

**Village of Penn Yan Planning Board
Meeting Minutes November 2, 2020
111 Elm Street ROOM 202
7:00PM**

PRESENT: Stan Olevnik- Chairman, Jean D’Abbracci-Vice Chairman, Sarah Vestal, Austin Lapp, Sarah Purdy, Michael Clancy-alt., Ray Spencer – VB Liaison, Jamie Kincaid-Code, Ed Brockman-Attorney, Lynn Duryea- Secy, Dan Condella-Trustee, Kevin McCloud-Trustee, Tim Marcellus-Streets Dept.

ABSENT: Sarah Vestal.

PUBLIC PRESENT: Christopher Iversen, Ryan Destro-BME, Shane Stone

NEWS MEDIA PRESENT: None.

Chairman Olevnik announced alternate member Mike Clancy would participate as a voting member for Sarah Vestal who was not in attendance.

A MOTION by Mike Clancy and a **SECOND** from Austin Lapp to approve the June 1, 2020 minutes. Austin Lapp-aye. Mike Clancy-aye. Stan Olevnik-aye. **Motion carried.**

A MOTION by Sarah Purdy and a **SECOND** from Jean D’Abbracci to change the October 5, 2020 minutes as follows; Correct Jean’s name in her Motion for Lead Agency from Jena to Jean. Change Chairman Olevnik’s word ‘recommended’ to ‘required’ so the statement reads ‘required they add a pedestrian pathway’. Jean D’Abbracci-aye Sarah Purdy-aye. Mike Clancy-aye. **Motion carried.**

FIRST ITEM:

Site Plan application from Chrisantha, Inc. for (3) 2-story condominium structures. Two to house 16 units with associated parking, sidewalks, landscaping and lighting improvements at 131-147 Water Street and the third to house 2 units at 120 Wagener Street.

Developer, Christopher Iversen, was present with Shane Stone and Ryan Destro from BME.

Mr. Destro explained they were proposing a condominium project for Water and Wagener Streets in the Village Center (VC) District. He indicated the project currently involved 2 parcels, 131-147 Water Street and 120 Wagener Street, of approximately 0.9 acres total that would be combined by an administrative filing with the Yates County Clerk. He pointed out the Wagener Street parcel had a house that had been listed on the National Registry of Historic Places and they would be applying to the Village Historic Preservation Commission to allow its removal. Mr. Iversen reported the first application to that committee was denied since he did not present any anticipated use for the parcel after demolition but this application would show a use. Pointing to the project plans displayed, Mr. Destro described the two 2-story structures planned for Water Street. He said one would house 8 units and the other 6 units. He said another structure fronting Wagener Street would house 2 units. He talked about the location of the curb cuts for access on both roads. He said the site would include 29 parking spaces with 2 handicapped, new trees and ground cover, a dumpster enclosure, gravity laterals to connect to existing sewer, new water to each building and pedestrian access to connect to Water Street sidewalk. He mentioned the code officer’s comment regarding adequate turning radius on site for emergency vehicles saying he had factored turning radius by assuming a 100-foot fire truck. He suggested the average fire truck was actually not nearly that large and fire trucks were more likely to park on the street. Mr. Destro stated there would be less than an acre disturbed so a Storm Water Report was not required by the DEC. He indicated there was impervious ground on the site and the buildout would have an increase in impervious surface on only 0.2 acres. He showed drainage discharging to the south of the site into an existing storm sewer. He explained

**Village of Penn Yan Planning Board
Meeting Minutes November 2, 2020**

the development was included in the village’s DRI projects and that they had been meeting with the village since last June to coordinate their plans with projected village improvements. Mr. Destro pointed out the project would require application approval from the Historic Preservation Commission for demolition of the Wagener structure and 3 variances. He conveyed there had been a meeting with the village regarding the 0’ front setback and reported there were no objections to building right on the property line. Chairman Olevnik questioned the conflicting setbacks for Water Street. He said code required 15 feet but the Water Street Overlay District described forward-facing structures. For the second variance Mr. Destro directed attention to the parking lot on the drawing which depicted a 2’ setback from the west lot line. He said code required a 3’ setback there. He mentioned that was the Lyons National Bank property and not a residential lot. He said the third variance involved a reduction in the building separation requirement of 25’ from the building on the adjacent parcel, to 15 feet. Mr. Destro indicated he had received the memorandums from village department heads and had called to work with each to address any concerns. He asked if the planning board might render a favorable finding regarding the variances and the demolition of 120 Wagener Street. Mike Clancy asked if they planned to represent characteristics of the historic home on Wagener in their new building. Mr. Iversen said the new building would reflect architectural features from it. Chairman Olevnik asked if the development would be built in a single phase. Mr. Iversen explained the project would begin in the fall of 2021 after state approvals with the 8-unit first. Once there was revenue from the sale of those units, he would begin the 6-unit, and so forth.

The Chairman introduced and read aloud from comment pages submitted by municipal departments.

Police Chief, Tom Dunham – ‘N/A’

Code Enforcement Officer, Jamie Kincaid – *‘Turning radius should be shown at turning points in driveway. Must be proven that largest Fire apparatus is capable of making the turns. IFC 503.2.4 – turning radius.’*
Addressed in earlier conversation.

‘Appeal Historic Preservation Commission’s decision to demo Wagener Street home. Owner must appeal to Village Board. Must be in writing. 110-7.’
Addressed.

‘Do the townhomes meet the state definition? Does each unit have Z exterior walls? Provide layout of interior separation walls. Chapter Z IFC.’
Jamie indicated his concerns have been addressed.

‘Sidewalks along Water Street are 3 feet wide - code requires 5 foot sidewalks in WSC – 202-15.1-D(2). Village may ask for a new sidewalk that meets code or they may decide the existing sidewalk is acceptable. Sidewalk should be inspected in this case.’

Streets Superintendent, Tim Marcellus –
‘Sidewalks.’

Tim Marcellus stated blacktop through the sidewalk was not permitted in the village so that needed to be changed on the plan. He also explained the sidewalk along the front of the Water Street property was below grade and would need to be raised. Mr. Destro objected saying one of the villages DRI projects was for new sidewalk so this developer should not have to bear this expense. Chairman Olevnik stated this was an issue for the Village Board not the planning board.

**Village of Penn Yan Planning Board
Meeting Minutes November 2, 2020**

'Storm sewer.'

Tim explained the drainage plan shown was not recommended due to the size and capacity of the catch basin and its existing load. He recommended using the catch basin on the east side of the property so that would need to be changed on the plan.

'Curbing'

Tim stated there was a minimum curb cut reveal of 1" and the plan showed ½" so that would need to be changed on the plan.

'ROW.'

Tim suggested there would be a safety hazard for motorists exiting onto Water Street. He recommended the development be one-way traffic off of Water Street.

Water/Sewer Maintenance Supervisor, Ron Keech –

'The 6" sanitary sewer has to be SDR-35.'

Mr. Destro acknowledged, and said he would add the label.

'2" PE service on Wagener St. needs a sleeve for the pipe and a tracer wire.'

Mr. Destro agreed to have this done.

'It's up to the owner of the property to purchase the meters for each building. Let the village know in advance what size meters you will need for each building. We will order them for you.'

Mr. Destro indicated he would work with them on this.

Electrical Dept., Tom Schwartz – *'All units must have backflow devices on both domestic and fire systems approve by the DOH and Village Public Works.'*

Mr. Destro stated the 6 & 8-unit buildings would have sprinklers and backflow devices. Jamie said the 2-unit did not need sprinklers.

Review Water Street DRI project. Street is planned to be widened with added parking on North West side. Setback of building must take this into consideration.'

Dan Condella asked Mr. Iversen if he was aware the village had an idea to widen Water Street. Mr. Iversen said the concept was discussed at the sketch meeting a year ago so he waited to move forward with his project. He said when he checked for updates, he was unable to learn of any progress regarding the idea nor any actual plan in place currently by the village to widen that street. He said he then made the decision to invest a significant amount of money to have the plans drawn up and presented to the planning board. Tim Marcellus said due to sewer location and other significant financial factors there was little chance the village would ever endeavor to widen Water Street.

'Stormwater study to make sure runoff from project area does not overwhelm village's storm water system.'

The issue was resolved by Tim Marcellus - precious narrative.

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

WWTP Chief Operator, Yvonne Tucker – *'No concerns at this time'*

**Village of Penn Yan Planning Board
Meeting Minutes November 2, 2020**

Yates County Planning Board – ‘Application as presented has no significant county-wide or inter-municipal impact.’

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

Comments from the public: None.

Comments from the Board: None.

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

Attorney Brockman recommended the planning board Table the application pending the outcome of the applications for the variances and the demolition. He said that would also give the Board of Trustees time to make a final decision about the street-widening idea. Mr. Iversen asked to have the board conclude the SEQR portion of the application review which would secure the positive declaration for his project. Mr. Destro commented on the standard procedure for all municipalities he has dealt with, including Penn Yan, to issue conditional approval pending variance approval and other details. There was lengthy debate whether or not to issue conditional approval pending those outcomes or to Table the application entirely.

A MOTION by Austin Lapp and a **SECOND** from Sarah Purdy to issue conditional approval. The motion was abandoned after further discussion.

A MOTION by Sarah Purdy and a **SECOND** from Mike Clancy to TABLE the site plan pending the following;

- 1.) Variances for 0-foot front setback, 2-foot setback from property line for open parking area and 15-foot separation of structures between proposed structure and building on adjacent property.
- 2.) Proof a Certificate of Appropriateness has been issued for demolition of the structure at 120 Wagener Street **OR** proof of a positive outcome from an appeal of their denial to the Board of Trustees.
- 3.) Revised site plan showing-
 - Sidewalk through blacktop driveway,
 - Relocation of catch basin to show stormwater will discharge into east side 12” tie-in.
 - Change curb-cut reveal to show it will be 1”.
 - Depict traffic pattern into development as one-way off of Water Street.

Jean D’Abbracci–aye Austin Lapp–nay. Sarah Purdy–aye. Mike Clancy–aye. **Motion carried.**

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OTHER BUSINESS: None.
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A MOTION by Jean D’Abbracci and a **SECOND** from Austin Lapp to adjourn the meeting at 9:30PM. Jean D’Abbracci–aye Austin Lapp–aye. Sarah Purdy–aye. Mike Clancy–aye. **Motion carried.**

Submitted by Secretary:

Lynn Duryea