

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

Present: Stan Olevnik- Chairman, Jean D’Abbracci-Vice Chairman, Brent Bodine, Austin Lapp, Mike Willis-alt., Michael Clancy-alt., Ray Spencer – VB Liaison, Bruce Lyon - Code Officer, Ed Brockman-Attorney, Dan Condella-VB Trustee, Lynn Duryea- Secy.

ABSENT: Sarah Vestal,

PUBLIC PRESENT: Carol Genecco, Angelo Licciardello, (Jr.)

NEWS MEDIA PRESENT: None.

Chairman Olevnik announced alternate member Mike Clancy would participate as a voting member to substitute for Sarah Vestal who was absent.

A MOTION by Austin Lapp and a **SECOND** from Jean D’Abbracci to approve the 9-9-19 minutes. Jean D’Abbracci-aye. Austin Lapp-aye. Mike Willis-aye. **Motion carried.**

FIRST ITEM:

Review of revised site plans from David Genecco for townhouse project at 200 South Avenue.

Carol Genecco and Angelo Licciardello, (Jr.) were present.

Chairman Olevnik recused himself from discussion and voting due to a business relationship with the applicants. Vice Chairman D’Abbracci stepped in to conduct the review.

Vice Chairman D’Abbracci opened the floor for comments from the board or anyone else in the room. The board members indicated they had no comments or concerns after reviewing the following minor plan revisions;

Site Plan

- 1.) *The proposed private drive is now shown as 24 ft. wide, asphalt (without the concrete gutters), and the pavement section (depth) will be more than that required in the PYICD.*
- 2.) *We have revised the label for the proposed concrete sidewalk along the South Avenue right-of-way to read: “Future Concrete Sidewalk”. Our understanding is that the developer is not required to construct the sidewalk at this time as there is no sidewalk on either side of South avenue in either direction to connect to.*
- 3.) *Parking, driveways, building size and position, and the driveway entrance all remain the same.*

Grading and Drainage

- 1.) *The road now sheet drains east to a swale along the east side of the private road now that we have no concrete gutters. The road is not crowned in order to avoid a swale across the driveways and/or multiple catch basins.*
- 2.) *We have eliminated one of the catch basins at the south end of the private road now that road-side gutters have been eliminated. The storm system otherwise remains the same.*
- 3.) *The swale on the east side of the private drive and parking would also be a bio-swale. In doing so, we can reduce the size of the North bio-retention pond on the west side of the building, allowing more space for back yards and to run electric lines in a space already occupied by the sanitary lateral.*

A MOTION by Austin Lapp and a **SECOND** from Mike Clancy to issue FINAL APPROVAL of the project plans to include the aforementioned revisions.

Brent Bodine-aye. Austin Lapp-aye. Mike Willis-aye. Mike Clancy-aye. **Motion carried.**

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Board member Willis expressed his opinion that finally approving the senior citizen townhouse project was a nice overall solution to the original conflict. He applauded everyone's efforts.

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OTHER BUSINESS:

- John Vivier taxi business: RE expiration of site plan approval at 246 East Elm Street.

Chairman Olevnik stated the site plan approval extension the board had extended expired October 1st. He had driven by the property to determine if the site plan requirements had been completed. He said he saw the required fencing was installed with the finished side not facing the neighbors as required by code and the required greenspace was not done. He said the board had the option to ignore the situation, give the Viviers another extension, or consider the site plan approval to be expired. Attorney Brockman informed the board he had met with Bruce to review the Village Code with respect to expiration of approval. He said code stated if site changes had begun then approvals did not expire. He said in this particular case the applicants already operated their business on the site so he would recommend the board extend the deadline another 30 days and require Mr. Vivier to be present at the next meeting to confirm the site changes were completed. Board member Bodine asked what the planning board would do if Mr. Vivier did nothing after 30 days. Board member D'Abbracci agreed there should be an "or else" clause. Attorney Brockman said the village could appeal to Yates County Court for an injunction to shut down the taxi business.

EXECUTIVE SESSION:

At 7:20 PM there was a **MOTION** by Brent Bodine and a **SECOND** from Austin Lapp to enter into Executive Session to discuss legal matters with council.

Brent Bodine-aye. Jean D'Abbracci-aye. Austin Lapp-aye. Mike Clancy-aye. **Carried.**

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:30 PM there was **MOTION** by Brent Bodine and a **SECOND** from Jean D'Abbracci to leave Executive Session and return to regular session.

Brent Bodine-aye. Jean D'Abbracci-aye. Austin Lapp-aye. Mike Clancy-aye. **Carried.**

A MOTION by Mike Clancy and a **SECOND** from Austin Lapp to extend the site plan approval for another 30 days and require Mr. Vivier to be present at the next meeting to confirm his site plan was completed.

Brent Bodine-aye. Jean D'Abbracci-aye. Austin Lapp-aye. Mike Clancy-aye. **Motion carried.**

- Dog Kennels

Chairman Olevnik read a draft prepared by Attorney Brockman regarding dog kennels in the village. He said would be discussed at the next Planning & Development Committee meeting. '*Kennel: Any lot or premises where, for monetary compensation, four or more domestic animals, other than animals kept for agricultural purpose, more than four (4) months of age, are housed, groomed, bred, trained or offered for sale.*'

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A MOTION by Brent Bodine and a **SECOND** from Austin Lapp to adjourn the meeting at 7:40PM.

Brent Bodine-aye. Jean D'Abbracci-aye. Austin Lapp-aye. Mike Clancy-aye.

Motion carried.

Submitted by Secretary:

Lynn Duryea