ABSENT: Sarah Vestal, Brent Bodine.  
PUBLIC PRESENT: Bob Cirencione, John & Teresa Vivier.  
NEWS MEDIA PRESENT: None.  

Chairman Olevnik announced alternate member(s) Willis and Clancy would participate as voting members for Bodine and Vestal who were absent.  

A MOTION by Austin Lapp and a SECOND from Mike Willis to approve the 11-4-19 minutes. Jean D’Abbacci - aye. Mike Willis - aye. Mike Clancy - aye. Motion carried.  

FIRST ITEM:  
Site Plan application from Teresa Vivier for change of use for new parking and gas tank at 8 Bush Park.  
Prior property owner Bob Cirencione, and new owners, John & Teresa Vivier were present.  
Mr. Vivier pointed out the location on the plan where he intended to put a portable 500 gallon, double-walled gasoline tank. He said it would go on a pad and have fencing for a visual buffer. The board questioned the Viviers at length about available parking and sufficient space for the larger vehicles to turn around. Mr. Vivier said the large taxi vehicles to be parked were 2 buses and 1 van which had 26’-30’ of turn-around space. The board asked about parking for used cars, vehicles undergoing service, employee cars, U-Haul trucks as well as retail customers’ cars. Chairman Olevnik said he counted 11 spaces in total which he thought seemed inadequate. Mr. Vivier maintained the lot was large enough to accommodate all parking needs adding he only had a maximum of 3 used cars on the lot at one time. Mr. Cirencione explained larger vehicles were doubled-up in a parking space when necessary and U-Haul was summoned to retrieve trucks if they had too many.  
Chairman Olevnik pointed out the plan showed details on the neighboring property. Mr. Vivier said he was pursuing a lot-line adjustment for that. The chairmain deferred to Attorney Brockman. Attorney Brockman explained the planning board could not complete the site plan review if the plan showed use of neighboring property before it was a part of the 8 Bush Park lot. The board suggested the Viviers either remove the proposed use of the neighboring property from the plan and submit a revised plan for site plan review, or complete the transfer of land, change the plan accordingly and return for site plan review. Chairman Olevnik asked Code Officer, Bruce Lyon, if there were any parking violation and if they had satisfied the parking regulations. Mr. Lyon indicated there were no specific parking requirements in the code for a U-Haul business other than the standard 1 space per employee and one for every 1,000ft² which seemed to have been met. He said it was difficult to be sure since there was an unknown number and size of vehicles to be parked and the spaces for them were not marked. He said parking spaces of a required size did need to be marked and have proper setbacks. There were questions for the Viviers about the gasoline tank currently at the East Elm Street taxi property. Mr. and Mrs. Vivier both confirmed the gasoline tank would be removed from that property. Mr. Vivier asked if they could place the new tank at the 8 Bush Park site before site plan approval. The planning
Village of Penn Yan Planning Board  
Meeting Minutes December 2, 2019

board said it could not be there until after site plan approval. The Viviers stated they would complete the land transfer and come back with a revised plan.

OTHER BUSINESS:

• Discussion with Streets Supervisor, Tim Marcellus.

Tim Marcellus explained he was seeing planning board-approved projects completed improperly. He said most recently the Penn Yan Volunteer Ambulance Corp did not install curbing that was shown on the approved plans and had removed greenspace without approval. Chairman Olevnik asked why he was addressing the planning board since they had nothing to do with project completion after approvals were issued. He said if projects were not completed per the specifications on signed plans it was a matter for the code office. Attorney Brockman said if the code office finds incorrect site work the property owner must either rip it out and replace it with the approved site detail or come back before the planning board with amended plans for approval. Mr. Marcellus cited another example which was the Hampton Inn Event Center that had been issued approval without the code-required sidewalks. He said he understood the previous Streets Supervisor did not make the planning board aware of the sidewalk requirement but he was asking how to correct that now that the project had been issued approval. Chairman Olevnik pointed out the planning board members were not professionals so they relied on comprehensive department-head comments because those people were the professionals. He indicated he would need to have a conversation with the mayor to find out how to handle a situation where project plans were approved by the planning board with code violations. He asked Mr. Marcellus for a list of the violations he was referring to. Attorney Brockman said if the department heads were not aware of the importance of their comments for the planning board then it was a matter for the Planning & Development Committee and the Board of Trustees.

• Penn Yan Marina project
Jean D’Abbracci asked for an update on the progress. Attorney Brockman said it was at a standstill while Mr. Iversen waited for a response from the Attorney General’s Office.

A MOTION by Jean D’Abbracci and a SECOND from Austin Lapp to adjourn the meeting at 8:25PM. Jean D’Abbracci-aye, Austin Lapp-aye, Mike Willis-aye, Mike Clancy-aye. Motion carried.

Submitted by Secretary:

Lynn Duryea