

MINUTES of a Special Meeting of the Village Board of Trustees held Friday, June 21, 2019 at 8:00AM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT: Mayor L MacKerchar; Trustees C. Benedict; D. Condella; T Hoban; K. McLoud; R. Spencer; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Easling; CEO B. Lyon

ABSENT: Director of Public Works B. Bodine; Deputy Director of Public Works T. Schwartz; Police Chief T. Dunham; Fire Chief F. Ellis

News Media present: Gwen Chamberlain, Chronicle Express

PUBLIC: Deb Hafleigh, Carol Genecco, Angelo Licciardello, Art Pike, Larry Strickland

Mayor MacKerchar called the Special Village Board meeting to order at 8:00 AM

Mayor explained the Special meeting today is to discuss the Senior Citizen Housing. We had an article 78 filed against the ZBA (Zoning Board of Appeals) on their decision regarding the Senior Citizen Housing. Judge Cook's decision trumps all other uses in our Zoning Code. The Judge's decision would allow anyone coming into the Village calling their project Senior Citizen Housing and place Mobile Homes or a High Rise in. Mayor mentioned we need to address this in the Zoning Code. Atty. Brockman explained this resolution is to allow municipality to adopt a Moratorium which would place all development on hold to protect certain structures to be built in a R1 Zoning area. Atty. mentioned the Planning & Development and Planning Boards have already starting working on it and will make a recommendation to the Village Board within the next couple of months. Atty. Brockman explained to Ms. Genecco and Mr. Licciardello they could apply under section 7 (Alleviation of Extraordinary Hardship) of the Local Law. This could be used by the people present if the Board adopts the Moratorium.

Mayor explained it is not our intent to deny the Senior Citizen Housing, nor cancelling out St. Mark's or other Senior Citizen Housing. We are looking at to clarify the law. Judge Cook's decision allows the use of Senior Citizen Housing to trump all other allowances.

Carol Genecco is asking the Board to eliminate their project from the 6 month Moratorium and go forward with anything in the future. She feels the Board should be grateful since their project brought this issue up. Carol explained they are not changing the plans to the 8 units off of South Ave. there will not be cross traffic for that section, this is a selling point. Carol is asking the Board to exempt this project right now and move forward with the Law.

Mayor and Atty. reinforced they are not against this project on South Ave. Looking out for future developments in the Village. Mayor stated per Judge Cook we have to do this no way around it, we have done everything to keep things moving.

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 53-2019 Adoption of senior Citizen Housing Moratorium.

WHEREAS, the Board of Trustees previously adopted Resolution No. 45-2019 indicating the intent of the Board of Trustees to consider adoption of a Moratorium on Senior Citizen Housing in the Village of Penn Yan, said resolution explaining the reason for such consideration; and

WHEREAS, the matter was referred to the County Planning Board pursuant to GML Section 239-m, which referral was made on May 21, 2019 by delivery of the Planning Board Referral Form, a copy of the proposed Local Law and a cover letter to the Yates County Planning Office; and

WHEREAS, a public hearing was duly held before the Board of Trustees of the Village of Penn Yan regarding the proposed Local Law on June 18, 2019; and

WHEREAS, the members of the Board of Trustees have each had possession of a copy of the proposed Local Law creating the moratorium in excessive of seven (7) days; and

WHEREAS, the Yates County Planning Board has had the GML 239-m referral on this matter for thirty (30) days, there has been no agreement between the County Planning Board and the Village of Penn Yan to allow an extended period for such GML 239-m review and the County Planning Board not having reported its recommendations to the Board of Trustees within said thirty (30) days, accordingly, pursuant to GML Section 239-m, the Board of Trustees may proceed with action on this matter.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law.

2 The Village Clerk, through the Village Attorney, is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such Local Law together with such other acts that are customarily associated with the adoption and implementation of a Local Law.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent

Comments:

ADJOURNMENT:

At 8:18 AM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to adjourn the Special Village Board meeting.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent

Mary Ann Martin, Deputy Clerk