

**Village of Penn Yan Planning Board
Meeting Minutes November 4, 2019
111 Elm Street ROOM 202
7:00PM**

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

ABSENT: Austin Lapp, Sarah Vestal.

PUBLIC PRESENT: John & Teresa Vivier

NEWS MEDIA PRESENT: None.

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Chairman Olevnik announced alternate members Willis and Clancy would participate as voting members for Austin Lapp and Sarah Vestal who were absent.

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A MOTION by Brent Bodine and a **SECOND** from Jean D’Abbracci to change the October 7, 2019 minutes to remove a repeated word.

Brent Bodine–aye. Jean D’Abbracci–aye. Mike Willis-aye. Mike Clancy-aye. **Motion carried.**

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FIRST ITEM:

Review of John Vivier’s site plan for 246 East Elm Street to confirm it had been completed. John and Teresa Vivier were present. Mr. Vivier indicated he had completed the site changes as required. He mentioned an issue with the greenspace/buffers that were not yet visible since the grass seed had not sprouted much yet. Code Officer Lyon stated he noticed no grass or grass seed on his inspection a few days prior. He said greenspace should be an area of ground that was disturbed so a new planting could take root. He said he saw no turned earth. Chairman Olevnik asked if the fence that was installed the wrong way around was corrected. Mr. Vivier said all fencing had a second row facing the correct way. Code Officer Lyon confirmed it.

A MOTION by Mike Clancy and a **SECOND** from Mike Willis to consider the site plan requirements set forth by the planning board completed. The site plan approval was no longer subject to expiration.

Brent Bodine–aye. Jean D’Abbracci–aye. Mike Willis-aye. Mike Clancy-aye. **Motion carried.**

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NEXT ITEM:

Preliminary discussion of site plan application submittal from John Vivier that is on December agenda. Mr. Vivier told the board he had a site plan application in for review at their December meeting and wanted to mention it in advance since he was here. He said he was in the process of buying 8 Bush Park and planned to continue the U-Haul business there along with vehicle repairs and sales. He said he was told to submit a site plan application since he would be parking taxi business buses there and he planned to add a 500 gallon gas tank. The board asked if he planned to move his taxi business over there and Mr. Vivier said no. He said he would do repairs on the taxis but the business would remain on East Elm Street. The board thanked him for making them aware of his application.

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NEXT ITEM:

Approval of minor site changes to approved plans for Keuka Gardens at 199 Brown Street Extension.

Code Officer Lyon explained the owner of the bowling alley next door to Keuka Gardens, Kurt Brockman, had contacted him about grading about to begin on his bowling alley property by the property owner next door, Home Leasing (Keuka Gardens developer). Bruce said when he looked at the approved site plan for the Keuka Gardens project he saw grading shown on the neighboring property. He said he told Home Leasing’s

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construction manager, Jered Bateman, not to do grading until the issue was resolved. He also noticed there was a retaining wall planned that had been added to the plans after planning board approval. Bruce said he understood that was related to the driveway work on the bowling alley property for access to Keuka Gardens apartments. He explained there was a hill that needed to be cut down but Kurt Brockman did not agree to that cut down when he signed the easement agreement. The retaining wall was the compromise Mr. Brockman was willing to allow but the planning board had to approve it as an amendment to the approved plans. Board member Bodine asked if there would be a safety guard on the retaining wall because of its height. Bruce said yes. Chairman Olevnik pointed out the entity responsible for ownership and wall maintenance should be established since it would be built on Mr. Brockman's property. He then read aloud from an email he received earlier in the day from Kurt and Kiley Brockman.

'To Whom it may concern,

Unfortunately neither one of us can attend the meeting tonight. So we're sending a quick note to inform you that We, Kurt and Kiley Brockman, are the property owners at 201 Brown St Ext. We, as the property owners, have had our share of surprises and have been blind sided by an action that was approved by the village board. It was brought to our attention by Home Leasing Co. that we were having an issue fitting a dumpster pad on the north side of our building. The grading site plan that was approved by the village of Penn Yan had Home Leasing grading our property down to a level to meet their property requirements. This site plan was never mentioned or brought to our attention for approval. If we had not been here on our property at the time the contractors next door were starting the excavation for the easement access due to those plans we would have lost FULL use of the 50' from our building to the lot line. As it stands now, we have now lost use of approximately 3000 sq ft of our taxable property on the north west and east corners of our lot due to the grading and excavating of the easement. This was NEVER an agreement with anyone that use to own or own the property now. This problem should be further looked at and discussed amongst all of us for a future resolution. We will be looking forward to having another discussion in the near future with the village planning board on this. As of the plans that Jared sent Bruce Lyons, we are going to have to approve them to HELP resolve some of the things that HLC should help us with. Sincerely, Kurt & Kiley Brockman'

In light of the message and its implication Chairman Olevnik said he would suggest the planning board not approve the retaining wall going in on the Brockman's property without an executed agreement by all parties involved, first. He added there must be a more vigilant effort in the future by village department heads and by board members to notice site changes proposed on neighboring properties. Code Officer Lyon said he was sure everyone who looked at the plans assumed the easement agreement with the former bowling alley owner to allow the driveway included the site grading. Board member Bodine mentioned the village still needed a legal agreement with Home Leasing for sewer access, also. The board decided to send a letter to Home Leasing informing them the village needed to see an executed agreement between the parties involved regarding the site plan changes for the village attorney to endorse before the project could proceed. A copy was to be sent to Kurt and Kiley Brockman, too.

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OTHER BUSINESS: None

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A MOTION by Jean D'Abbracci and a **SECOND** from Mike Willis to adjourn the meeting at 7:55PM.
Brent Bodine-aye. Jean D'Abbracci-aye. Mike Willis-aye. Mike Clancy-aye. **Motion carried.**

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Submitted by Secretary:

Lynn Duryea