

**Village of Penn Yan Planning Board  
Meeting Minutes April 2, 2018  
111 Elm Street ROOM 202  
7:00PM**

**Present:** Cliff Orr – Chairman, Stan Olevnik- Vice Chairman, Sarah Vestal, Jean D’Abbracci, Ray Spencer – VB Liaison, Bruce Lyon - Code Officer, Lynn Duryea- Secy.

**ABSENT:** Brent Bodine

**PUBLIC PRESENT:** Steve Wilson.

**NEWS MEDIA PRESENT:** None.

Chairman Orr introduced the new Village Board liaison, Ray Spencer.

**A MOTION** by Stan Olevnik and a **SECOND** from Sarah Vestal to approve the March 5, 2018 minutes.

Stan Olevnik–aye. Cliff Orr – aye. Sarah Vestal–aye. **Motion carried.**

**FIRST ITEM:** Request from Bohler Engineering P.E, Steve Wilson, to discuss the McDonald’s easement.

Steve Wilson requested clarification regarding the board’s easement requirement listed on the conditional approval letter. He asked if they wanted an easement agreement prior to final approval. Chairman Orr confirmed that to be the board’s intention. Mr. Wilson said the legal process would likely be lengthy with serious consequences to the project time-line if they waited. Trustee liaison, Spencer, and board member Vestal indicated the obstacle could help the easement process move more swiftly. Mr. Wilson asked if the board would agree to a letter of intent for final approval which would allow the project to proceed as planned. Board member Olevnik noted the lack of urgency for an easement commenting on the inability to gain access across the Rotosalt property thereby preventing a direct link to the trail, currently. Board member D’Abbracci pointed out their gesture of compliance since they revised the plans at the request of the board to show a location for the future trail access. The majority of board members agreed to issue final approval with a letter of intent.

**A MOTION** by Jean D’Abbracci and a **SECOND** from Stan Olevnik to agree to accept a letter of intent as a demonstration of their willingness to provide an easement.

Stan Olevnik–aye. Jean D’Abbracci – aye. Sarah Vestal–aye. **Motion carried.**

**OTHER BUSINESS:**

- **Notice of special meeting with the Village Board of Trustees - May 15, 2018 at 6:00pm**

The secretary reported the meeting related to a *Parks and Playgrounds* update for the Master Plan and that the Village Board was planning to have a group from Cornell offer a draft update document on that date. The Village Board was asking the Planning Board to be present to become familiar with the draft since it would be subsequently referred to the Planning Board for review/public hearing/changes, and then returned to the Village Board with any recommendations.

- Board member D’Abbracci asked for follow-up information about:
  - Vinnie Rosato’s office building on Liberty Street that was rumored to be changing to a restaurant. She wanted to know if there would be another site plan review since it was approved for apartments. Bruce Lyon said yes.
  - Keuka Gardens. Bruce Lyon said they were still waiting to see if they were approved for the 2018 grant.
  - Walnut Hill. Mr. Lyon said that project was well underway.

- Board member Vestal, who was also the Yates County Planning Board liaison, said the county was preparing to update their 1970’s Master Plan. She asked if the board wanted to look at the current plan and make suggestions. The

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board suggested the county review the master plans of each of its villages and townships before constructing a new plan so they were acquainted with and compatible with goals and expectations in each area. They also suggested working with a consulting firm and notifying the 20:20 Vision Group. Board member Vestal said she would scan the county's current plan and send it to Lynn so she could forward it to the rest of the Village Planning Board.

Acting as a village property owner, Ray Spencer asked to address the board regarding a site plan review requirement. Mr. Spencer conveyed he was the owner of a commercial property on Water Street and wanted to allow Andrew Zimmerman, who owned a kayak rental business, to use his basement for the business. He asked if the requirement for site plan review was necessary since there would be no exterior changes to the site other than a sign on the front door. He said it currently was empty space that was accumulating storage items. The code officer, Bruce Lyon, indicated the rental business was technically a change in use of the empty space so it triggered the need for site plan review. He said it had none of the elements typically reviewed by the Planning Board such as the addition of exterior lighting or new parking but he did not have the authority to waive the site plan review requirement. Mr. Spencer said the rental business was open daily on a seasonal basis from about May to October. He shared photographs of the outside of the basement space showing that it was adjacent to the LyonSmith brewery business and faced the outlet and parking lot. Bruce Lyon confirmed the existing parking lot had adequate parking for the addition of another business. Mr. Spencer mentioned the rental business had all positive reviews from existing customers.

**MOTION** by Stan Olevnik, seconded by Jean D'Abbracci to waive the site plan review requirement for a new business using existing basement space in Ray Spencer's building at 132 Water Street, Penn Yan.

**WHEREAS**, an evaluation of the proposed business was performed by the Planning Board of the Village of Penn Yan through discussion with property owner, Ray Spencer;  
and

**WHEREAS**, the code officer provided an explanation of the applicable village code for the type of business activity in which the new business was expected to engage;  
and

**WHEREAS**, it was determined by the Planning Board of the Village of Penn Yan that the operations related to a kayak rental business was compatible with the location;  
and

**WHEREAS**, no exterior site changes associated with the new business were planned and all parking and lighting was already in place as a result of the prior build-out of the property.

**NOW THEREFORE BE IT RESOLVED, THAT** the Planning Board of the Village of Penn Yan executes a site plan review **WAIVER** for the kayak rental business that is to occupy the basement space at 132 Water Street, Penn Yan.

Stan Olevnik–aye. Sarah Vestal–aye. Jean D'Abbracci – aye. Waiver Granted

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**A MOTION** by Jean D'Abbracci and a **SECOND** from Stan Olevnik to adjourn the meeting at 7:30PM.  
Stan Olevnik–aye. Sarah Vestal–aye. Jean D'Abbracci–aye. **Motion carried.**  
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Submitted by Secretary:

Lynn Duryea