

Village of Penn Yan Planning Board Meeting Minutes

Village Hall, Room 202, 111 Elm Street, Penn Yan

Monday, May 1, 2023 at 7:00 p.m.

Present:

Mike Clancy, Chair
Sarah Davis
Sarah Purdy

Austin Lapp
Denis Gilmartin, Alternate
Jeremy Russell, Alternate

Dan Henries, Trustee
Ed Brockman, Attorney
Jamie Kincaid, CEO

Absent:

Larry Strickland

Public:

Paul Freeland
Kevin McLoud
Cindy Vollmer
Pat Hoke
Jeff Hoke
Lauran Wilson
Keith Orfanides

Roger H.
Mike Marshall
Brian Grose
Sally Prather
Cindy Rosato
Patricia McMichael
Chris Morehouse

Mike Morehouse
Carolyn Benedict
Jennifer Hines
Anna Fleet
Laura Braubitz
Curtis Bissonnette
Christina Bissonnette

The meeting was called to order at 7:00 p.m. by M. Clancy, beginning with the Pledge of Allegiance and introductions.

M. Clancy selected alternate J. Russell to be a voting member until member S. Davis arrives. S. Davis arrived at 7:04 p.m.

Motion by S. Purdy to approve the April 3, 2023 Planning Board meeting minutes as presented seconded by A. Lapp and carried all in favor.

130 Benham Street - Special Use Permit for Short-term Rental Application Review

Motion by A. Lapp to open the public hearing seconded by S. Purdy and carried all in favor.

The property owners and applicants confirmed that the front porch and back deck were recently renovated, the occupancy is eight and comfortable parking for four cars is available. A member of the public asked if all short-term rentals have thorough inspections that include electrical, smoke and CO detectors. Chairman Clancy confirmed that applicants fill out an application that attests to many requirements and before a short-term rental permit is issued, the building inspector conducts an inspection of a house that includes escape ladders, fire extinguishers. STR operators will re-attest to these requirements/standards at the time of their annual renewal. Continuing that in the unlikely event that the fire department has to get involved with an emergency at a short-term rental property, the code enforcement officer can be called to review any safety concerns. J. Kincaid reiterated that they make sure that all the fire safety apparatus is in place, they are treated just like property inspections conducted on apartment houses. When asked by S. Davis, C. Bissonnette confirmed that they do have a local manager of their property since they are from out of town.

Motion by A. Lapp to close the public hearing seconded by S. Purdy and carried all in favor.

There were no comments from the Design Review Committee to review.

M. Clancy reviewed the Special Use Permit Application checklist with the board and it was found that there was no need to alter the plan from what was submitted or request additional information.

Motion by S. Purdy to designate the Village of Penn Yan Planning Board as lead agency of the Environmental Assessment (SEQR) to find that the project is consistent with an unlisted action seconded by S. Davis and carried all in favor.

After review of Part 1 and completion of Parts 2 and 3 of the Short Environmental Assessment form, the Planning Board's final determination was that the action would not result in any significant adverse environmental impacts.

Motion by S. Davis to adopt the SEQR seconded by A. Lapp and carried all in favor.

Motion by S. Purdy to approve the application for a Special Use Permit for short-term rental at 130 Benham Street seconded by A. Lapp and carried all in favor.

140 Benham Street – Special Use Permit for Short-term Rental Application Review

Motion by S. Purdy to open the public hearing seconded by A. Lapp and carried all in favor.

P. Freeland representing 140 Benham Street said that he and his wife manage the property for the owner. There are two parking areas that will accommodate four cars, two in each lot on either side of the house. The house sleeps eight. There is a downstairs room that may someday be turned into a bedroom. M. Clancy reminded that parking is required and be available for the occupancy. There is a period of time when on street parking is not permitted and should not be relied upon – parking on the sidewalk is illegal. P. Freeland noted that winter was slow, but that overall, the STR is doing well. They are also working toward getting 124 Benham Street ready, it's not ready for inspection yet, but a lot of work has been done. K. McLoud's property meets in the back, he noted that they've done a great job of taking care of the property and that folks renting have been kind and quiet at night. M. Clancy commented that it is nice inside.

Motion by S. Davis to close the public hearing seconded by S. Purdy and carried all in favor.

There were no comments from the Design Review Committee to review.

M. Clancy reviewed the Special Use Permit Application checklist with the board and it was found that there was no need to alter the plan from what was submitted or request additional information.

Motion by A. Lapp to designate the Village of Penn Yan Planning Board as lead agency of the Environmental Assessment (SEQR) to find that the project is consistent with an unlisted action seconded by S. Purdy and carried all in favor.

After review of Part 1 and completion of Parts 2 and 3 of the Short Environmental Assessment form, the Planning Board's final determination was that the action would not result in any significant adverse environmental impacts.

Motion by S. Purdy to adopt the SEQR seconded by A. Lapp and carried all in favor.

Motion by S. Davis to approve the application for Special Use Permit for short-term rental at 140 Benham Street in beautiful Penn Yan seconded by A. Lapp.

Before voting on the motion S. Davis briefly mentioned that the board received a message from the neighbor; guests are loud and trespassing. Asking that guests be aware of their activities because there are neighboring people trying to conduct their lives. P. Freeland noted that guests are asked to respect neighbors and their space. E. Brockman added that one of the requirements is that a good neighbor rental notice be given to renters and be enforced.

The motion carried all in favor.

349 Main Street – Special Use Permit for Short-term Rental Application Review

Motion by S. Purdy to open the public hearing seconded by S. Davis and carried all in favor.

The Prather's have been renting the house at 349 Main Street for approximately seven years. The house sleeps six. There were no comments from the public.

Motion by S. Davis to close the public hearing seconded by S. Purdy and carried all in favor.

There were no comments from the Design Review Committee to review.

M. Clancy reviewed the Special Use Permit Application checklist with the board and it was found that there was no need to alter the plan from what was submitted or request additional information.

Motion by A. Lapp to designate the Village of Penn Yan Planning Board as lead agency of the Environmental Assessment (SEQR) to find that the project is consistent with an unlisted action seconded by S. Purdy and carried all in favor.

After review of Part 1, confirming that 349 Main Street is in the Historic District and completion of Parts 2 and 3 of the Short Environmental Assessment form, the Planning Board's final determination was that the action would not result in any significant adverse environmental impacts.

Motion by S. Purdy to adopt the SEQR seconded by A. Lapp and carried all in favor.

Motion by A. Lapp to approve the application for Special Use permit for short-term rental at 349 Main Street seconded by S. Davis and carried all in favor.

227 East Main Street – Special Use Permit for Short-term Rental Application Review

Motion by A. Lapp to open the public hearing seconded by S. Purdy and carried all in favor.

The house will sleep ten, and has a large private parking area. It was noted that the STR inspection was not complete by the May 1st Planning Board meeting. P. Hoke added that he was inspected a couple of weeks ago and that a few items needed to be completed. They are now complete and a follow up inspection is scheduled for May 3rd. There were no comments from the public.

Motion by A. Lapp to close the public hearing seconded by S. Davis and carried all in favor.

There were no comments from the Design Review Committee to review.

M. Clancy reviewed the Special Use Permit Application checklist with the board and it was found that there was no need to alter the plan from what was submitted or request additional information.

Motion by S. Purdy to designate the Village of Penn Yan Planning Board as lead agency of the Environmental Assessment (SEQR) to find that the project is consistent with an unlisted action seconded by A. Lapp and carried all in favor.

After review of Part 1 and completion of Parts 2 and 3 of the Short Environmental Assessment form, the Planning Board's final determination was that the action would not result in any significant adverse environmental impacts.

Motion by A. Lapp to adopt the SEQR seconded by S. Purdy and carried all in favor.

Motion by A. Lapp to approve the application on the condition the property passes the scheduled STR inspection seconded by S. Purdy and carried all in favor.

102 Delano Place – Site Plan Review for Building of ServU Credit Union Bank Branch

Motion by S. Purdy to open the public hearing seconded by A. Lapp and carried all in favor.

B. Gross with Fagan Engineers and ServU Credit Union representatives K. Orfanides and L. Wilson presented their ideas. The proposal includes 40 parking spaces, three drive-thru lanes – one for ATM and two for tellers. A fourth lane will be an emergency bypass lane, it will not be covered and will allow for tall vehicles to pass through. A change from first proposal, is that only one drive will be installed. Stormwater was a concern for the Design Review Committee. An infiltration basin is planned, designed to contain a 100-year storm based on completed testing, filtration rates. There will be minimal overflow during a 100-year storm because the existing site drained to an existing catch basin at 2cfs, with the new design will let out about .5cfs. An area will be designated for horse parking near the dumpster enclosure. S. Purdy asked if there would be shade for the animals – trees are planned, but no structure is planned at this time. A full landscaping plan is not ready yet, they will make the bank feel like it should be there.

Referring to a previously submitted landscape design, M. Clancy remembered a buffer zone between the restaurant and parking lot. B. Gross replied that a retaining wall with a guide rail will be used to delineate between properties, managing the significant elevation change. Trees will be added. C. Benedict asked what the planned route will be in and out of the bank? B. Gross demonstrated on a poster of the site plan the bank parking lot exiting onto Delano Avenue and then onto Liberty Street. Noting that the property to the south, or toward Carey's to Lake Street, is private property. It was acknowledged that exiting onto Liberty Street from the restaurant and lumber store is difficult, further acknowledging an increased difficulty in making a left-hand turn from the same drives as well as turning left off of Liberty. In acknowledging the congested area as a valid concern, it's not quickly mitigated – Liberty Street is a state road. E. Brockman suggested writing a memo to Public Works and Public Safety asking that the traffic flow in that area be examined.

It was agreed that the parking plan flows well, taking advantage of the elevations for stormwater and is a more efficient design than previously proposed.

Motion by S. Purdy to close the public hearing seconded by A. Lapp and carried all in favor.

The comments from the Design Review Committee regarding the stormwater design were addressed during the public hearing. M. Clancy added that the drive meets fire department requirements. B. Gross noted that he would work with the electric department with regard to trees.

M. Clancy reviewed the Special Use Permit Application checklist with the board and it was found that there was no need to alter the plan from what was submitted. There was no concern expressed for the lack of a landscaping plan. M. Clancy advised that it might be possible to work the Mennonite community with regard to a covered space for horse parking. The ServU office staff currently cleans up after the horses at the Dundee offices and would do the same in Penn Yan.

Motion S. Davis to designate the Village of Penn Yan Planning Board as lead agency of the Environmental Assessment (SEQR) to find that the project is consistent with an unlisted action seconded by S. Purdy and carried all in favor.

After review of Part 1 and completion of Parts 2 and 3 of the Short Environmental Assessment form, the Planning Board's final determination was that the action would not result in any significant adverse environmental impacts.

Motion by A. Lapp to adopt the SEQR seconded by S. Purdy and carried all in favor.

Motion by S. Davis to approve the site plan as presented for new construction of a bank branch at 102 Delano Place with the condition that the Planning Board will submit a memo to DPW to review traffic patterns at the Liberty and Delano Streets intersection.

111 Liberty Street – Use Change Addition of a Brewery

M. Marshall's proposed micro-brewery will occupy one suite in the lowest part of the building facing the water, in addition to the other uses that have been approved. The restaurant recently approved takes up three suites, there are five in total. They plan to serve small snacks and pizza. The brewery is going to be a five barrel system with four tanks, staying at the level of micro-brewery. A pizza oven will be installed, boxed in, complete with sinks and sanitation areas. J. Kincaid added that a pizza oven requires an ansul system. The brewery customers will be allowed to use the patio area, it will be accessible via the restaurant because it needs stay contained.

Motion by S. Purdy to open the public hearing seconded by A. Lapp and carried all in favor.

A. Lapp thinks it is a great idea. S. Purdy asked about processing byproduct, noting that the minutes from the Yates County Planning Board show you will be doing as much as you can to reduce waste. M. Marshall offered that his product is made with water and wastewater conservation in mind. Recipes are designed on water volume consumption, grain and hop are built to measured water. The solid byproduct will be used by local farms. Working on ways to treat liquid byproduct to balance pH before and filtration before it is released in the sanitation system. Brewing one to two times a week, he estimates wastewater to be about 180 gallons a week. There will be about eight to ten pounds of solid byproduct for every five gallons, it will be removed from the building on the same day as the brew.

The Water, Keuka and Liberty Street intersection was briefly discussed. C. Rosato added that she has hired a parking lot engineer, trying to improve the flow and parking conditions of her

business. More of the adjacent lot can be used for increased parking capacity. A brief, general discussion on Village parking continued.

Motion by S. Davis to close the public hearing seconded by A. Lapp and carried all in favor.

M. Marshall submitted a completed Industrial Waste Questionnaire as requested by the Design Review Committee.

M. Clancy reviewed the Special Use Permit Application checklist with the board and it was found that there was no need to alter the plan from what was submitted.

Motion by S. Purdy to designate the Village of Penn Yan Planning Board as lead agency of the Environmental Assessment (SEQR) to find that the project is consistent with an unlisted action seconded by A. Lapp and carried all in favor.

After review of Part 1 and completion of Parts 2 and 3 of the Short Environmental Assessment form, the Planning Board's final determination was that the action would not result in any significant adverse environmental impacts.

Motion by S. Purdy to adopt the SEQR seconded by A. Lapp and carried all in favor.

Motion by A. Lapp to approve the site plan as presented for a brewery at 111 Liberty Street seconded by S. Purdy and carried all in favor.

Motion by A. Lapp to adjourn at 8:26 p.m. seconded by S. Davis and carried all in favor.

Submitted by Katie Tomlinson