

**Village of Penn Yan Planning Board
Meeting Minutes January 7, 2019
111 Elm Street ROOM 202
7:00PM**

Present: Stan Olevnik- Chairman, , Sarah Vestal-Vice Chairperson, Brent Bodine, Jean D’Abbracci, Austin Lapp, Mike Willis-alt., Michael Clancy-alt., Ray Spencer – VB Liaison, Ed Brockman-Attorney, Lynn Duryea- Secy.

ABSENT: No one.

PUBLIC PRESENT: Alex Amering-Costich Engineering, Joe Dombroski-KanPak Plant Engineering Manager, Kevin Bragg-Chrisanntha.

NEWS MEDIA PRESENT: Gwen Chamberlain.

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A MOTION by Jean D’Abbracci and a **SECOND** from Sarah Vestal to approve the 11-5-18 minutes.

Brent Bodine–aye. Sarah Vestal–aye. Jean D’Abbracci–aye. **Motion carried.**

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FIRST ITEM:

Site Plan application from KanPak U.S. for 195,000ft² expansion at the 105 Horizon Park Drive facility.

Alex Amering, Joe Dombroski and Kevin Bragg were present. Mr. Dombroski explained KanPak was working with Costich Engineering and Chrisanntha on the design for a 195,000 sq. ft. warehouse and a wastewater plant. Mr. Amering pointed to the drawings saying it was currently on 5 parcels and included a lighting change to LED, improvements for loading docks, access, parking lot, wastewater facility. He mentioned they planned to decommission the pond, and bring it up to DEC standards. He said the existing water, sewer, gas would not change then pointed out he had submitted an architectural elevation drawing. Board member Bodine asked if they planned this as one project and not two. Mr. Amering said yes, it was all in one. He said Mr. Dombroski could explain the operations and went on to say the KanPak product was the same and they would have the same offices with parking. He talked about the truck routing around the perimeter to access the loading dock where a perimeter fence would also be installed. He indicated he had read the memorandum comment from Bruce Lyon about the necessity of a retention pond fence. Chairman Olevnik opened the floor for questions from anyone. Attorney Brockman asked about the potential for an increase in the traffic and the resulting number of trucks after the expansion. Mr. Dombroski estimated an increase to about 25 trucks per day or about 100-150 per week and that the business was seasonal that was heaviest from May to October. He said they had submitted a Traffic Impact Study that concluded there would not be a significant impact up to a 5 year point. He said they also requested the addition of a turn lane but learned the report rejected the idea. Board member Bodine informed the applicants they were required to send the study to the State DOT for their decision. Trustee Spencer reported there had been a discussion about the possibility of a speed limit change and a blinking light at that area of Route 14A. Board Member Bodine confirmed that and said a correspondence had been forwarded to the DOT referencing both. He mentioned the turn-lane idea could be added. Board member Vestal said she had a concern about the impact of an increased number of tractor trailers coming through the village and incorrectly using Clinton Street. Mr. Dombroski said they did not own the trucks and were not responsible for where they travelled after leaving the facility. Board member Bodine indicated that would be an issue for the transportation company. Trustee Spencer asked if the expanded warehouse would be receiving product from other areas and Mr. Dombroski said no, everything was made on site. He said they needed more warehouse space so they could significantly increase their storage and attract larger customers. Board member Clancy introduced himself as a former Fire Chief and asked about the need for private hydrants and how to access them with a perimeter fence. He suggested there be gate access points added to the perimeter fence for the fire department. There was discussion about the issue of annual maintenance and upkeep on private hydrants and that the fire department was unlikely to use private hydrants so they may not be practical. Board member Bodine stated the DOH did

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not recommend private hydrants. Chairman Olevnik said they would need to address the modified gate access on revised plans.

The Board then discussed with the applicants comments received from coordinated agencies.

Director of Public Works, Brent Bodine – *‘...I have reviewed Part I of the Full EAF provided by Costich Engineering on KanPak and have the following comments:*

Board member Bodine asked if the FEAF was specifically for the warehouse expansion or if it included the wastewater system. Mr. Amering said it was just for the warehouse but would not be different if it included the wastewater system. He asked why they needed to revise the FEAF. Board member Bodine said it may not be different but the FEAF should reflect a project in total to be thorough and complete.

The following written comments from Director Bodine were provided to the applicants to revise the FEAF.

Section B.d. – Department of Public Works includes Municipal Electric.

Section B.e. – Yates County Planning Board should be noted.

Section B.g. – NYS Department of Transportation should be added.

Based on the answer to Section C.1. (Yes), Parts D and E need not be completed. That being said, as per the FEAF workbook, the answer to this question should be No

Section C.2.a. – should be Yes

Section C.3.b. – Please provide references to the special or conditional use permit that allows this use.

Section D.1.d.i. – Who approves the “Administrative Lot Combination”? This is not a subdivision but the partial reversal of the subdivision that was previously approved for this property.

Board member Bodine advised that this may need another agency’s approval.

Section D.1.e.i. – Please provide period of anticipated construction

Section D.1.f. – Please answer this question.

Section D.1.g.i. – What are the two structures for this warehouse expansion?

Section D.2.d.iii. – Wastewater from this warehouse shall not go through onsite wastewater facility owned by applicant

Section D.2.e.iv. – Please provide ways this project is minimizing impervious surfaces

Section D.2.j. – Answer is contrary to threshold table for this question in FEAF workbook

Section D.2.k.i. – Please provide anticipated electricity demand values

Section D.2.m.ii. – No answer required

Section E.3.h.iii. – Please provide copy of SHPO determination dated 6/15/18

I also have reviewed the Engineer’s Report and SWPPP provided to date for this project and have the following comments:

- 1.) Two dedicated services for private hydrants on east and west side of warehouse should be eliminated for the following reasons: DOH discourages the installation of private hydrants where there are adequate public hydrants in the area. Fire Department would not use these private hydrants to fight a fire at this location.*
- 2.) There are no electrical needs described for this project in the Engineer’s Report*

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3.) *Has Yates County Soil and Water approved SWPPP for this project?*

4.) *Traffic study is mentioned in Section 7 but is not complete*

5.) *Photometric model is missing in Appendix V*

Department of Transportation – *‘We have received the information provided for the subject action, and offer no objection to the Village of Penn Yan serving as Lead Agency for the purpose of the SEQRA coordinated review. Based on the location of this project, it does not appear that the level and type of traffic generated would be a detriment to the State transportation system. Our environmental impact comments are listed below. An endangered species coordination for the Northern Long Eared Bat will need to be performed if any trees being cut are greater than 3” diameter at breast height (DBH). Due to the size of the area disturbance and new impervious area, the storm water management will be a significant portion of the project. The storm water management practices are therefore duly noted.’*

The following written response was subsequently emailed to the DOT from Director Bodine.

‘...KanPak’s warehouse project should be considered to result in a substantial increase in traffic and that a traffic impact analysis is likely to be needed. As discussed, this proposed project coupled with the recent addition of a Tractor Supply store just south of the intersection of Horizon Park Drive and SR14A and a 42 unit apartment complex currently under construction just north of this intersection cause me great concern for the safety of motorists along SR14A in this area. My hope is that further analysis will generate recommended mitigation measures such as reduced traffic speeds along this section of SR14A or the installation of a traffic signal device at the intersection of Horizon Park Drive and SR14A.’

In response to Director Bodine’s email the DOT submitted the following letter to the planning board.

*‘At the request of Brent Bodine, Director of Public Works for the Village of Penn Yan, we were asked to reconsider the potential traffic impact from this project in light of NYSDEC’s workbook FEAF guidance, while also taking other recent area developments into consideration. In order to fully evaluate and advise on the overall impact of this project, we have amended our previous responses to add the following comments in reference to traffic impact:
To determine whether a Traffic Impact Study (TIS) is required, we will need to be provided with current and projected site generated trips, along with the makeup and timing of those trips.*

The Level of Service (LOS), traffic volume, and impacts: may also necessitate that an air quality analysis be performed.

Please note that our position offering no objection to the Village of Penn Yan serving as Lead Agency for the purpose of the SEQR coordinated review still stands.’

Department of Environmental Conservation – *‘GIS review indicated that the project site is location within an archaeological sensitive area. It is suggested that recommendations be sought from NYS OPRHP regarding the potential impacts on historic and archaeological resources from the development of this area. Additional information can be found on NYS OPRHP’s website.... Potential impacts to these resources must be considered in the SEQR documentation. For example, previous disturbances should be described to indicate whether future project components will have the potential to further affect archaeological resources.*

This project will need to be in compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002). Construction activities that involve one acre or more of land disturbance must obtain SPDES stormwater permit coverage through either an individual permit or GP-0-15-002. To obtain authorization under GP-0-15-002 a Stormwater Pollution Prevention Plan (SWPPP) must be prepared in accordance with all applicable requirements of GP-0-15-002 and a completed Notice of Intent (NOI) form must be submitted to the Department. An owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 must first prepare a SWPPP in accordance with all applicable requirements of GP-0-15-002 and then have its SWPPP reviewed by the regulated, traditional land use control MS4 prior to submitting the NOI to the Department. The owner or operator must then submit the signed “MS4 SWPPP Acceptance” form along with a completed NOI to the Department.

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A review of the NYS Freshwater Wetlands database indicated that the project site is not on or near a mapped state-regulated wetland. A review of state regulatory maps indicates that the project site does not contain any state-regulated ponds or streams. The New York State Natural Heritage Program database for known occurrences of federally-listed or proposed endangered or threatened species, state-listed endangered, threatened or rare animal and plant species, significant natural communities, and other significant habitats has been reviewed. No occurrences were found in the vicinity of the project site.

The Chairman introduced comment pages submitted by municipal department heads.

Code Enforcement Officer, Bruce Lyon – *‘Both stormwater management facilities will hold more than 23” of water for extended periods of time & need to be fenced min 48. Purpose of private hydrants? (3)’*

Mr. Dombroski asked if they would need to have that since they planned a perimeter fence. Chairman Olevnik said they could ask Bruce about that to find out if it was necessary. The private hydrants matter was already addressed.

Street Superintendent, Erik Decker – *‘No concerns’*

Electrical, Charlie Bush – *‘Need load calculations on new bldgs. Also on wastewater treatment plant. Relocation of any electric will be charged.’*

Mr. Dombroski said the warehouse service was to be relocated from the existing 600amp service and the wastewater facility would have a new 700amp service.

Water/Sewer Maintenance Supervisor, Ron Keech – *‘Sanitary sewer pipe has to be SDR-35. I would recommend not hooking up the private fire hydrant. I believe that we have enough fire hydrants located on the Inner-Loop of Horizon Park to help with our fire protection.’*

Police Chief, Tom Dunham – *‘N/A’*

Fire Chief, Bill LaRock – *‘Make sure ALL NFPA-Requirements are met.’*

Yates County Planning Board – No recommendation from that agency. Their meeting was cancelled.

Yates County Soil & Water – No input from that agency. Project plans were delivered to county 12-10-18

The Board TABLED the review pending submission of a revised Full Environmental Assessment Form to include information about the wastewater treatment facility.

A MOTION by Brent Bodine and a **SECOND** from Sarah Vestal.

Brent Bodine–aye. Sarah Vestal–aye. Jean D’Abbracci–aye. Austin Lapp–aye. **Motion carried.**

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OTHER BUSINESS:

- Review of Kennels for possible code amendment per Attorney Brockman.

Attorney Brockman said an issue came up about the absence of regulations for kennels. He said the Town of Milo did have regulations but the village just had an inadequate definition of kennels regulating “four or more domestic animals”. He said the matter went to Public Safety Committee and then the Planning & Development Committee where an outline of suggestions was listed. They referred their outline to the Planning Board for draft language that could then be referred to the Village Board for a review. Chairman Olevnik read the current definition of Kennels and Board member Bodine asked Attorney Brockman if he had any recommendation for the board. He also suggested any regs should complement the ones for the Town of Milo. Attorney Brockman

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said the board needed to generate policy that they would then refer to the Village Board. He recommended the board focus on modifying the current definition of kennels, limit the number of dogs per dwelling and then address what a kennel was. Board member Clancy suggested the definition be clearer so that action could be executed if someone from the community had a complaint. Chairman Olevnik said the board should look at kennels in general and whether or not the village wanted to put limits on owners. He suggested they learn what the regulations were for Towns of Milo, Benton and Jerusalem. Attorney Brockman suggested they compare regulations from a town of about the same size as Penn Yan like Dundee. The board decided to TABLE the matter until they had regulations from other communities.

A MOTION by Brent Bodine and a **SECOND** from Jean D’Abbracci to TABLE the Kennels discussion. Brent Bodine–aye. Sarah Vestal–aye. Jean D’Abbracci–aye. Austin Lapp-aye. **Motion carried.**

• OTHER discussion – Attorney Brockman

Attorney Brockman offered to attend as many meetings as the planning board thought they would like him to. Chairman Olevnik said the board would be glad to have his help on an as-needed basis. He asked if Attorney Brockman could be available at the February meeting to discuss food truck regulations. He agreed then informed the board of a new SEQR form as of 2019 that included a DEC change to make the optional scoping on a Positive Declaration determination, mandatory. He went on to say that the way he interpreted the GML 239-m law the planning board should be referring projects to the county with a completed Part 1 and Part 2 SEQR, not just the Part 1 portion completed by the applicant. There was ensuing conversation about the merits and obstacles that would result for the planning board, and for the applicants, if they were to provide the county with a completed Part 2 SEQR. Chairman Olevnik pointed out the board would need to require additional meetings to accomplish that which would hold up projects.

• Budget Review – First Look at last year’s numbers.

The item was passed to the February agenda.

• Village Flow Chart

Chairman Olevnik said the flow chart review would need to be on a future agenda after the SEQR matter was concluded.

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A MOTION by Sarah Vestal and a **SECOND** from Austin Lapp to adjourn the meeting at 9:15PM. Brent Bodine–aye. Sarah Vestal–aye. Jean D’Abbracci–aye. Austin Lapp-aye. **Motion carried.**

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Submitted by Secretary:

Lynn Duryea