

VILLAGE OF CAPE VINCENT PLANNING BOARD

August 15, 2023

The regular meeting of the Village of Cape Vincent Planning Board was held on August 15, 2023, in the Community Room at the Village Office. The meeting was opened by the Chair, Jeffrey Herpel, at 7:03 p.m. with the Pledge of Allegiance.

Board Members Present: Jeff Herpel, Chair
Jeffrey Brooks
Richard Hodge
Willard Kirchgessner, Vice Chair
Dave Wiley

Visitors: Five

Old Business:

Approval of the Minutes:

- Board members reviewed the minutes of the July 18, 2023, meeting. Mr. Herpel made a motion to accept the minutes as written. Mr. Kirchgessner seconded and the motion carried; all voting aye.
- **Public Hearing – SPR, N-Joylife, LLC:** The Chair opened the public hearing at 7:05 p.m. and shared the application is for a fence higher than 4' on the property at 249 Bay Street. A neighbor, Deanna Shaw, whose property abuts the property, asked about the location of the fence. The board shared the location with Ms. Shaw and Mrs. Bach shared a picture of the fence that has been installed. The Board then informed the applicant that the shed that was installed does not meet the Zoning Law requirements for a side setback of 8' (Article 4, Section 4.1, Residential District, D., Dimensional Requirements). She was informed that a permit for the shed was needed from the ZEO and an Area Variance application should be submitted to the Zoning Board of Appeals (ZBA). The public hearing was closed at 7:14 p.m. The Board on a motion by Jeffrey Herpel and seconded by Jeffrey Brooks approved the fence.
- **Cape Vincent Ambulance Squad – SPR Application:** The Chair shared a letter from the Jefferson County Planning Board with advisory comments on the Ambulance Squad's SPR application. A Resolution offered by Jeffrey Herpel was read:

WHEREAS, the Planning Board of the Village of Cape Vincent (the "Board") is reviewing an application dated June 14, 2023, submitted by Steven J. Hall, Inc. on behalf of the Cape Vincent Ambulance Squad, (the "Applicants") for approval of a Site Plan Review to use an existing building at 170 E. Broadway, for an office and resting quarters and erect a breezeway and build a two-story garage at the rear of the property, in the Commercial District Tax Map #s39.81-2-12 and 39.81-2-13, and

WHEREAS, the Board has complied with the requirements of the New York State Environmental Quality Review Act and the regulations promulgated thereunder and declared this action to be an "unlisted" action and issued a negative declaration at a July 18, 2023, meeting, and

WHEREAS, a public hearing was held on July 18, 2023, at which there were two public comments, and

WHEREAS, the application was submitted to the Jefferson County Planning Board for review pursuant to General Municipal Law, Section 239m. The County's review identified that a Jefferson County Building Permit is required. The County's advisory comments regarding parking, signage, and lighting were addressed by the Village Planning Board during the Public Hearing on July 18, 2023.

NOW, THEREFORE, BE IT RESOLVED THAT,

1. The application and implementation of the application submitted by the Applicants has no significant adverse effect on the public health, safety, welfare, comfort, and convenience of the public in general and residents of the immediate surrounding area.
2. The application submitted by the Applicants addresses all of the required and applicable items set forth in the Village of Cape Vincent Zoning Law.
3. The Clerk of the Village of Cape Vincent is hereby directed to file this Resolution, in the main office of the Village of Cape Vincent in a file that will be readily accessible to the public.

Seconded by Mr. Kirchgessner and carried; all voting aye.

New Business:

- Bonnie Deneke, spoke to the Board about the business (Madymae on Broadway) she plans to open at 362 E. Broadway. The board asked about signage and her schedule to open. The consensus of the Board was no Site Plan Review application was needed as per Zoning Law, Section 6.5, Procedure, B. Waiver of Requirements. The business is similar in use of former tenants in that location.

Communications: None

Items for Information/Discussion:

- In a phone conversation with the ZEO, the Chair shared that there was an inquiry by Todd Ewing for a Lot-Line Adjustment and the need for a possible Site Plan Review.

Privilege of the Floor:

Christine Stark, Village Trustee, presented a letter dated July 25, 2023, from the Mayor and Village Trustees. The letter was read aloud by the Chair. *"The Planning Board is an important part of our Village Community, and we appreciate the effort that the Board puts forward in ensuring policy and procedures are followed regarding site plan and land use and development.*

The Zoning Officer is also an integral part of the municipality and figures prominently in both form and function ensuring that Zoning laws, ordinances, and procedures are properly followed and managed.

Recently the Village Board has been made aware of issues related to the Planning Board and their professional conduct regarding the Cape Vincent Zoning Officer. Derogatory language directed at the Zoning officer within the minutes of the Planning Board minutes and emails questioning the professional decision-making ability of the Village Board Members are deeply concerning and need to be addressed. The ongoing unprofessional behavior does not serve our community well and is unproductive.

In an effort to best serve the Village of Cape Vincent, the Village Board would like to clarify the expectations and further outline the roles and responsibilities between Zoning and Planning. While performance of all duties for both Planning and Zoning will remain in compliance with the regulatory requirements issued by the State of NY and the Village of Cape Vincent, a reminder that the Zoning officer does not report to the Planning Board in pursuit of their professional activities. There is no requirement for the Zoning officer to provide a report to the board and this reference should be removed from the meeting notes.

The Village Board has identified Trustee Stark as the Zoning Representative and should be contacted with any professional concerns or unmet requirements between Zoning and Planning.

We are all fortunate to be members of this community and strive to work to maintain positive working and social relationships in the conduct of all our professional activities. This sometimes requires some flexibility and compromise to ensure the needs of the community can be met in an acceptable manner. We appreciate your attention to this matter and look forward to your continued service.”

Respectfully,

CAPE VINCENT BOARD OF TRUSTEES

<i>Jerry Golden</i>	<i>Pam Youngs</i>	<i>Dave Bonney</i>	<i>Bob Ewing</i>	<i>Christine Stark</i>
<i>Mayor</i>	<i>Deputy Mayor</i>	<i>Trustee</i>	<i>Trustee</i>	<i>Trustee</i>

Several Board members expressed how disappointed they were with the lack of communication by the ZEO. Two members shared their long tenure on the Planning Board and working with up to six different Zoning Officers and have always had open communication with the ZEO.

Next Meeting: Tuesday, September 19, 2023, at 7 p.m., Community Room at the Village Office.

Adjournment: At 7:40 p.m., with no other business, the Chair made a motion to adjourn. Mr. Hodge seconded; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
Planning Board Secretary