

Village of Penn Yan Planning Board
Meeting Minutes June 1, 2020
STREAMED VIA ZOOM
7:00PM

Present: Stan Olevnik- Chairman, Austin Lapp, Michael Clancy-alt., Ray Spencer – VB Liaison, Bruce Lyon - Code Officer, Lynn Duryea- Secy, Gary Meeks.

ABSENT: Jean D’Abbracci, Sarah Vestal, Mike Willis

PUBLIC PRESENT: John & Teresa Vivier, Bob Cirencione, Rachel, Bailey.

NEWS MEDIA PRESENT: None.

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Chairman Olevnik asked Gary if he was taping the meeting. Gary said yes. Stan then announced alternate member Mike Clancy would participate as a voting member for Jean D’Abbracci who was absent. He also introduced Rachel and Bailey who said they were viewing the meeting for a scout badge in communications.
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A **MOTION** by Mike Clancy and a **SECOND** from Austin Lapp to approve the April 20, 2020 minutes. Stan Olevnik – aye. Austin Lapp-aye. Mike Clancy-aye. **Motion carried.**

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FIRST ITEM:

Site Plan review of amended plans from John Vivier for new business at 8 Bush Park.

John and Teresa Vivier were present

Chairman Olevnik - We asked for lot lines filed and that’s done.

John Vivier – Done and recorded and now we need approval for the fuel pad.

Stan – Board? Questions? (there were none.)

JV – Temporary tank there now.

Stan – Is that the actual final tank?

JV – Yes.

Stan – 9’ by 26’ pad. How is there to be access to the pad?

Bruce Lyon – Pad has to be big enough for mounting. Can’t fuel on blacktop.

Stan – Size OK?

BL – What are the widest vehicles?

JV – Busses. Caravans.

BL – Under 9’?

Teresa Vivier – Tell us how large and we’ll do that.

BL – 12’ wide is better.

TV – 12’ by 26’ is OK with us.

BL –Are there bollards in front of tank?

JV – Yes.

BL – That’s not on plans. Make a note of that.

Stan – Bollards drilled in steel..

BL – Actually, they’re well casings filled with concrete.

Stan – Spill containment required?

BL – Double-walled tank so inner tank leak is contained by outer tank.

Stan – On-site spill containment?

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BL – DEC regulates that. Ed Brockman wants conditional approval with removal of tank and electrical from the Elm Street site.

JV – All electrical to that tank was existing.

BL – John, you initially had extension cords running to that tank that became new electrical and that’s what should be removed.

JV – Let’s be clear *you* want the tank and stuff removed, not Ed Brockman. *You* do.

BL – No, it’s from Ed.

Stan – A letter (dated March 16, 2020) was sent to the code office regarding Bush Park from Clean and Green. *‘I am writing this letter because our business, Clean and Green, located at 7 Bush Park Lane here in the village is having some concerns with another business located near us. We have approached them asking that the pathway to our truck bays, be left clear so that we are able to pull our trucks in and out without obstruction to no avail. We have had several issues, including their vehicles almost hitting ours when they are speeding up and down the roadway. At least one, possibly two spots on the roadway, that they use for parking cause problems for us getting in and out of our building. Their delivery drivers park in the middle of the roadway and stay there instead of pulling into their lot. The lots and roadways are overcrowded with all of the vehicles they store there. We are curious where our right of way begins and theirs end since this seems to be unclear. If you could please help us with this matter, or point us in the direction of who could, we would greatly appreciate it. Our busy season will be upon us very soon and we are hoping to clear this matter up before it becomes a much bigger issue. Sincerely, Matthew Paulchel.’* I have a concern with the parking shown on the plan. 11 spaces?

TV – Clean and Green access is a problem caused by other people, not us.

Bob Cirencione – electric pole is the end of driveway and is private property.

Stan – Planning board must be sure there’s adequate parking for business. The private property is a ROW and can’t be blocked.

BC – They’re using our property and ROW. I’ve allowed it for years.

Mike Clancy – I spoke to Matt today. Problems in letter have been resolved and improved. He asked for better clarification of where ROW is and sometimes, he has trouble backing vehicles in.

Stan – Concerns regarding parking shown on plan. Right up against property line.

BL – No setback in commercial. It’s OK for those 3 spaces.

Stan – Ray, can this defining of ROW be introduced at Planning & Development?

Ray Spencer – Yes.

Stan – Only other question, east/west parking, existing blacktop and gravel. Parking there?

TV – U-Haul are parked there and have been for 35 years.

Stan – It’s not marked for parking. Bruce, should all parking be shown on plans?

BL – Village parking code doesn’t talk about things like this. Usually it’s for customers and/or personnel. I don’t see any reason to mark all parking. Also, they’re free to back up trucks if parking is not stipulated so specifically. No problem to keep parking as it is currently on the lot.

TV – Parking arrangement is in our best interest to control well.

Stan – Also parking concern regarding equipment backed up to bank (sloped area). Should there be wheel stops for precaution?

TV – Good idea.

Stan – Any more planning board questions.

Austin, Mike – No.

Stan – any questions from the public? (None)

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

Police Chief, Tom Dunham – *‘Ensuring the gas tanks are up to PY Village code with Code Enforcement Officer, Bruce Lyon.’*

Code Enforcement Officer, Bruce Lyon –

‘Ⓛ All info not pertaining to existing lot removed so as not to be confused with existing lot & use.’

BL - Addressed. (Applicant filed lot-line adjustment with the county).

‘Ⓜ Buffer/fence west side between commercial & residential. Ⓝ Bollards around gas tank if approved in shown location.’

BL – Addressed. (As contingency of final approval)

‘Ⓛ Show location of parking for auto sales, bus parking (larger spaces), U-Haul parking, auto repair parking, etc.’

BL – Will be OK as is currently. They’ll manage number of vehicles and parking. (Comment withdrawn)

‘Existing uses to be continued include U-Haul, auto repair, auto sales.’

‘Only 9 parking spaces. Where are busses being parked?’

BL – Addressed.

Streets Superintendent, Tim Marcellus – (Memorandum page left blank)

Water/Sewer Maintenance Supervisor, Ron Keech – *‘Nothing pertains to the water/sewer at this time.’*

Electrical Dept. – (Did not respond)

Assistant Dir PW, Tom Schwartz – *‘More information needed to determine if a cross connection control device (backflow) is needed.’*

BL – Don’t see how this applies to this business.

TV – We already have it there.

BC – Been there for years.

BL – Please get photo and send to the Public Works Department.

TV – Yes, will do.

Fire Chief, Frank Ellis – *‘Everything looks good.’*

WWTP Chief Operator, Yvonne Tucker – *‘N/A’*

Yates County Planning Board – *‘Application as presented has no significant county-wide or inter-municipal impact.’*

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

- 1.) 1” = 20’ (or 40’). Stan - OK
- 2.) North arrow. Stan - OK
- 3.) Property boundaries. Stan - OK
- 4.) Site dimensions & setbacks. Stan - OK

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- 5.) Building w/elevations noted. Stan – N/A
- 6.) Construction materials. Stan – N/A
- 7.) Parking lot details Stan – Discussed and resolved.
- 8.) 10% landscaping buffer. Stan – Some grass and stockade fence. OK.
- 9.) Adjacent roads. Stan – OK.
- 10.) Vehicular access/sight distances. Stan – Where relevant.
- 11.) Existing buildings. Stan – N/A
- 12.) Fire hydrant details. Stan – N/A
- 13.) Electrical. Stan – N/A If there are electrical changes speak to village.
- 14.) Electric, gas, solar. Stan – N/A
- 15.) Water/sewer mains. Stan – N/A
- 16.) Water service location & size. Stan – N/A
- 17.) Natural gas location.
Stan – Not defined and not changing except for pad.
BL – call gas company before digging.
- 18.) Existing/proposed easements. Stan – OK
- 19.) Grading plan. Stan – N/A
- 20.) Existing land features. Stan – OK
- 21.) Pedestrian access. Stan – N/A. No changes.
- 22.) Buffer locations. Stan – OK. Grass.
- 23.) Landscaping species. Stan – N/A
- 24.) Lighting/luminary details. Stan – N/A
- 25.) Signs: location, size, design.
JV – 2 existing signs.
BL – Signs fit and will put on permit from code office.
- 26.) 3"X3" inset. Stan – OK.
- 27.) 3"X5" block. Stan – OK.
- 28.) PART I EAF. Stan – OK.
- 29.) Engineer's seal. Stan – OK.
- 30.) Color rendering. Stan – N/A.
- 31.) Other items-sketch plan mtg. Stan – None.
- 32.) Employees? TV – Will be 4. BL – Same as last business.
- 33.) Project phases? Stan – Pad, electrical, fence. JV – ASAP. Stan – 2 months adequate? JV, TV – Yes.
- 34.) Status of other req. permits. BL – All done under one permit from code.
- 35.) 9 copies. Stan – OK.
- 36.) SWPPP. Stan – N/A
- 37.) Erosion/sediment control plan. Stan – N/A
- 38.) Pollution control devices. Stan – N/A

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

A MOTION by Austin Lapp and a **SECOND** from Mike Clancy to designate the Village of Penn Yan Planning Board as Lead Agency and to find that the project was consistent with an UNLISTED action.

Stan Olevnik – aye. Austin Lapp-aye. Mike Clancy-aye. **Motion carried.**

Before proceeding with the assessment of Part 2 of the SEQR Chairman Olevnik asked if the board had any questions or concerns with Part 1. There were none.

The following were listed as potential impacts; None.

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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 Mike Clancy and a **SECOND** from Austin Lapp to adopt the SEQR.
Stan Olevnik – aye. Austin Lapp-aye. Mike Clancy-aye. **Motion carried.**

A MOTION by Austin Lapp and a **SECOND** from Mike Clancy to approve the site plan application with the following contingencies;

- 1.) Removal of the fuel tank and its electrical at your Elm Street property,
- 2.) New pad for tank must be 12’ by 26’ instead of the size shown on the plan,
- 3.) Addition of cement-filled bollards along front of tank and one on side facing the building.

Stan Olevnik – aye. Austin Lapp-aye. Mike Clancy-aye. **Motion carried.**

SITE PLAN APPROVED

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OTHER BUSINESS:

- Laurentide brewery Certificate of Occupancy

Stan- New item regarding Laurentide. Got an email today and have had conversations over the past 2 weeks with them and Bruce. They came before the planning board a while back and got approval. They want to open for business and the site plan is not completely done. The Planning Board encouraged them to put all intended improvements on one site plan and they thought they could do it over time. They are expected by code to complete the site plan before their C of O.

BL – The dumpster enclosure and patio with outdoor seating and a few others are not done, like the additional parking spaces for the brewery. If planning board wants to allow phases..

Stan – I got a call from Steve Griffin today. I told him we need the phases defined and I got that today in Marla’s email. I’ll forward her email to the planning board and maybe the planning board can have special zoom meeting to get an answer to them. I was also told the pergola was on hold for now. After the planning board reviews Marla’s email then we can issue a letter to amend the site plan approval to allow phases as they described. Outside alcohol must be in an enclosed area.

MC – I’m OK with giving them leeway.

Stan – Please provide feedback to me ASAP.

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A MOTION by Austin Lapp and a **SECOND** from Mike Clancy to adjourn the meeting at 8:30PM.

Stan Olevnik – aye. Austin Lapp-aye. Mike Clancy-aye. **Motion carried.**

Submitted by Secretary

Lynn Duryea