

**Village of Penn Yan Planning Board**  
**Meeting Minutes AUGUST 6, 2018**  
**111 Elm Street ROOM 202**  
**7:00PM**

**Present:** Cliff Orr – Chairman, Stan Olevnik- Vice Chairman, Brent Bodine, Sarah Vestal, Bruce Lyon - Code Officer, Lynn Duryea- Secy.

**ABSENT:** Jean D’Abbracci, Ray Spencer – VB Liaison

**PUBLIC PRESENT:** Jeffery Arnold-Clifton Land Co., Rick Young, David Clements-Clifton Land Co., Trudy Mitchell, Gene Mitchell, Bill Grove, Randy Baker.

**NEWS MEDIA PRESENT:** Gwen Chamberlain – Chronicle Express

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**There was not a quorum of members present who attended the last meeting to vote on the minutes of the July 2, 2018 meeting.**  
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**FIRST ITEM:** Site Plan application from Clifton Land Company, LLC for a carwash at 206 Lake Street.

Mr. Arnold and Mr. Clements were present. Mr. Arnold displayed a color site plan and said he intended to remove the existing building before constructing a new car wash business. He stated there were soil tests done and petroleum was found so the site was going to need remediation. He conveyed information about his Phase I testing that confirmed an environmental hazard and Phase II testing which evaluated the degree of hazard. He mentioned involvement with the state’s Brown-Field Cleanup Program saying he was having a meeting with representatives on August 16<sup>th</sup>. Mr. Arnold then went on to describe his project that would begin once the environmental cleanup was finalized. He said he had 25 other carwash businesses around the state and was very knowledgeable about the business. He directed attention to the site drawing that showed a reduced number of access and egress points for the lot, noting there would be one entry just for emergency vehicles. He pointed out the site configuration was compliant with the Village’s Master Plan by positioning the carwash building near the street with any parking spaces and vacuum stations in the back. He showed areas along the front and sides where there would be landscaping and distributed copies of a recently completed landscaping plan.

A village resident, Gene Mitchell, whose residential property was adjacent to the proposed carwash site, said his backyard faced the site and he didn’t want to tolerate the noise and disruptive activities of a carwash business when he was trying to enjoy his backyard. He said currently the existing building acted as a noise and visual buffer from the commercial property but if that was to be levelled it would be like having a commercial operation right in his backyard. He said the business would negatively affect his quality of life and his property value. He mentioned he also learned from the recent survey that a 15’ portion of his backyard turned out not to be his property. He said he probably had grounds for an ‘adverse possession’ claim but was concerned about soil remediation on the 15’ portion. Mr. Arnold said he and the state would work with Mr. Mitchell to find an amenable solution. Mr. Mitchell asked if the mature trees would be removed and Mr. Arnold said there was no plan to remove them. The Planning Board members explained there were requirements for effective landscaping and fencing buffers between commercial and residential properties. Board member Olevnik said it was a good plan and noted the signage needed to be modified since it was not in compliance as presented. Board member Vestal said she had no comments or concerns. Chairman Orr indicated there was no lighting plan and that needed to be submitted for site plan approval. Board member Bodine said that and a few other items lacking were listed on the site plan checklist. He mentioned the backflow prevention devise requirement and said they could work with the Public Works Department for that.

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

Plan needed to show depiction of all exterior lighting including manufacturer's luminary specifications.

Revised depiction of signage showing signs conform to Village Code – OR – copy of sign variance.

Plan needed to show proposed location of underground utility easement for electric.

Plan needed to show erosion and sediment control measures with statement they would be maintained from onset of DEC required remediation until the end of the project.

Mr. Arnold indicated he planned to have a total of 5-7 employees with 1 or 2 on site during operation of business. He said the project phases would be contingent upon when the DEC approved the site for construction.

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

**TOM DUNHAM** (Police chief):

'N/A'

**BILL JENSEN** (Assist. Director of PW):

*2" water meter should be Badger E-Service Meter with Cellular End Point with gallon read.*

*Backflow prevention device required.*

*Reduced Pressure Zone (RPZ) - submit New York State Dept of Health application to Village of Penn Yan Public Works Office.*

*Provide flow calculations for additional sanitary and storm water discharges.*

**BRUCE LYON** (Code Enforcement):

**REQUIREMENTS IN QUESTION:**

① *Signage does not meet village code - elevations & descriptions do not match.*

*Electronic sign not allowed.*

② *Monument sign does not meet code.*

Mr. Arnold said he would change the signage so that it would comply.

**ALSO RECOMMENDED:**

① *Need to look at corner of Brown & Lake Streets. Gateway: needs more than fence & bushes?*

After discussion, Mr. Arnold agreed to remove from the plan the 2' fencing at the north and south areas.

② *Full description of landscape materials – placement & plants.*

Plan was submitted to board members at meeting as *Sheet A1*.

③ *Have they talked to State regarding any requirements for setbacks?*

Mr. Arnold said they discussed setbacks and traffic flow during an on-site meeting with the DEC and both were satisfactory.

**MISCELLANEOUS:**

① *Hours of operation? (Abuts residential properties)*

Mr. Arnold said the hours would be 8:00am-9:00pm, 7 days a week.

② *Area behind dumpster does not appear to be accessible for maintenance.*

Mr. Arnold said the plan was changed to increase space by having a smaller dumpster and removing the fence.

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**ERIK DECKER** (Streets Supervisor):

'OK'

**CHARLIE BUSH** (Electrical Dept.):

'Voltage required.

Mr. Clements said they would use underground 277/480.

*Service size required.*

*Single Phase or three phase?*

*Penn Yan Municipal Utilities Board will determine overhead or underground.*

*Overhead service available:*

- 120/240 1-phase,
- 120/208 3-phase Y
- 120/240 3-phase Delta

*Underground service available:*

- 120/208 3-phase
- 277/480 3-phase
- 120/240 1-phase'

**RON KEECH** (Water/Sewer Maintenance Spvsr):

'6" sewer line from the sediment tank to the 15" sewer main shall be 6" SDR-35.

4" sewer lateral on the outside of the building shall be 4" SDR-35.

Any questions regarding meter size should be directed to Bill Jensen @ 315 536-3374.'

**BILL LaROCK** Fire Dept.):

(Did not respond to planning board request for comment)

**YATES COUNTY PLANNING BOARD:**

'Recommend approval'

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

**MOTION:** Brent Bodine, **SECOND:** Stan Olevnik to designate Village of Penn Yan Planning Board as Lead Agency. Stan Olevnik–aye. Brent Bodine–aye. Sarah Vestal–aye. **Motion carried.**

**The following were listed as potential impacts;**

The board found the project may have a moderate to large adverse environmental impact as a result of the answer – 'YES' in Part One to question# 20 which read; '*Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?*'

**The Planning Board's final determination was that the action may have a significant negative impact therefore a POSITIVE DECLARATION would be assigned requiring preparation of an Environmental Impact Statement (EIS), published notice of EIS with public comment period and public hearing.**

**A MOTION** by Brent Bodine and a **SECOND** from Stan Olevnik to require the following before site plan approval could be issued;

Revised plan to show depiction of all exterior lighting to include manufacturer's luminary specifications.

Revised depiction of signage showing signage that conforms to Village Code – OR – copy of sign variance.

Revised plan to show proposed location of underground utility easement for electric.

Copy of authorizations from Department of Transportation (DOT) regarding setbacks and stormwater mitigation.

Revised plan with fencing removed at areas north and south as discussed.

Provide statement on plan that to address installation of erosion and sediment control measures with notation it will be maintained until the end of the project.

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

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**NEXT ITEM:**

Keuka Gardens Letter of Credit estimate.

**A MOTION** by Brent Bodine and a **SECOND** from Stan Olevnik to accept the Letter of Credit Estimate submitted by Project Engineer, Ryan Destro, of BME Associates.

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

**OTHER BUSINESS:**

➤ **McDonald’s easement accepted/final approval**

Board member Bodine explained the property owner decided to convey the property needed for the easement to the village for FREE in lieu of an easement. He said a map was submitted and accepted.

➤ **Choose alternate date for September meeting due to Labor Day Holiday.**

The board chose September 10<sup>th</sup> for the next meeting.

➤ **OTHER**

**Walk-in question** from prospective site plan applicant. Rick Young addressed the board and said he spoke to Bruce Lyon about his idea for a detail shop at the former plaza carwash. He said there were no exterior changes and asked if he needed to go through the site plan approval process. Bruce confirmed Mr. Young’s account adding the detail shop was considered a change of use. He said without any site changes it could qualify for a site plan review waiver but only the Planning Board could make that decision.

**A MOTION** by Stan Olevnik and a **SECOND** from Sarah Vestal to waive the site plan review requirement since there would be no exterior changes.

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

**Village Procedures FLOWCHART**. Board member Olevnik handed out copies of a flow chart he drafted. He said it was preliminary and another would be presented after he and Bruce Lyon worked on it.

**A MOTION** by Brent Bodine and a **SECOND** from Sarah Vestal to adjourn the meeting at 8:15PM.

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

Submitted by Secretary:

Lynn Duryea