the application submitted by Peter Baichi, Jr. and John Baichi for Site Plan Review at 7:02 p.m. The Baichis requested to install three sections (each section six-feet high) of fencing bordering their backyard patio at 517 Broadway, Tax Map# 39.81-1-70 (Commercial District). After the board reviewed and discussed the application, the Chair took public comments. Richard and Cindy Edsall questioned which side of the property the fence is to be installed—east side. The hearing was closed at 7:16 p.m. and the Chair made a motion to approve the SPR application as it meets all zoning requirements. Mr. Brooks seconded the motion and carried; all voting aye.
- Each board member received a copy of the Village Zoning Law with all the proposed revisions highlighted. The Chair asked that they review the document for omissions, corrections, etc. and bring any comments to the August meeting. The Planning Board would like to give the Village Trustees their recommendations for revision as soon as possible after their review in August.

New Business:

- The Chair shared a letter from James and Carolyn Rossi of 335/337 Club Street in the Village. The letter was in response to the ZEO contacting them over the Village's concern with the height of their building under construction on Club Street. In their letter they state that after review of the issued Zoning Permit and the architect's drawings of their building being constructed, there is a discrepancy of two feet in height. The Zoning Permit was issued for a 35' high structure, as per initial architectural drawings. The structure, built according to the final architectural drawings, is 37' high. Mr. and Mrs. Rossi requested that a new zoning permit be issued with either no maximum height or one that allows the structure to be 37' high. (The Village Zoning Law is silent on a maximum height limit.) The board entered into a lengthy discussion regarding the height of the building and the issued Zoning Permit. Mr. and Mrs. Edsall, visitors in the audience, expressed their thoughts over the Planning Board's procedure with modifying the zoning permit and felt that the Planning Board should have the applicant submit another Site Plan Review (SPR) application and the board hold another public hearing on the request. Board members discussed whether or not this was necessary.

They concluded that the board reviewed and acted on the original application and initial drawings submitted to the board by the applicants.

After discussion, board members felt that the construction of this building on the waterfront was a progressive and positive move toward revitalization of the waterfront and deemed it was not necessary for another SPR and public hearing. The Chair then made a motion that the Planning Board modify the Zoning Permit that was issued on June 12, 2013, for a three-story, 35' high building as described by Mr. Rossi in his initial description on the SPR application for the project, and further move that approval be granted to reissue the permit to specifications of the building as built to date—July 15, 2014. Mr. Brooks seconded the motion and carried 4 to 1. (Herpel, Brooks, Hodge, Barr – yes; Kirchgessner – no.) The ZEO will be notified of the decision.

Next Meeting: Tuesday, August 19, 2014, at 7 p.m.

Adjournment: At 8 p.m., with no other business, the Chair made a motion to adjourn. Mr. Barr seconded. All voted aye.

Respectfully submitted,

Kathleen M. Pierce
Planning Board Secretary