

**Village of Penn Yan Planning Board
Meeting Minutes October 5, 2020
111 Elm Street ROOM 202
7:00PM**

Present: Stan Olevnik- Chairman, Jean D’Abbracci-Vice Chairman, Sarah Purdy, Michael Clancy-alt., Bruce Lyon/Jamie Kincaid - Code, Lynn Duryea- Secy.

ABSENT: Austin Lapp, Sarah Vestal.

PUBLIC PRESENT: Eric Lundquist, Tom Flint, Andrew Kosa, Thomas Bock.

NEWS MEDIA PRESENT: None.

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Chairman Olevnik announced alternate member Mike Clancy would participate as a voting member for the members who were absent. He then introduced Sarah Purdy who would be the new board member. The members welcomed her.

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There was no vote on the June 1, 2020 meeting minutes since there was not a quorum of members present who had attended that meeting.

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FIRST ITEM:

Site plan application from Eric Lundquist to add a new use to the existing business at 26 Powell Lane. Eric Lundquist and Tom Flint were present. Mr. Lundquist indicated local farmers had a need to dry hemp and the existing business on Powell Lane had a dryer. After a drying trial they were successful in drying the hemp. To date he said they had freeze-dried 750,000 pounds. He explained the hemp oil was left behind after drying so they used a CO₂ method to extract this CBD oil. He said the CO₂ method was clean and was also recycled after the processing. He was asked about the processing waste and he explained all of the discharge would be used by Comstock for cattle feed. Chairman Olevnik asked if there was a backflow prevention device on site and if this was a closed-loop type business with all waste leaving Penn Yan. Mr. Lundquist said they would be installing a backflow prevention device and asserted there would be nothing going into the village drains. When asked for more detailed information about waste removal he described a 13” X 41” 20-micron sock attachment that was designed to catch all resulting water-mixed chaff left after processing the hemp bales. He said these socks were removed intact and delivered to Comstock on 24-foot trucks. Mr. Lundquist said the business proposal was to convert part of the existing business to drying hemp and he had used an architect familiar with this type of business to draw up his plans. He stated there would not be additional traffic as a result of the new business, there would be no processing odor and the new business would only add a few new employees.

The Board then compared the plans to the checklist of requirements with the following results;

- Parking lot details – will remain the same, no changes
- 10% landscaping buffer – Existing, no change.
- Electrical, gas, solar – Mr. Lundquist indicated he was still working with village on electrical needs.
- Water/sewer mains – No change.
- Water service location & size - No change.
- 3”X3” inset – Not on plans. Will need to be added.
- Engineer’s seal - Not on plans. Will need to submit revised plans with seal.
- Color rendering – Requirement waived. Black and white rendering adequate.
- Employees? – Mr. Lundquist said there would just be a couple of new people.
- Project phases? – Single phase project to start ASAP.
- Status of other req. permits – Will apply for any necessary permits.
- Pollution control devices – Mr. Flint stated they would install a backflow prevention device and an oil separator.

**Village of Penn Yan Planning Board
Meeting Minutes October 5, 2020**

The Chairman introduced and read aloud from comment pages submitted by municipal departments, and the written responses provided by Mr. Lundquist.

Police Chief, Tom Dunham – ‘Must possess NYDAM license and possibly cannabinoid hemp processor & retailer license. Must meet requirements under NYS Public Health Law 33-B.’

Once NY State Health, opens the application for Extractors, expected Jan. 2021, we will apply for our license. We have also been in contact with NYS AG (Albany) who had been charged with regulation. NYS AG dropped out of the Hemp program Aug. 15, 2020, deferring to USDA. We are seeking a "growers" license from USDA as well as this could be required by NYS DOH, we don't know.

(Recommend) ‘that the company or representative closely follow and review the progress and implementation of NYS comprehensive hemp law which may change the licensing procedures. The law is scheduled to go into effect January 1st 2021.’

Yes, the General Manager is in touch with the NY State Ag, Hemp Department and reviews the guidelines weekly. In Aug. 15, 2020 NYS AG dropped its hemp program deferring to USDA. However subsequently, there is talk about NYS AG revising and refining its Hemp Plan. This may be the Jan 1, 2021 law you are referring to. Much is still in a state of flux with the NYS pullout on Aug. 15, 2020.

Code Enforcement Officer, Jamie Kincaid – ‘Will there be enough parking for employees?’

Yes, our parking areas will not be affected. They are in the front and rear of the building. Parking is more than ample for the present personnel.

‘Planning Board to question number of occupants in building at any given time.’

Our present work load at 26 Powell Lane is six employees, however 8 years ago it had been up to 40. The new process will add 3 additional employees. Some employees split their time between 38 Powell Lane and 26 Powell Lane buildings. With the new process, and present business climate, that the employee load will exceed 40.

‘Existing electrical equipment and new added equipment must be proven to have the load capacity to handle the new equipment. Must be proven and/or designed by design professional.’

Combined electrical loads have been submitted to a commercial electrician/engineer recommended by the Village.

Streets Superintendent, Tim Marcellus – ‘Question in regards to any building drainage going to proper location. Storms or floor drains.’

Mr. Lundquist explained there was a storm sewer and gutters to an 8” PVC that he assumed was working properly. He said there was a water separator installed years ago and it discharged into the sewer as required. He said there was also a septic, that was not used any more, that used to be pumped.

Water/Sewer Maintenance Supervisor, Ron Keech – ‘Shows nothing for water & sewer at this time.’

Electrical Dept., Tom Schwartz – ‘Electrical service needs to be upgraded. This will take hiring an outside engineering service and could be billable to customer.’

Same commercial electrician/engineer will be doing the service upgrade once approved by the Village electrical engineer.

**Village of Penn Yan Planning Board
Meeting Minutes October 5, 2020**

(Recommend:) ‘Filling out waste discharge form to sewer collection system. Is the building protected with a backflow device or will one be needed?’

We will fill out the Waste Discharge Form. We do not know if there is a backflow preventer, but if one is needed, it will be installed as directed by the Village

Fire Chief, Frank Ellis – (Did not respond to memorandum)

WWTP Chief Operator, Yvonne Tucker – ‘Require further details of clean-up procedure in extractor room’

Yes, we will be completing a SOP to be prepared by our cGMP consultant.

(Recommend:) Disposal plans: What will they do with product that does not meet specifications? What will they do with out of spec trim?’

Product that does meet specifications it will be disposed per NY State Ag Regulations.

We will be processing dry biomass in the extractor. No trimming is necessary for dry biomass.

He was asked to explain the NYS Ag Regs. Mr. Lundquist said the effluent was disposed of on a farm per the DEC regulations.

‘Is the process using subcritical extractors or supercritical extractors? Will they perform winterization onsite? Are they wholesale or retail? Any further refining onsite?’

Supercritical. The extract from the CO2 extractor does not require winterization. Mr. Lundquist corrected this statement saying there was winterization necessary and it would be performed per recommendations. The business is wholesale only. A portion of the CO2 "raw oil" will be distilled in the Extractor room using distillation equipment.

Yates County Planning Board – (Change of business use with no change to footprint is EXEMPT from referral)

The Board then proceeded to the Environmental Assessment Form for an evaluation of impacts.

A MOTION by Mike Clancy and a **SECOND** from Jean D’Abbracci to designate the Village of Penn Yan Planning Board as Lead Agency and to find that the project was consistent with an UNLISTED action. Jean D’Abbracci–aye Sarah Purdy-aye. Mike Clancy-aye. **Motion carried.**

Before proceeding with the assessment of Part 2 of the SEQR Chairman Olevnik asked if the board had any questions or concerns with Part 1. He read a letter Attorney Brockman had prepared and presented to the board dated September 28, 2020 which read;

‘We have reviewed the above Site Plan Application, including the SEAF, part 1. Both the Part 1 and the Site Plan state that no public water supply or public wastewater (sewer) will be utilized.’

‘It is noted that the response to questions “9”, “10” & “11” are incomplete.’

‘As to “10” and “11”, if the public water and wastewater services are not intended to be utilized, that should be stated in each response, where indicated in the form.’

After lengthy discussion with Mr. Lundquist and Mr. Flint, it was clear the questions had been misunderstood. Mr. Flint stated he would correct them to convey the answers they meant to give.

‘It is highly recommended that the following conditions be included in any site plan approval:

**Village of Penn Yan Planning Board
Meeting Minutes October 5, 2020**

- 1.) *That there be no use of the public water supply for commercial or industrial purposes at the site.*
- 2.) *That there be no use of the public wastewater system for commercial or industrial purposes.*

Mr. Lundquist maintained their extractors needed no water and that they used only CO₂ and electricity. Any cleaning, other than periodic washing down of floors, was done with turpentine. He said he already addressed the concerns about waste from the extraction process.

- 3.) *That there be no gaseous emissions into the atmosphere from any portion of the commercial/industrial operation(s) at the site.'*

Mr. Lundquist explained there was no odor or emissions discharged. It was all converted internally to liquid CO₂ under pressure and the pressurized CO₂ was then converted back into a gas and reused.

The following were listed as potential impacts;

The board found item #6, Part 2; (*Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?`) may cause a moderate environmental impact.*

The Planning Board's final determination was that the action would not have a significant negative impact therefore a negative declaration statement would be prepared.

A MOTION by Sarah Purdy and a **SECOND** from Mike Clancy to adopt the SEQR.

Jean D'Abbracci-aye Sarah Purdy-aye. Mike Clancy-aye. **Motion carried.**

MOTION Jean D'Abbracci from and a **SECOND** by Mike Clancy to OPEN the public hearing.

Jean D'Abbracci-aye Sarah Purdy-aye. Mike Clancy-aye. **Motion carried.**

Comments from the public: None.

Comments from the Board:

Sarah Purdy asked about security measures due to the type of business. Mr. Lundquist indicated they already had surveillance cameras and card-key access.

Chairman Olevnik said the details regarding waste disposal were not clear and the board would require more information.

Mike Clancy asked about the additional electrical load. Mr. Lundquist said his electrician was working with the village and he had not heard of any problems.

MOTION by Jean D'Abbracci and a **SECOND** from Sarah Purdy to CLOSE the public hearing.

Jean D'Abbracci-aye Sarah Purdy-aye. Mike Clancy-aye. **Motion carried.**

A MOTION by Jean D'Abbracci and a **SECOND** from Sarah Purdy to TABLE the proposal pending the following additional information:

- 3 Sets of revised plans with a 3" X 3" inset showing a locator map and an engineer's seal.
- Explanation of extraction waste and its disposal.
- Details explaining the increased electrical needs.

Jean D'Abbracci-aye Sarah Purdy-aye. Mike Clancy-aye. **Motion carried.**

**Village of Penn Yan Planning Board
Meeting Minutes October 5, 2020**

The Planning Board’s final determination was that the action would not have a significant negative impact therefore a negative declaration statement would be prepared.

A MOTION by Jean D’Abbracci and a **SECOND** from Mike Clancy to adopt the SEQR.
Jean D’Abbracci–aye. Sarah Purdy–aye. Mike Clancy–aye. **Motion carried.**

MOTION by Mike Clancy from and a **SECOND** by Jean D’Abbracci to OPEN the public hearing.
Jean D’Abbracci–aye Sarah Purdy–aye. Mike Clancy–aye. **Motion carried.**

Comments from the public: None.

Comments from the Board:

Chairman Olevnik asked about the asphalt parking lot. Mr. Kosa said that had changed to gravel because there was not a budget for it. Mr. Bock said the lot would be graded and graveled. They said when there were events, they would have a person directing cars to parking spots in lieu of striping. Bruce indicated that was acceptable. Chairman Olevnik asked about greenspace in the parking area and questioned the purpose of the stone dust pad. Mr. Kosa said the pad was for emergency responders and recreational vehicles needed for pavilion gatherings. He explained the parking had green islands. Bruce said there was already more than the required 15% greenspace at the site. Jean asked how emergency vehicles would exit. Mr. Kosa said there was 50’ for them to turn around. Chairman Olevnik said the Village Comprehensive Master Plan required improved walkability. He required they add a pedestrian pathway to the site plan showing where people would access the facility from Main Street. There was discussion about the advantages of YCRR making arrangements with the church for pedestrian access through their property.

Motion by Mike Clancy and a Second from Jean D’Abbracci to CLOSE the public hearing.”
Jean D’Abbracci–aye Sarah Purdy–aye. Mike Clancy–aye. **Motion carried.**

A MOTION by Sarah Purdy and a **SECOND** from Jean D’Abbracci to grant conditional approval of the site pending the following;

Revised plans showing a pathway from Main Street to the YCRR facilities and an Engineer’s Seal.
The board also noted they considered the whole project when assessing the environmental impacts. If there were any significant changes over the scope of the project a new SEQR review would be required.
Jean D’Abbracci–aye Sarah Purdy–aye. Mike Clancy–aye. **Motion carried.**

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OTHER BUSINESS: None.

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A MOTION by Sarah Purdy and a **SECOND** from Mike Clancy to adjourn the meeting at 9:30PM.
Jean D’Abbracci–aye Sarah Purdy–aye. Mike Clancy–aye. **Motion carried.**

Submitted by Secretary:

Lynn Duryea