

**Village of Penn Yan Planning Board
Meeting Minutes March 5, 2018
111 Elm Street ROOM 202
7:00PM**

Present: Cliff Orr – Chairman, Stan Olevnik- Vice Chairman, Sarah Vestal, Brent Bodine, Dave Reeve – VB Liaison-Via SKYPE, Bruce Lyon - Code Officer, Lynn Duryea- Secy.

ABSENT: Jean D'Abbracci

PUBLIC PRESENT: Michael Carmel Jr., Robin Carmel, Don Schneider, Lauren Monaghan, David Adams, Teresa Vivier, John Vivier, Woody Stenz, Roger Ribble, Rose Lampson, Barry Lampson, Brian Zerges, Karen Morris.

NEWS MEDIA PRESENT: Gwen Chamberlain.

A MOTION by Brent Bodine and a **SECOND** from Stan Olevnik to approve the February 5, 2018 minutes.
Stan Olevnik–aye. Brent Bodine–aye. Cliff Orr –aye. **Motion carried.**

FIRST ITEM:

Public Hearing for subdivision application from Barry Lampson to divide 155 Cornwell Street into two parcels. Don Schneider, Rose Lampson and Barry Lampson were present. Mr. Schneider explained the application was a simple property split of one residential lot into two. He said he consulted with a surveyor and the code officer to be sure both new lots were properly drawn and were conforming to village code.

A MOTION by Stan Olevnik and a **SECOND** from Sarah Vestal to open the Public Hearing.

Stan Olevnik—aye. Brent Bodine—aye. Sarah Vestal—aye. **Motion carried.**

Michael Carmel, Jr. of 147 Cornwell Street addressed Rose and Barry Lampson asking if they planned to build or develop the lots and if they were he wanted to know if the properties would be removed from the tax rolls. He stated the area was full of wildlife he and his family enjoyed then asked why they decided to split the properties at the present time and who was to benefit. Chairman Orr reminded everyone the planning board was only reviewing a change to the property lines and not the eventual use of the lots. The Lampsons and the attorney handling the application, Don Schneider, stated there were no plans to develop the new lots or build on them so they would not be pursuing a payment in lieu of taxes (PILOT) program.

A MOTION by Sarah Vestal and a **SECOND** from Brent Bodine to close the Public Hearing.

Stan Olevnik—aye. Brent Bodine—aye. Sarah Vestal—aye. **Motion carried.**

The Board then compared the plan to the checklist of requirements and found all to be satisfied.

Board member Olevnik asked if the shed on the property would be relocated and, if so, when. Mr. Schneider said yes, it would be moved and that would be done whenever equipment was available.

The Chairman introduced, and read, a comment page submitted by one municipal department head.

The Assistant Director of Public Works Bill Jansen –

'Establish utility easements if another home to be built'

Yates County Planning Board – no referral required-exempt.

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

**Village of Penn Yan Planning Board
Meeting Minutes March 5, 2018**

A MOTION by Brent Bodine and a SECOND from Stan Olevnik to designate the Village of Penn Yan Planning Board as Lead Agency in the action.

Stan Olevnik—aye. Brent Bodine—aye. Sarah Vestal—aye. **Motion carried.**

The following were listed as potential impacts; None.

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 Brent Bodine and a SECOND from Stan Olevnik to approve the subdivision as presented. Stan Olevnik—aye. Brent Bodine—aye. Sarah Vestal—aye. **Motion carried. SUBDIVISION APPROVED.**

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NEXT ITEM:

Site Plan application from Teresa Vivier to establish site requirements at 246 East Elm Street due to a use variance issued at the residential property allowing taxi service business.

John and Teresa Vivier were present. Mr. Vivier explained they had been issued a variance 2 years ago and only recently learned they needed site plan approval, too. Chairman Orr asked him to explain the taxi business they had been issued a variance for. Mr. Vivier said they operated a taxi service out of the building and mentioned there used to be gasoline tanks but they had been removed.

Chairman Orr opened the floor for public comments. There were none.

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

The board asked how many vehicles they presently used and if they had adequate parking required by village code. Mr. Vivier said they currently had 6-7 in the lot and the code officer, Bruce Lyon, said their parking requirements were met for that number of vehicles. He also cautioned if the business grew they could potentially outgrow the current parking requirement. The board asked about the existing outdoor lighting and any signage. Mr. Vivier said there were 3, 13-watt LEDs and one 175 watt bulb that did not shed light onto the neighbors. Bruce Lyon said he already went through the permit process for his sign. There was lengthy discussion with the Viviers about the need for additional greenspace and vegetative or fencing buffers. Board member Bodine explained to them the comprehensive buffer requirement was because the planning board had an obligation to protect the neighbors since they were operating in a residential zone. The board requested a revised plan showing the buffers discussed. When asked about when they would complete installation of the buffers Mr. Vivier indicated it would be within 6 months.

The Chairman introduced, and read, comment pages submitted by municipal department heads.

BILL JENSEN (Assist. Director of PW):

'Backflow prevention device required for commercial property.'

BRUCE LYON (Code Enforcement):

Zoning Code Chapter 202-43 (E) 2b:

- 3' grass buffer on east side should run full length of lot to parking area.
- 3' grass buffer on west side should run to front of 3-bay garage in rear.

- Landscape buffer needed between commercial use & residential uses on BOTH sides and REAR of lot per Zoning Chapter 202-60 (can be 6' fence).

**Village of Penn Yan Planning Board
Meeting Minutes March 5, 2018**

Zoning Code Chapter 202-43 (E) 3c: ("Parking adjacent to residential use shall be set back a minimum of 6 feet from residential lot line with an adequate landscape buffer in that setback area")

'Shows 7 car & 2 bus parking spaces. Will this accommodate taxis & employee parking?'

'I was shown taxi wash area on west side of building. Is this still there? Not shown.'

BILL LaROCK (Fire Dept.):

'I recommend that all fire codes are followed.'

YATES COUNTY PLANNING BOARD - No referral required-exempt.

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

A MOTION by Brent Bodine and a SECOND from Stan Olevnik to designate the Village of Penn Yan Planning Board as Lead Agency in the action.

Stan Olevnik–aye. Brent Bodine–aye. Sarah Vestal–aye. **Motion carried.**

The following were listed as potential impacts; None.

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 Stan Olevnik and a SECOND from Brent Bodine to grant conditional approval of the site plan, pending a revised plan showing the following;

- 1.) Addition of a 3-foot wide grass greenspace to run from the sidewalk along the entire east side of the lot.
(Parking space depicted on plan near east property line will need to be moved)
- 2.) Replace existing chain-link fencing on east property line with 6 foot high stockade-style fencing.
- 3.) Show on plan there is a 6-foot high stockade-style fence along rear lot line.
- 4.) Addition of 3-foot wide grass greenspace to run from the sidewalk along the west side of the lot to the front of the 3-bay garage.
- 5.) Addition of 6-foot high stockade-style fencing to run from the front of the house along the west side of the lot to the front of 3-bay garage.

Stan Olevnik–aye. Brent Bodine–aye. Sarah Vestal–aye. **Motion carried.**

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NEXT ITEM:

Site Plan application from McDonald's Restaurant at 235 Lake Street for demolition and rebuild.

Lauren Monaghan was present and displayed a revised color rendering of the proposed new McDonald's restaurant. She said McDonalds planned a complete scrape-and-rebuild at the site. She said the new building would be equipped with WiFi kiosks and have an entirely updated exterior design. She pointed out they modified the previous plan by eliminating 2 parking spaces so it would have the requested greenspace in the front and the future outlet trail access path. She noted they had been approved for a sign variance allowing them

Village of Penn Yan Planning Board Meeting Minutes March 5, 2018

to have 2 wall arches on the building in addition to the pylon sign. She indicated they had redesigned the directional signs so they were smaller and only had the words *exit* and *enter* without any logos.

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

The board required an updated color rendering of the building. Ms. Monaghan said the project was to be a single phase with demolition and rebuild expected to take 120 days. The Board made a mention that DOT approval for the access change and DOH approval were other permits they would need.

The Chairman introduced, and read, comment pages submitted by municipal department heads.

BRUCE LYON (Code Enforcement):

'Directional signs at Lake Street very large. Coming up hill to road, vision problems? Do signs need to be that big?' Bruce Lyon said it had already been addressed and the signs were reduced to a size similar to the existing signs.

'Noted with snow event in January, 5-6 parking spots lost to snow pile. Do not see area for snow storage. Loosing 12 spaces already.' Ms. Monaghan there was an area at the rear where pavement had been removed for the snow pile.

CHARLIE BUSH (Electrical Dept.): Ms. Monaghan said they planned to work directly with the electrical department on all electrical requirements as the project progressed.

Service voltage?

Service size in amps?

How many phases? 3-phase, 120/208 is existing now.

If service voltage is 120/240, 3-phase will have to be pole mounted transformers.

If service voltage is 120/208, can be pad mount or pole.

Please advise electric Department which service you would prefer.

Is a temporary service going to be needed for construction purposes?

RON KEECH (Water/Sewer Maintenance Spvsr): Ms. Monaghan said they planned to work directly with the water/sewer department on all related requirements as the project progressed.

'The existing water service will have to be cut and capped at the water main. It will be up to the contractor to do this work.

6" DIP is what our village code calls for.

We would recommend using a tapping sleeve and valve when hooking up the water. That way we won't have to disrupt services.

I see they plan on using 6" SDR 35 for the sewer. This is OK with us. It's what's in the village code.

The contractor might want to verify ahead of time the size of the existing sewer lateral. I believe it's 4-inch. If that's the case they will have to abandon the 4-inch sewer at the main.

If they have any questions regarding the water and sewer feel free to contact me at 315-694-0270.'

**Village of Penn Yan Planning Board
Meeting Minutes March 5, 2018**

BILL LaROCK Fire Dept.):

'All current fire codes adhered to for this type of commercial building.'

YATE COUNTY PLANNING BOARD: *'See no significant county-wide impacts.'*

Board member Bodine in his capacity as Director of Public Works solicited the board for opinions about an easement requirement for a future connection to the outlet trail. The board discussed whether or not it was adequate to have only a promise from McDonalds and a commitment to add the grassy area when addressing such an important detail. Ms. Monaghan offered to have a promissory note drafted. She said she was concerned about holding up final approval for an easement and then losing their construction window. The board decided to consult with the village attorney on the matter before deciding.

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

A MOTION by Sarah Vestal and a **SECOND** from Stan Olevnik to designate the Village of Penn Yan Planning Board as Lead Agency in the action.

Stan Olevnik—aye. Brent Bodine—aye. Sarah Vestal—aye. **Motion carried.**

The following were listed as potential impacts;

Possible archaeological impact if there were artifacts present. The board required a statement from the state historical society confirming there were no archaeological resources.

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 Stan Olevnik and a **SECOND** from Brent Bodine to grant conditional approval of the site plan; as follows;

- 1.) Revised plan showing flow test details.
- 2.) Submittal of 3 copies of the updated color rendering.
- 3.) Copy of statement from state historical society showing there was no evidence of archaeological resources at the site.

Additionally, after consultation with the village attorney the board may require an easement for access to a future outlet trail connection. Stan Olevnik—aye. Brent Bodine—aye. Sarah Vestal—aye. **Motion carried.**

NEXT ITEM:

Review of revised site plans for new Dollar Tree at 211 Lake Street.

Dave Adams was present and directed the board to review the line items listed on the planning board letter dated February 8th. Mr. Adams said he had addressed all the issues on the list with the important ones being the aesthetic improvements for the gateway location. He displayed the color rendering which showed a redesigned façade and greenspace at the front. There was discussion about the electrical and Mr. Adams acknowledged the requirement that it all was to be underground. The board also requested he revise the plans and add 3 trees at the front. Mr. Adams was asked about the construction time-line. He said there would be 2 phases. The property owner would begin the improvement ASAP with completion by May 2018 and the tenant would take about 30 days to build out the interior. There was a question about the recent sign variance denial and that a representative from Dollar Tree said without the variance the tenant would likely not proceed with the project. Mr. Adams explained the site plan was on behalf of the property owner and the sign was for a prospective tenant. He said issues a tenant runs into would not influence the owner's project.

Village of Penn Yan Planning Board Meeting Minutes March 5, 2018

A MOTION by Brent Bodine and a **SECOND** from Sarah Vestal to grant conditional approval of the site plan; as follows:

Revised plan showing the addition of 3 trees at the front of building along the Lake Street side of property.

Stan Olevnik—aye. Brent Bodine—aye. Sarah Vestal—aye. **Motion carried.**

OTHER BUSINESS:

- Request from Finger Lakes Premier Properties (FLPP) for a waiver to allow residential use of a dwelling-style building that had been operating as an office at 140-142 Lake Street.

Brian Zerges, from Finger Lakes Premier Properties, was present. Bruce Lyon explained this change of use had no exterior site changes but he had no authority to waive site plan review. He explained the residential buildings had been redesigned inside for office use and Mr. Zerges wanted to return them to dwellings for use as short-term rentals. Trustee liaison Reeve asked if there should be site plan review for the purpose of making the change of use publically known and so the board could conduct a SEQR examination. The board decided there would not be environmental impacts for interior changes.

Whereas: Brian Zerges has requested that the Village of Penn Yan Planning Board waive the site plan review requirement for a change of use to return the residential building from office space to the former dwelling use at 140-142 Lake Street, Penn Yan, New York.

Whereas: Said property is located in a General Commercial District which permits the proposed use.

Whereas: All changes related to the conversion will be interior and not under the jurisdiction of the planning board.

Whereas: There is no SEQR review required as only exterior site changes are subject to an environmental impact assessment.

Whereas: The board has evaluated the possible activities generated by the new use and found them to be virtually the same as neighboring property owners are accustomed to in the area.

Now, Therefore, Be It Resolved, that the Village of Penn Yan Planning Board does waive the requirement for site plan review.

A MOTION by Stan Olevnik; **SECONDED** by Sarah Vestal.

Stan Olevnik—aye. Brent Bodine—aye. Sarah Vestal—aye. **Carried.**

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A MOTION by Brent Bodine and a **SECOND** from Stan Olevnik to adjourn the meeting at 8:45PM.

Stan Olevnik—aye. Brent Bodine—aye. Sarah Vestal—aye. **Motion carried.**

Submitted by Secretary:

Lynn Duryea