

Village of Penn Yan Planning Board
Meeting Minutes January 4, 2021
TRANSCRIBED via ZOOM Recording
7:00PM

PRESENT: Stan Olevnik- Chairman, Sarah Vestal, Austin Lapp, Sarah Purdy, Michael Clancy-alt., Ray Spencer – VB Liaison, Jamie Kincaid-Code, Ed Brockman-Attorney, Tom Schwartz, Dan Condella, Gary Meeks-Zoom host, Lynn Duryea- Secy.

EXCUSED: Jean D’Abbracci.

PUBLIC PRESENT: Barry Halperin, Eric Lundquist, Angela Clarke, Jared Heintl, Renee Bloom.

NEWS MEDIA PRESENT: None.

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Chairman Olevnik- announced alternate member Clancy would participate as a voting member for Jean D’Abbracci who was excused.
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Sarah P.- The minutes show Sarah Vestal as present and also as absent.
Lynn – OK. Thank you.

Ray – I’m not a voting member but I see some other minor changes in the minutes. The very first sentence says the plan application for Chrisantha is for 2-story condominium structures two to house 16 units and that’s not accurate. The 2 structures will house 14 units. One for 8 and the other for 6. Then the 3rd unit will house 2.
Lynn. OK. I’ll change that, thanks.

Stan – so, with those corrections do I hear a motion?

A MOTION by Mike Clancy and a **SECOND** from Sarah Purdy to change the 11-2-20 minutes by removing Sarah Vestal’s name from the list of members who were present, and to correct the number of units in the Christopher Iversen development to 14.

Sarah Purdy-aye. Mike Clancy – aye. Austin Lapp - aye. **Motion carried.**

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FIRST ITEM:

Review of TABLED application from Eric Lundquist to add a new use to existing business at 26 Powell Lane. Eric Lundquist, Barry Halperin and Angela Clarke were present.

Stan- Eric was requested to revise the plans showing locator map in 3X3 insert and an engineer’s seal, which he has. The extraction waste and its disposal. Which he also did provide to us. And information on how you plan to incorporate energy conservation or renewables. The response was; *Any new construction will incorporate current energy codes and energy efficient fixtures.* I called Tom Schwartz to get some clarity regarding the electrical requirements and how they would be managed. I see that Tom is here. Speak up if I say anything out of turn. My understanding is that Eric, you’ve been working with O’Connell electric and another. Those two groups have been working together to come up with the requirements for the additional electrical needs. Eric – that’s right they’ve done the load calculations and determined the size of the transformer that’s needed for the additional service.

Stan – I also understand you were provided with 2 options. One is to elect to purchase a transformer for a 5% reduction in your billing or the village can (garbled) and not give the reduction as well as bill that back.

Eric – That is correct. We’re probably going to purchase the transformer.

Stan- Eric do you have any questions?

Eric – Thank you for your attention on this. The project is working slower that expected from all the bank issues. We’re expecting to get our permit from the State of NY which made new rules that made it difficult to comply with all the rules. We’re excited about this opportunity. The new round of PPP will enable us to keep going until October and to keep all of our employees and hire back other ones.

Ed – You mentioned electric. In my memo back on September 28th particularly on the SEAF question #9 answered yes to exceeding the requirements on electric but there was no explanation. Has that been amended in the SEAF?

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Stan – I believe it’s in the minutes.

Lynn – The SEQR was revised right there at the meeting as you guys continued your review.

Ed – So, the SEQR was revised?

Lynn – Yes.

Ed – What about #10 and 11?

Lynn – They addressed all of your concerns. They did it right there at the meeting.

Ed – OK. Very good. Thank you. And the 3 recommendations about water, wastewater and emission?

Lynn – Eric said there were none.

Stan – We can add those 3 items to a conditional approval of the project. Any other planning board questions? With that do I hear a motion for this application?

A MOTION by Sarah Vestal and a **SECOND** from Austin Lapp to approve the site plan with the following conditions;

- 1.) There will be no use of the public water supply for commercial or industrial purposes.
- 2.) There will be no use of the public wastewater system for commercial or industrial purposes.
- 3.) There will be no gaseous emissions into the atmosphere from any portion of the commercial/industrial operation(s) at the site.

Sarah Vestal–aye. Austin Lapp–aye. Sarah Purdy–aye. Mike Clancy–aye. **Motion carried.**

SITE PLAN APPROVED



Preliminary discussion with Jared Heintl from Keuka Housing Council regarding a proposed development for Pleasant Avenue.

Stan – So our next item. Since we have one that was added. Jared will you tell us a little about what you’re proposing. For the rest of us, this is simply a preliminary discussion. They wanted to make us aware of the project.

Jared – Yes, so, I’m Jared Heintl, a Civil Engineer, with Beardsley, working for Keuka Housing Council. There are other members of the teams here as well, on this call. As you mentioned, it’s early in the project and this would be a sketch plan. We’re not prepared to make an application yet but want to at least present the project and get feedback at this point. The overall project is construction of a 64-unit multi-family housing community. As many of you are aware, we were looking at another location first. Due to various reasons, we found a new home. The site is off Pleasant Avenue. There were several documents sent around. Does everybody have them?

Lynn – Everything you sent to me was emailed to everyone.

Jared – Essentially, south side of the parcel abuts the KanPak parcel.

Ed – How many units and buildings?

Jared – 64 units in 4 buildings. 40 of them are in one 2-story building. The remaining are in the other 3 8-unit townhomes.

Renee – We’re still calling it Vineyard Hill for the purposes of grant applications but we’ll probably be changing the name. In the 40-unit apartment building there’ll be 1 & 2 bedrooms. In the 3 townhomes there will be 2, 3 and 4 bedrooms. These are by far the biggest waiting lists in our organization and in other organizations. We’ve done a market study. We’re going up to a 60% AMI which means anybody working for KanPak as a single person could fit in there. And as you get farther up not everybody is going to fit into this bracket. We need a lot more workers but one of the reasons we don’t have that is because there’s no place to live that’s affordable. That’s our biggest push. We have waiting lists for years and years and years. This is needed. We have applied for supportive housing there. We may, or may not get that. I know that’s been a bone of contention for many but I want to assure you this is not Keuka Gardens. This is for substance abuse people who are in recovery. Not active user. We would have a full-time social worker a full-time counselor and a job coach right there. So, this is way different than Keuka Gardens.

Sarah V. – that’s awesome.

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Renee- We are 2nd, I believe, in NYS for opiate deaths, so this is really needed in our county. We are giving people a chance to get well, be supported and to move on. It near the industrial part. They need workers. I think this is a perfect match.

Ed – How many units would be supportive living?

Renee – Just 22.

Sarah V. – That more than we have now.

Renee – that’s our proposal. Whether or not we get supportive units we still are able to do this project with 64. We reduced it by one building so this makes it viable, makes our mortgage viable.

Sarah V. – How many people will be allowed in the 2-bedroom.

Renee – Generally up to 4. Mostly single mothers. No more than 4.

Stan – The 22 unit that will be supportive living, are those local folks or are we bring people in from other areas?

Renee – Those are local. We are not bringing them in from other counties. I suppose, from Rushville, Dundee and, I suppose, a little farther than that. Essentially these are Yates County people.

Sarah V. – Is there any way to ensure they come from Yates County? Because I personally know many Yates County people who would fit those criteria and would need housing. I don’t know why we would need to bring them in and, Stan, can we even ask that as a planning board?

Renee – I think what you’re talking about is fair housing and perhaps you can’t. We’re not going outside the county to seek these people.

Ed – There’s a few things I’d like to point out. Number one, once you receive government aid there is no way to make it restricted to Yates County residents. Second thing I’d like to point out, I’ve spent 25 years in the treatment business through the public defender’s office and part of the recovery process is to change the people, places and things that got you into the addiction to begin with. Normally the people who go into recovery are sent away from their home community. It’s a misnomer to say those folks would be mostly Yates County residents.

Renee- They have to be referred from an agency. We have to make sure they’re in recovery.

Stan – My concern lies in.. you go back 5 or 7 years there was this huge push that we needed a brand new jail in our community because we were going to be bringing in people from every where’s else and housing them and trying to create a revenue stream because of that. That’s where my concern lies. If we’re talking housing for our local community members, I’m a firm supporter of that. I don’t know if I’m on board if this is a program similar to the jail program where the intent was to get people out of their area to get them back on track here.

Renee – I can assure you if they don’t follow the rules they will have to go. We’ll evict them. Supportive housing does work. We’re doing it in Dundee and it’s working.

Sarah V. – Some of the people I work for with developmental disabilities want to move into this community and I want to know if this would work for them?

Renee – That asking too much. Keuka Gardens is better for that.

Stan – One of the requirements for this to come before the planning board is a zoning change or a use variance.

Jared – Yes. That’s one of the issues we see as well. It’s in the material we sent. It’s currently zoned as an R-1 so we see the best route as a use variance. Also, there’s a density provision, a minimum lot requirement per unit in your code set up in the R-1 zone. That would be another variance request. Take a look at the concept drawings at your leisure. It shows a typical loop road through the development. A large building at the back of the site backing up to the business park. Then 3 townhome buildings stepping down the hill. There’s utility access and expected circulation and all that.

Mike – I have three questions. The first one is before the concept moves too much farther along, are you going to engage the neighbors as to their feelings as to this concept? That was a failed effort on Court Street that ticked everybody off. That’s the first question. The second one is on your Part 1 SEQR it says that you’re not going to have a significant increase in traffic. I don’t see that as accurate due to the nature of the street now then suddenly having 5 buildings on it. My third question is that might be kind of out there. Conifer never did phase III out there behind the Legion. Their properties are all income-based and so instead of taking a section of

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property that's zoned R-1 and needs a variance, has there been any reaching out to Confer about tagging on to existing property that's already suited for at least a good portion of this project? Just curious because there's currently vacant space up there at Meadowside.

Renee – I can take #1 and #3. #1 is; yes, we are going to reach out to the neighbors. On the other property we were trying to annex land in and out and there was one neighbor that was actually extremely hostile during the whole thing and just blew everything up. So, yes, we will involve the community. It's a little hard with Covid or we'd have something already. But we can't do it now. And number three, you were asking why we're not doing it with Conifer. Conifer owns that land. They're here, but they're not here. I'm here. I know these people.

Mike – That was not my question. My question was; Conifer has currently unused property. Has the Keuka Housing Council approached Conifer about coming up with possible opportunities?

Renee – No. And I'll tell you why. The proximity to walking to school, to all the amenities. It's just a little too far out for my purpose. One of the great things about this is how close it is to Horizon Park and there's jobs there. And it's walkable to downtown. Some of these people don't have cars.

Sarah V – That's Conifer's problem. That's not a problem for this planning board right now.

Mike – My only concern was that you have a zoning hurdle to get over which can be challenging. The density of the development you're proposing in an R-1 zone, especially with the one house that's backed up with the original farm, barn and home that's up there that would be relatively proximal to your property line. I'm a fan of cohesive development instead of tons of people doing all kinds of separate things.

Sarah V – But it's every property owner's right to do whatever they want. I don't think you disagree with that. It's not necessarily the property owner's business to reach out to another property owner. They're concerned with doing their business. Another question about the traffic increase. Have you done studies about that? Could you do that?

Jared – We could provide a projected traffic model. It's been my experience that traffic studies are done to look at the traffic impacts on the village roadway network not on an isolated section of it. But certainly, there can be more traffic on that dead-end street than there is now.

Sarah – A lot of those people won't have cars.

Mike – I don't think you can assume that. They have to have a certain number of parking spaces per dwelling unit. It's in our code. Therefore, you have to assume for the purposes of planning and potentially a variance from the other committee, that every one of those facilities will have a car.

Sarah V. – Well then let's do a study.

Mike – I'm not sure why you're being hostile.

Sarah V -I'm not. I just think we should have a study done.

Mike – It's not up to us to do a study. It's up to Jared and his team.

Sarah V – Well, hopefully they will.

Jared – If you request that we'll provide it.

Sarah V – We are requesting that.

Mike – I spoke to the head of the street department and asked him specifically about that street. He did have some concerns about the nature of that street and the fact that it's not perpendicular intersection at South Avenue and the potential for increased traffic. Plus the width of that road, as well. I assume, Renee, that the driveways will be private once you're off the village street. You're not intending to turn them over to the village?

Jared/Renee – No. They'll remain private.

Ed – What's your intention with utility infrastructure, Jared?

Jared – So, we're currently awaiting our final survey but were aware there's public water and sewer that bound the west side of the site. Our assumption so far is that those have adequate capacity to serve the project. I've provided some load information in the pre-application materials. If the village could react to that I'd appreciate that.

Ed – My questions was are you looking to have that dedicated?

Jared – No. It'll remain private.

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Sarah V – Have we asked about anything green they can do to improve our village since that's coming down the road?

Jared – You mean green in terms of sustainability or greenspace?

Sarah V – Either.

Jared – So, there a conceptual landscaping rendering in the application materials. The project is not super dense in terms of land development and is pretty balanced in terms of buffers on all sides and between buildings. In terms of energy conservation and sustainability; the primary funding sources, mostly through homes community renewal, have pretty robust energy standards to get the money. The structures themselves are quite energy efficient.

Renee – We are also keeping the community gardens that are there.

Jared – I do have a question about the process when we do present our application. Obviously, the zoning issues are primarily for the zoning board. So, it'd come before this committee and be referred to the zoning board?

Stan – You'll make an application to the zoning board and based upon their response will determine if you'll present an application to the planning board. To back up to Mike's question which was had Keuka Housing Council reached out to Conifer Realty because there is available space today. There's no intent to say that someone has to use their property for a certain reason or has to sell their property or anything else but it's a very legitimate question to ask why haven't we approached someone who already has property zoned to do just exactly this rather than ask the village to, in effect, spot zone. We'd be dropping a multiple-family use in the middle of an R-1 neighborhood.

Jared – The primary issue is that this would be far less competitive if it was not walkable to amenities and the village.

Renee – That's number one and that's all the property that's left zoned R-1. I'm almost sure it is and it's by the fairgrounds which is too far to walk.

Mike it's behind the Legion not up by the fairground.

Renee – We'd be getting in bed for another not-for-profit and splitting everything.

Mike – Meadowside is for-profit.

Renee – Frankly, I don't want to.

Mike - Well, prior to my being on the planning board and before Stan – we did this before. It's called Keuka Gardens. A multi-family development in an area that required a variance and was against the village comprehensive plan. The Comprehensive Plan doesn't indicate this is the land use we want there. I'm just trying to understand and make sure we follow the comprehensive plan.

Renee – The biggest thing in the Comp Plan is that the village needs more housing and almost nowhere to put it.

Mike – There's 10 acres next to McKinley Avenue apartments.

Renee – Bucky Lane owns that and he wants to put in single family homes. We already talked to him.

Mike – I've also talked to him and don't think he'll do that unless the village agrees to help with infrastructure improvements.

Renee – It's called a CDBG Grant.

Mike – Well it's the thing of buying a home with a big lot next to it assuming there'd be single family homes there someday then to learn the village will allow something else there. I'd be very concerned if that happened.

Renee – If you look at the plans, you'll see there are big buffers on both sides.

Jared – If we make an application to the zoning board and they make a decision to allow, what questions would the planning board have after that?

Stan – The planning board is going to look at the items on the checklist.

Jared – I'm actually wondering if the major concerns will be over the occupants and the type of apartments – the supportive housing? Would the planning board have jurisdiction over that?

Stan – I believe we would since supportive housing would not be conducive to our long-range plan. We've already been asked to go against our long-range plan with Keuka Gardens and now we're being asked to back to the well again and the ink has barely dried on that plan. It's also asking the planning board to leap over several more hurdles with the addition of the supportive housing. We will have to work through it to see if it can work

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well for everyone or make sure it does. As mentioned, those people on East Main – if I lived on East Main, I’m not going to be happy if I bought a home with R-1 all around me and the planning board decides to put another kind of structure there.

Sarah P – Have you put any thought to when in your application process you’ll do the community input meeting?

Jared – The variance, would be one way, because it would require notification to all those neighbors.

Renee – As soon as Covid ends we’ll have one at the school and put out flyers. It’s a little premature right now. I do want to make sure everyone knows what we’re doing and that we’re NOT Keuka Gardens. We’re affordable rentals and helping people with substance abuse get better.

Ed – How many people would be in the supportive living units and does your research show there are that many in need of a place to live?

Renee – 22. We have 2 homeless shelters full of people needing homes.

Ray – Do people get assigned to this? How is it determined? Is there a board that makes a decision?

Renee – They’re referred by FLACRA or ARC or DSS or the jail. We have property manager and a counselor who make that decision.

Ed – They could come from outside the state if they’re using government money. When I worked for the drug court, we would send people all over the place and as far away as Saranac Lake and Jamestown to remove them from familiar surrounding as part of successful recovery.

Renee – I’ll have someone from FLACRA at the next meeting with you to explain all of this.

Ed – When you send notices out for community meetings would you copy Lynn Duryea so we will all know?

Renee – yes, I will.

Jared – Just to give you a sense of the time line; We’re pretty early in the project. The primary funding application is just next week. This will be leading up to a formal application in the late spring of early summer.

Mike – Just for a final clarification you said, Renee, the project can be with supportive housing but is still a viable project without, correct?

Renee – Correct. We’ve put in an application for supportive housing funding but if we don’t get that it’s still viable without it for the 64 units.

Stan – any other questions before we let them go.

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OTHER BUSINESS:

- Update RE Vincent Rosato’s project at 111 Liberty Street.

Stan – I asked Lynn to pull a couple of items for projects that are just kind of hanging at the moment so I could bring you up to date on all the things that were sitting out there on the horizon. It seems 111 liberty Street project is just now announcing available lofts. There is progress now with crews working on the interior. Just to remind planning board members, once a business owner makes a commitment and gets approval that approval will expire in a year but if they make progress their approval will never expire so we should not be asking that business owner when they’re going to finish that project.

Ray – Jamie, can you offer anything more on 111 Liberty?

Jamie – they have not called for any inspections. I’ll stop by this week.

- Update RE Dave Wegman’s project at 313 Hamilton Street.

Stan – Some of you may not know this one exists. This is a subdivision that was approved with the state. If someone wants to use it the subdivision does exist already. Just a heads up that there’s a spot that’s ready to go. It will require a new site plan. There’s no progress and is vacant property and looking for a developer. Mr. Wegman may have an interest in selling. On the corner of Hamilton and North Ave is another one with a drawn-up plan.

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Ed – The parcel would be perfect for a cluster of 10 or 12 single-family. Needs somebody to develop it but there’s only funding for lower income residential. I would suggest you do a motion on moderate income housing to the Planning & Development Committee.

A MOTION by Sarah Vestal and a SECOND from Sarah Purdy to refer this matter to the Planning & Development Committee for a study on the lack of moderate-income housing in the village.

Sarah Vestal–aye. Austin Lapp–aye. Sarah Purdy–aye. Mike Clancy–aye. Motion carried.

- Budget review: First look at last year’s number to see if any changes will be necessary.

Stan – The last item on the agenda is the budget of the planning board. Basically, what we’re charged with every year at this time is to review the budget and advise if we want to make any changes to that budget or if we want to see something reflected differently. If you review the budgeted items against the balance remaining year-to-date you’ll see we don’t often use a lot of those budgeted funds. There are things that come up from time to time where we need an engineering study or to support other items but not a lot. Does anyone see any items we need to re-up for another year?

Mike – My only question is on the computer service and supply line.

Gary – The personal services and computer supply I would take care of. Computer Supply that we used this year was on replacing Lynn’s computer. We replace all computers on a computer matrix cycle.

Mike – The planning & engineering fees we talked about before would be something that we generally don’t need but might need at some point so it’s almost like a contingency.

A MOTION by Mike Clancy and a SECOND from Sarah Purdy to keep the budget numbers the same as they were previously, for the next fiscal year.

Sarah Vestal–aye. Austin Lapp–aye. Sarah Purdy–aye. Mike Clancy–aye. Motion carried.

Ed – It was discussed earlier about someone contacting Wegman.

Stan – I can make that call but without someone interested in purchasing...

Ed – I could write him a letter and run it past Stan first.

Stan – Great. It’s a great location and needs some infrastructure discussion.

Sarah P – I want to commend everyone for the questions that have been asked and tone.

Planning board – Thank you.

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

Sarah Vestal–aye. Austin Lapp–aye. Sarah Purdy–aye. Mike Clancy–aye. Motion carried.

Submitted by Secretary:

Lynn Duryea