

**Village of Penn Yan Planning Board
Meeting Minutes May 6, 2019
111 Elm Street ROOM 202
7:00PM**

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

ABSENT: No one.

PUBLIC PRESENT: Brett and Jackie Driscoll.

NEWS MEDIA PRESENT: None.

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A MOTION by Mike Clancy and a **SECOND** from Mike Willis to approve the April 1, 2019 minutes.
Austin Lapp-aye. Mike Willis-aye. Mike Clancy-aye. **Motion carried.**

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FIRST ITEM:

Site Plan application from Hedworth for change of use to put a brewery in carriage house at 158 Main Street.
Brett and Jackie Driscoll were in attendance to represent applicant.

Chairman Olevnik explained the owners of the Laurentide B&B had a favorable outcome from the Zoning Board of Appeals on a review of the code officer’s non-conformance determination. The chairman reported the ZBA found their brewery to be an allowed use so they were coming before the planning board for a site plan review. He asked if there were any changes since the site plan was submitted. Mrs. Driscoll stated there were no changes to the plans but since the Hedworth’s came before the board the last time, they had spoken with the two Maiden Lane neighbors about the pergola idea. She said both neighbors were OK with it and had ideas about the trash receptacles that were in the location currently. The chairman asked if the board had any comments or questions. Board member Willis asked if there was any new information about fire department access. Mrs. Driscoll said Mr. Larry Dade visited the site and confirmed there were several other access points in the event of a fire. She said he listed them as the Tops parking lot through a gate in the fence, the driveway off of Main Street and along Main Street curb as well as along the Maiden Lane curb. Board member D’Abbracci asked if they had covered all fire responsibilities on the property such as access. Board member Vestal asked if they had sprinklers. Mrs. Driscoll said all ingress and egress access was compliant. Code Officer Lyon said sprinklers were only required in the house if it was commercial but it was residential. Board member Bodine mentioned the revised plan showed a reduction in the number of parking spaces from 9 to 6 and the owner anticipated needing up to 15 spaces for just the brewery. Code Officer Lyon said the B&B had a requirement of 6 spaces and although he had not seen the brewery plans and did not know the number of seats, he figured, based on the square footage, the parking requirement would be 1 space for the brewing area and 6 for patrons. Mrs. Driscoll indicated the Hedworths expected patrons to use the public parking. Board member Bodine asked for the anticipated number of patrons per day. Mrs. Driscoll said a vague estimate would be 10-15 on the more popular days of the week. Board member Clancy pointed out there would have to be on-site parking for the apartment so the tally for just the B&B and apartment was now 7 and they should have at least that number of spaces. Mrs. Driscoll pointed out there were 3 other parking spaces on the property not mentioned that were in addition to the 6 for the B&B. Board member Clancy suggested if the board allowed fewer parking spaces without sound reasoning behind it they would risk setting a precedent for all the others who may want to just return their blacktop to grass. He said other towns required a parking study if property owners wanted less parking than

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allowed. Chairman Olevnik said he was not in favor of obstacles such as lack of parking preventing new businesses from coming into the village. He said if anything the village should have a parking solution on hand to offer to a new business that would need it. Board member Bodine suggested the brewery patrons could park in the lot by the firehouse and there was additional space in the lot behind Long's. Board member Lapp pointed out there was always the parking along Main Street. He asked if the brewery owner's planned to have events that would draw more people. Mrs. Driscoll said she had not heard the Hedworths mention anything like that. Code Officer Lyon indicated there was room for outdoor events with music on the patio. He asked for the hours of operation and Mrs. Driscoll said they would likely be open from around 4:00pm to 9:00pm. Board member D'Abbracci asked why the planning board only decided on parking for some new businesses and not all, and how the decision was made to either require a business to comply with parking regulations, or not. Code Officer Lyon explained no planning board approval was required unless a new business was considered a change of use and he said some buildings occupying the entire lot had no space for parking. He said the businesses with the space for additional parking like the Laurentide were typically required to comply with parking regulations. Board member Bodine mentioned there was an overall village parking issue that was expected to be explored further within the village departments in anticipation of DRI projects. He also mentioned the provision in village code that allowed the planning board to waive the requirement. After examination of both he said he would be in favor of waiving this parking requirement.

A MOTION by Brent Bodine and a **SECOND** from Austin Lapp to waive the village parking requirement and approve the proposed number of spaces depicted on the submittal in addition to the existing. Brent Bodine-aye. Sarah Vestal-aye. Jean D'Abbracci-aye. Austin Lapp-aye. **Motion carried.**

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

Code Enforcement Officer, Bruce Lyon – ‘Note: 25’ separation is for building on same lot. Do not believe this is relevant for this property as the two buildings on the lot are more than 25’ apart. Fire code will kick in for distance from lot line.

Review other property owners each side of driveway off Maiden Lane and how their use would be affected by proposed pergola’. Addressed as noted previously.

Street Superintendent, Erik Decker – ‘I have no concerns with this work.’

Electrical, Charlie Bush – ‘Electric service to be upgraded to what amperage? This is an existing 1 Ø (single phase) service 200 amp. Will need to know additional loads.’

The applicant did not know load demand yet.

Water/Sewer Maintenance Supervisor, Ron Keech – ‘Nothing applies to this department.’

Police Chief, Tom Dunham – ‘N/A’

Fire Chief, Bill LaRock – (did not respond)

Yates County Planning Board – Determined there would be no significant county-wide or inter-municipal impacts.

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

The board would require revised site plans showing: The location of nearest fire hydrant with flow test details, photometric details for all exterior lighting and an Engineer's Seal. The Driscolls did not have any signage details. The board decided signage approval could be handled through the code office and Historic Preservation Commission so sign details did not need to be on revised plans. The Driscolls indicated there would be approximately 4-5 employees and completion of the brewery project would depend on the Main Street Grant with possible completion by the end of the 2019.

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

A MOTION by Sarah Vestal and a **SECOND** from Austin Lapp to designate the Village of Penn Yan Planning Board as Lead Agency and found the project to be consistent with an UNLISTED action. Brent Bodine-aye. Sarah Vestal-aye. Jean D'Abbracci-aye. Austin Lapp-aye. **Motion carried.**

The Chairman asked if the board had examined Part 1 and if there were any comments or questions. The board members confirmed review of Part 1 and found there were no issues.

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 Sarah Vestal to adopt the SEQR. Brent Bodine-aye. Sarah Vestal-aye. Jean D'Abbracci-aye. Austin Lapp-aye. **Motion carried.**

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A MOTION by Jean D'Abbracci and a **SECOND** from Austin Lapp to grant approval of the site plan pending the following;

Revised plans showing;

- 1.) Location of nearest fire hydrant with flow test details.
- 2.) Photometric details for all exterior lighting.
- 3.) Engineer's seal.

Brent Bodine-aye. Sarah Vestal-aye. Jean D'Abbracci-aye. Austin Lapp-aye. **Motion carried.**

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OTHER BUSINESS:

- Recommendation RE moratorium on senior citizen housing.

Chairman Olevnik recused himself from discussion and voting due to conflict of interest and designated alternate, Mike Clancy, as a voting member. Vice chair Sarah Vestal asked for comments from the board. Board member Bodine explained the judge ruled in favor of the developer, and against the ZBA's variance denial,

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based on the way senior housing was currently portrayed in the code book. Trustee Spencer pointed out the issue exposed vulnerability in the code that should be rectified. He explained the moratorium would provide the village with time to make code book changes. There was brief discussion about what zoning districts should be included. The board decided senior citizen housing code changes should include all residential areas.

A MOTION by Brent Bodine and a **SECOND** from Mike Clancy to recommend to the Village Board of Trustees that the village adopt a six (6) month moratorium on senior citizen housing, or the processing of any administrative applications with respect thereto, in all residential districts.

Brent Bodine-aye. Sarah Vestal-aye. Jean D’Abbracci-aye. Austin Lapp-aye. Mike Clancy-aye. **Motion carried.**

- Code question RE site plan application requirement.

Chairman Olevnik recused himself from discussion and voting due to conflict of interest and designated alternate, Mike Clancy, as a voting member. Code Officer Lyon explained the ZBA approved a variance for a road over a non-conforming, residential sliver of land by Hillcrest Drive. He said typically single family homes were exempt from site plan review but this was not a building so he did not know if the planning board needed a site plan application. Board member Bodine read from the code book which stated all new uses required a site plan review then posed the question of waiving the requirement. There was brief discussion about the fact that there would actually be no change of use on the property since it currently had no use. Board member Clancy suggested if a similar situation on a larger scale came before them the developer would expect a waiver, too. Code Officer Lyon noted there was a site plan requirement for sidewalks that, in this case, would go nowhere. Board member Bodine said without a site plan review there was no other form for road construction standards. Trustee Spencer said the developer could abuse the road construction with no governing.

A MOTION by Mike Clancy and a **SECOND** from Sarah Vestal to require site plan review for construction of a roadway.

Brent Bodine-aye. Sarah Vestal-aye. Jean D’Abbracci-aye. Austin Lapp-aye. Mike Clancy-aye. **Motion carried.**



A MOTION by Austin Lapp and a **SECOND** from Jean D’Abbracci to adjourn the meeting at 8:30PM.

Brent Bodine-aye. Sarah Vestal-aye. Jean D’Abbracci-aye. Austin Lapp-aye. **Motion carried.**

Submitted by Secretary:

Lynn Duryea