April 6, 2024

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Shannon Featherly, Member
Karen Bourcy, Alternate

Town of Cape Vincent Planning Board
1964 NYS Route 12E
Cape Vincent, NY 13618

Re: Proposed Development on the head of Carleton Island

Dear Planning Board Members,

We would first like to thank you for understanding the importance and taking the responsibility as lead agency for the Carleton Island development proposal review. As planners for our community I trust you will be considering a complete plan for Cape Vincent. As a long time property owner we hope planning is a consideration for long term vibrancy of our town. Some basic planning questions. Is it to provide a commercial center, an industrial center, a family based rural or suburban environment with a main street style downtown. Who are we trying to attract? Corporations. Day Trippers, Anglers, Foodies? With efforts of the community to revitalize the waterfront I would think the plan is to attract visitors to the local shops and restaurants while providing activities that will keep them in town. Besides its friendly people and scenic beauty Cape Vincent is known for its fishing.

We hope you take into consideration NYS Costal Planning Guidelines in review. Here are a few that I find important:

"Use of all coastal resources is, however, constrained by the realization that to assure a reasonable quality of life for the long term, the coastal resources essential to society must be carefully husbanded. This frugal use necessitates strong protection measures for certain fragile or rapidly diminishing resources. These resources identified as being in need of protection are as follows:
- Significant fish and wildlife habitats (Policies 7, 8)

- The traditional character and purposes of small harbors (Policy 4)
- Historic and cultural resources (Policy 23)
- Exceptional scenic areas (Policy 24)
- Agricultural land (Policy 25)
- Dunes, beaches, barrier islands and other natural protective features (Policy 12)
- Water and air resources (Policies 31, 31, 33, 26-28, 40, 41, 42, 43)
- wetlands (Policy 44)"

"To satisfy requirements of Article 42 Executive Law and implementing regulations found at 19 NYCRR 602 which describe the identification, assessment and designations of Significant Coastal Fish and Wildlife Habitats under the State's Coastal Management Program. Original data were hand-drawn over DOT topographic quadrangle sections and filed with local governments**. Each identified habitat has an accompanying text narrative describing the living resources values leading to designation as a Significant Coastal Fish and Wildlife; web links to these narratives are included in the attribute table of this dataset.** For information on the SCFWH documentation contact Stephanie Wojtowicz at the Department of State at the address noted below. Digital data set (version 1.1) was previewed by NYS DEC Habitat Inventory Unit and subsequently corrected as per their recommendations." **New York State signifies this area as significant habitat -NYS -Significant Coastal Fish & Wildlife Habitats - NY. This property is surrounded by designated significant habitat especially important to anglers.**

ArcGIS map: Significant Coastal Fish & Wildlife Habitats - NY

Additional consideration noted on NYS Costal Policy Guidelines:

"Other Program policies are based upon the provision of Article 42 of the Executive Law. These policies carry out the intention of the State Legislature that there be "a balance between economic development and preservation that will permit the beneficial use of coastal resources while preventing the loss of living marine resources and wildlife, diminution of open space areas or public access to the waterfront, shoreline erosion, impairment of scenic beauty, or permanent adverse changes to ecological systems (Executive Law, §912(1)). **Executive Law,**

Article 42,requires that actions directly undertaken by State agencies within the State's coastal area be undertaken in a manner consistent with this new, second group of policies. In addition, the procedures of the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) will insure that all State agency actions will be consistent.
e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use
f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand
g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner with these policies."

"**2. In-place facilities and services - most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:**
a) The availability of public sewers, public water lines and adequate power supply;
b) Access to the area for trucks and rail, if heavy industry is to be accommodated; and
c) Access to public transportation, if a high number of person trips are to be generated."

"The following guidelines shall be used in determining consistency:
1. The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development which would be out of the character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community e.g, waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.
6. The action will not detract from views of the water and smaller harbor area, particularly where the visual quality of the area is an important component of the area's appeal and identity.
7. In applying the above guidelines the information in harbor management plans being

developed by local governments pursuant to Article 42 of the Executive Law and local laws that would implement them shall be considered"

"3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:
a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
b. Development's water needs (consumptive and firefighting) can be met by the existing water supply system;
c. Sewage disposal system can accommodate the wastes generated by the development;
d. Energy needs of the proposed land development can be accommodated by existing utility systems;
e. Storm water runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
f. Schools, **police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development."**

Fish and Wildlife Policies
Policy 7
Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.
Explanation of Policy
Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:
(a) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
(b) support populations of rare and endangered species;
(c) are found at a very low frequency within a coastal region;
(d) support fish and wildlife populations having significant commercial and/or recreational value; and
(e) would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat. When the action significantly reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity)

beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The range of generic activities most likely to affect significant coastal fish and wildlife habitats include, but are not limited to the following:

1. Draining wetlands, ponds: Cause changes in vegetation, or changes in groundwater and surface water hydrology.

2. Filling wetlands, shallow areas of streams, lakes, bays, estuaries: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).

3. Grading land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.

4. Clear cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.

5. Dredging or excavation: May cause change in substrate composition, possible release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or change circulation patterns and sediment transport mechanisms.

6. Dredge spoil disposal: May include shoaling of littoral areas, or change circulation patterns.

7. Physical alteration of shore areas through channelization or construction of shore structure: May change volume and rate of flow or increase scouring, sedimentation.

8. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills: May causeincreased mortality or sublethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

The range of physical, biological and chemical parameters which should be considered include but are not limited to the following:

1. Physical parameters, such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, behavioral patterns and migratory patterns; and
3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxic and hazardous materials).

When a proposed action is likely to alter any of the biological, physical or chemical parameters as described in the narrative beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with the above policy.

In cooperation with the State's Coastal Management Program, the Department of Environmental Conservation has developed a rating system incorporating these five parameters (The Development and Evaluation of a System for Rating Fish and Wildlife Habitats in the Coastal Zone of New York State, Final Report, January 1981, 15 pp.).
To further aid Federal and State agencies in determining the consistency of a proposed action with this policy, a narrative will be prepared for each significant habitat which will: (1) identify the location of the habitat; (2) describe the community of organisms which utilize the habitat; (3) identify the biological, physical and chemical parameters which should be considered when assessing the potential impacts of a
project on that habitat; (4) identify generic activities which would most likely create significant impacts on the habitat; and (5) provide the quantitative basis used to rate the habitat. Prior to formal designation of significant fish and wildlife habitats, copies of the individual habitat narratives plus copies of habitat maps and completed rating forms will be provided to Federal and State agencies and the public for the review and comment.

With efforts of the community to revitalize the waterfront we believe your review is important to us and the community, and important that the review is undertaken fully, professionally and as required by law, and urge you to seek professional assistance in assessing the matters identified by the statute. From the Guideline excerpts above obvious concern include:

- How the proposed septic system(s) will impact groundwater and adjoining waterways;
- How the proposed construction and proposed land uses will impact storm water and adjoining waterways;
- How the health and safety of persons employed in the reconstruction of the Villa, as well as nearby residents exposed to the reconstruction, will be protected;
- What ecological impacts the development of the commercial docks proposed for North Bay and South Bay will have;
- How the transportation of construction materials, construction debris, guests, supplies and trash will impact the quiet enjoyment of nearby properties and of town docks and parking facilities;
- Whether the proposed development will disrupt Native American grounds or nationally recognized historic and archeological artifacts (e.g., the sunken warship in North Bay);
- Whether the proposed development will disrupt protected or endangered plants and animals and their habitat (e.g., spawning and nesting grounds, bat habitat, etc.;
- How the noise and light that will emanate from the project will affect adjoining property owners.

The proposed development is likely to impact environmentally sensitive and historically significant parts of the island, and must be assessed fully and professionally as required by law.

We understand that the required SEQRA review is the first step amongst many and that later the Zoning Board of Appeals will consider applications for a zoning variance and for a special use permit, matters that will require consideration of several other issues.

Yours Truly,
Andrew Bott & Christine Sebor
3472 Carleton Island Rd 1

cc: Ed Hludzenski, Chairman
Zoning Board of Appeals
Town of Cape Vincent
1964 NYS Route 12E
Cape Vincent, NY 13618