

**Village of Penn Yan Planning Board
Meeting Minutes July 1, 2019
111 Elm Street ROOM 202
7:00PM**

Present: Stan Olevnik- Chairman, Brent Bodine, Jean D’Abbracci, Austin Lapp, Mike Willis-alt., Michael Clancy-alt., Bruce Lyon - Code Officer, Ed Brockman-Attorney, Lynn Duryea- Secy.

ABSENT: Sarah Vestal

PUBLIC PRESENT: Lyndsey Herbert (MCA), Carol Genecco, Teresa Vivier, John Vivier, Jon Tantillo, Angelo Licciardello-Developer, Angelo Licciardello (son), James Coriale.

NEWS MEDIA PRESENT: John Christensen-Chronicle.

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Chairman Olevnik announced alternate member Mike Willis would participate as a voting member to substitute for Sarah Vestal who was absent.
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A MOTION by Brent Bodine and a **SECOND** from Mike Willis to change the June 3, 2019 minutes to correct a comment by board member Bodine related to item # 12 on page 1 which should have read; ‘*Mr. Dates requested hydrant details be waived. Board member Bodine, in his capacity as Director of Public Works said he did not see a problem with that request since there would not be a significant additional draw on the hydrant.*’ Brent Bodine-aye. Jean D’Abbracci-aye. Austin Lapp-aye. Mike Willis-aye. **Motion carried.**

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FIRST ITEM:

Request from McDonald’s to renew parking area that was eliminated on previous site drawings. James Coriale was present and explained the approved McDonald’s project plans included a change to grass for the gravel area at the rear of the building. He said he was asking to leave that area gravel so he could use it for his employee parking. Board member Clancy asked if there would be curbing and Mr. Coriale said yes. Board member Bodine asked if he planned to pave the area and Mr. Coriale said he did not. There was discussion about the pending easement agreement the village was waiting for from McDonald’s Corporate. Mr. Coriale was asked to support the easement which could help facilitate the signing of that agreement and finalize the matter. Attorney Brockman recommended a condition if the planning board agreed to approve the gravel parking area that would ask Mr. Coriale to help orchestrate a signing of the deed. After discussion the board decided Mr. Coriale did not have any influence so approval of the change in the site plan should be independent of that issue. The board discussed the location of the proposed future path easement with Mr. Coriale who said he was glad to be aware of it since he was about to install shrubs and fencing there.

A MOTION by Brent Bodine and a **SECOND** from Jean D’Abbracci to approve leaving the gravel area at the rear of the building the same rather than change it to grass. Brent Bodine-aye. Jean D’Abbracci-aye. Austin Lapp-aye. Mike Willis-aye. **Motion carried.**

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NEXT ITEM:

Site Plan application from David Genecco for an 8-unit townhome at 200 South Avenue.

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Chairman Olevnik recused himself from participation due to a business relationship with the applicant and deferred to Brent Bodine who would be acting chair in the absence of Vice Chairman Vestal. Alternate member, Mike Clancy, would also be participating for the proceedings.

Lyndsey Herbert (MCA), Carol Genecco, Jon Tantillo-attorney for applicant, Angelo Licciardello-developer and his son, Angelo Licciardello were present.

Acting Chairman Bodine announced the Village Trustees had adopted a moratorium that prohibited further review of all applications related to senior citizen housing. He asked if the planning board members thought the moratorium would apply to this project submittal. He asked if the board members wanted to proceed with the site plan review. Board member Willis said he thought the project should go ahead. He said he wasn't aware of any references to senior citizen housing in the submittal. Chairman Bodine corrected him saying the entire premise of their site plan proposal was founded on the fact that it would be exclusively for seniors. Attorney Tantillo addressed the board and pointed out the project had already been active before the moratorium so it was not enforceable. He cautioned the planning board against attempting to hinder progress which he said would be considered arbitrary conduct to delay action under the law.

EXECUTIVE SESSION:

At 7:28PM, a **MOTION** by Michael Clancy and a **SECOND** from Austin Lapp to enter into Executive Session to confer with legal counsel.

Jean D'Abbracci-aye. Austin Lapp-aye. Mike Willis-aye. Mike Clancy-aye. **Motion carried.**

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:55PM, **MOTION** by Michael Clancy and a **SECOND** from Mike Willis to leave Executive Session and return to regular session.

Jean D'Abbracci-aye. Austin Lapp-aye. Mike Willis-aye. Mike Clancy-aye. **Motion carried.**

Due to a personal emergency Acting Chairman Bodine left the meeting.

A MOTION by Michael Clancy and a **SECOND** from Mike Willis to select Jean D'Abbracci as Acting Chair. Austin Lapp-aye. Mike Willis-aye. Mike Clancy-aye. **Motion carried.**

Acting Chairman D'Abbracci addressed the applicant and informed them the planning board's formal position was not to act on the application at the current time due to the moratorium on senior citizen housing.

A MOTION by Michael Clancy and a **SECOND** from Mike Willis to set aside any action on the Genecco site plan application. Austin Lapp-aye. Mike Willis-aye. Mike Clancy-aye. **Motion carried.**

The developer, Angelo Licciardello, asked about allowing public comments and if the planning board was tabling the application or denying it. Chairperson D'Abbracci maintained there would be no discussion and no action. Board member Clancy said it was not a denial. He said the attorneys on both sides would determine how to proceed. Attorney Brockman explained to them that the court decision regarding senior citizen housing had been a clear indicator the village had a problem with wording in its code. He said it currently allowed any type of dwelling in any zoning district and that needed to be corrected. He mentioned the moratorium was not directed at anyone in particular and told them about a provision in the moratorium that would allow for a hardship application. Carol Genecco argued the moratorium was retribution for their unwillingness to agree to

