

MINUTES of a Special Meeting of the Village Board of Trustees held Monday, July 29th, 2019 at 10:00AM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT: Mayor L MacKerchar; Trustees; D. Condella; T Hoban; K. McLoud; R. Spencer; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Deputy Director of Public Works T. Schwartz

ABSENT: Trustee C. Benedict; Deputy Clerk/Treasurer H. Easling; Director of Public Works B. Bodine; Police Chief T. Dunham; CEO B. Lyon; Fire Chief F. Ellis

News Media present: None

PUBLIC: None

Mayor MacKerchar called the Special Village Board meeting to order at 10:00 AM

MOTION by Trustee McLoud, seconded by Trustee Stewart to authorize Resolution No 62 -2019 (A) Proposed Amendment of the “Zoning” Chapter of the Code of the Village of Penn Yan To Amend Same with Respect to Senior Citizen Housing

WHEREAS, as a result of a recent decision of the Supreme Court of the State of New York in and for the County of Yates, the Court ruled that “...senior citizen housing is defined in the Village code as “... a building or group of buildings where occupancy is restricted to persons 55 years or older”, therefore the plain and unambiguous language of Section 202-6 allows for senior citizen housing to be a building or group of buildings.” The Court’s decision has the implication that any building format for senior citizen housing is permitted in the Village ranging from manufactured home parks to high rise buildings; and.

WHEREAS, the Court’s decision is clearly applicable to all the Zoning Districts in the Village where senior citizen housing is permitted; and

WHEREAS, the Board of Trustees finds that the Court’s decision abrogates any attempt through the current Village land use regulations (the “Zoning” Chapter of the Village Code) to control the building formats utilized for senior citizen housing in the Zoning Districts in which senior citizen housing is permitted.

WHEREAS, a Local Law amending the “Zoning” Chapter will be required’; and

WHEREAS, the Board of Trustees intends to address any SEQR issues related to this action.

NOW, THEREFORE BE IT, RESOLVED THAT:

1. The Board of Trustees of the Village of Penn Yan hereby establishes itself as Lead Agency pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action; and

2. The Board of Trustees of the Village of Penn Yan determines that this is a “Type I” action under SEQRA and therefore a Full Environmental Assessment Form (FEAF) will be completed and adopted; and

3. The Village Attorney has drafted a proposed Local Law for the purpose of pursuing an appropriate amendment to the Village Code related to this matter, which Local Law has been distributed to the Board of Trustees.

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

Atty. Brockman review the FEAF (Full Environmental Assessment Form) – Amendment of Zoning Chapter of Village Code Regarding Senior Citizen Housing. Atty. asked if anyone has any concerns or questions please let him know.

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize Resolution No 63-2019 (B) Setting a Public Hearing and Adopting an FEAF with Respect to the Proposed Local Law Amending the “Zoning” Chapter of the Code of the Village of Penn Yan With Respect to Senior Citizen Housing and set a Public Hearing for August 20, 2019 at 6:15PM.

WHEREAS, the Board of Trustees previously designated itself as “Lead Agency” for the purposes of the review of this action under the provisions of SEQRA and determined this to be a “Type I Action” and

WHEREAS, a proposed Local Law has been drafted and distributed to the Board of Trustees; and

WHEREAS, a Full Environmental Assessment Form (FEAF) has been prepared, completed and reviewed.

Now Therefore, be it

RESOLVED, that the FEAF with respect hereto is adopted and a Negative Declaration is issued; and be it further

RESOLVED, that a public hearing on the proposed Local Law is hereby scheduled for August 20, 2019 at 6:15 p.m. at the Village Hall and that notice thereof be made by legal counsel.

RESOLVED, that the proposed Local Law is referred to the Yates County Planning Board for its review pursuant to General Municipal Law Section 239-m.

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

Atty. Brockman mentioned if the Board elects to adopt the amendment to the Zoning Chapter with respect to Senior Citizen Housing then upon the adoption the moratorium will no longer be significant and if we let it run out it would go several months longer than we anticipated. If we don't adopt the Local Law then we don't have to adopt the repeal. This will start the process by adopting the Resolution. We won't set a Public Hearing yet – would refer it to the Yates County Planning Board.

Local Law K 2019 repealing “The Village of Penn Yan Senior Citizen Housing Moratorium Law 2019”

MOTION by Trustee Spencer, seconded by Trustee McLoud to authorize Resolution No 64-2019 Consideration of Repealing the Village of Penn Yan Senior Citizen Housing Moratorium

WHEREAS, the Board of Trustees previously adopted the Senior Citizen Housing Moratorium Law of 2019 for the purpose of considering an amendment to the “Zoning” Chapter of the Village Code in order to remedy the issue which resulted from a decision of the Supreme Court of the State of New York on the Keuka Shores(Genecco) litigation; and

WHEREAS, the Board of Trustees is considering adoption of a Local Law which would assumedly rectify the issue created by the above referenced Court decision; and

WHEREAS, the adoption of such a Local Law would cause the subject Moratorium Local Law to be no longer necessary; and

WHEREAS, in anticipation of the adoption of the Local Law amending the Senior Citizen Housing provision of the “Zoning” Chapter the Board of Trustees elects to commence the process to prospectively repeal the Senior Citizen Housing Moratorium.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees designates itself as Lead Agency, determines that the repeal of the subject Senior Citizen Housing Moratorium is a “Type II” action and accordingly no environmental review will be undertaken.
2. The proposed Local Law is referred to the Yates County Planning Board for its review pursuant to GML Section 239-m.

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

Atty. Brockman stated the Village received a Hardship application under the moratorium. We need to determine if application is complete and the Board believes it's necessary and appropriate for the Board to consider for Hardship. Trustee Spencer would like Atty. to review application first. Mayor feels safe to say the application is complete.

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize the Hardship application is complete.

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

MOTION by Trustee McLoud, seconded by Trustee Condella to set a Public Hearing for Tuesday August 20, 2019 at 6:20 regarding Application for exception to Senior Citizen Housing Moratorium.

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

Comments:

ADJOURNMENT:

At 10:25 AM, **MOTION** by Trustee Spencer, seconded by Trustee McLoud to adjourn the regular Village Board meeting.

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

Mary Ann Martin, Deputy Clerk