

Draft

YATES COUNTY PLANNING BOARD MEETING April 27, 2023

PRESENT: Danielson, Moberg, Sutterby, Davis, Sisson, Degner, Gilman, Landcastle, Miller and Fulkerson

EXCUSED: Strickland, Hullings, Ferry, Hall and Dowse

ABSENT: None

Also Present: Tom Fulkrod (Town of Benton), Brendan McCafferty (Applicant), Shari and Joe Brodmann (Applicants), Ronald Martin (Applicant), Erika Riker and Steven Siple (Applicants), Mervin Wenger (Applicant), Keith Orfanides (Applicant), Keith Prather (Applicant), Mike Marshall (Applicant), Cindy Rosato (Applicant), Brian Grose (Applicant), Brenda Race (Applicant), Leroy Martin, Jason Wenger, John Christensen (Chronicle Express), Jeffrey Ayers (Yates County Planner), and Brenda Lloyd (Recording Secretary)

CALL TO ORDER: Sutterby called the meeting at 7:03 p.m. with the Pledge of Allegiance.

APPROVAL OF MINUTES:

A motion was made to approve the minutes from the March 23rd meeting by Moberg, seconded by Sisson. All in favor. Motion approved.

CONSIDERATION OF GML 239 REFERRALS

2023-15 Town of Barrington. Applicant, Mervin Wenger. 4774 Chubb Hollow Road, Dundee, NY 14837. Site address: Corner of Ellis Road/John Green Road, 1718 Ellis Road, Dundee, NY 14837. *Special Use Permit.* Applicant proposes to construct a concrete batch plant with a maximum capacity of 8,000 cubic yards per year. Will include 3 cement trucks, 1 tractor trailer and 1 dump truck.

Mervin Wenger explained that it is just a regular batch plant. He contacted Soil and Water first and they stated it was not their problem and sent him to the DEC. He contacted the DEC, which stated they are ok with it. He then got an engineer to draw up a site plan. Sutterby asked if he received anything written from the DEC. Wenger replied no he had nothing in writing. Wenger stated it is under the DEC requirement for permit as there is no discharge into the creek. All return washout water goes into the holding tank, gets recycled and reused. Jeffrey Ayers reached out to Soil and Water and they stated that they thought that all of the suggestions that they put forward at the Town of Barrington meeting were adopted. Sutterby asked when Wenger began operating the plant. Wenger replied that the plant is a portable truck right now, currently a mix on site. He stated that he had a discussion with Jesse Jayne. Sutterby asked why they were filling concrete trucks today while she was there. Wenger responded that he is allowed to make his own concrete blocks for himself at this time. Sisson stated that he thought it was a need for the area, Sutterby agreed.

Moberg made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Landcastle seconded. 7 in favor. 2 abstained. Motion approved.

2023-16 Village of Penn Yan. Applicant, ServU Federal Credit Union. 87 Victory Highway, Painted Post, NY 14870. Site address: 102 Delano Place, Penn Yan, NY 14527. *Site Plan.* Applicant proposes construction of a 4,361 square foot bank branch office with attached drive-thru, two teller lanes and a bypass lane.

Brian Grose, with Fagan Engineers, explained that the budget of the last layout was a bit much with the architectural. Going to be doing a different approach with a different layout. Branch will be 4,361 square feet and have 3 drive-thru lanes, consisting of 1 ATM, 2 tellers, and 1 bypass. Grose stated there was some concern with the overhang last time. There will still be an overhang but it will not be in the bypass lane so it will not impede on fire trucks or garbage trucks. There will be 40 parking stalls, including 2 handicap spaces. Off to the West there will be a green area and that's where they will be doing infiltration basin. Sutterby asked if there was just the one entrance and exit. Grose confirmed that yes there will only be one. Sutterby asked where the signage will be. Grose replied that it will be by the entrance on the West side and that there will be internal signage that is visible. There will be a larger tower like structure at the front of the building with windows and you will be able

to see the ServU logo. Sutterby asked if there was going to be a request to the Village for a sign by 54. Grose replied that there will not be a sign there. Sutterby commented that the traffic will be interesting. Degner asked what the time frame was for this project. Keith Orfanides with ServU Federal Credit Union responded that last time he thought they would've broken ground by now already but that they did have some budget issues and that they need to handle their members' money responsibly. He stated that he would love to be done by the end of the year but admitted that might be a bit ambitious.

Landcastle made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Fulkerson seconded. All in favor. Motion approved.

2023-17 Village of Penn Yan. Applicant, Michael Marshall. 1610 Lawrence Johnson Road, Beaver Dams, NY 14812. Site address: 111 Liberty Street, Penn Yan, NY 14527. *Site Plan.* Applicant proposes a use change to open a craft brewery and tap house.

Michael Marshall discussed that they are looking to lease a suite from Cindy Rosato to open a small craft brewery and tap house where they serve a little bit of food, such as finger foods and snacks. They are looking to change the use of the building and have already put an application in with the Village. They have a contractor and equipment ready to go and an architect handling all the structural and safety requirements. Sisson asked where the waste will go. Marshall responded that they are going to recollect the majority of the waste. The grains will be offered to local farmers. The liquid will be salvaged as much as possible, they will try not to use chemicals to clean the tanks and are going to screen the waste so it doesn't go down the sewers. Looking at what they can do to reduce excessive waters to try and conserve and not cause any problems. Sisson stated that he thinks the BOD's suck all the oxygen out of the streams if they get in there. Marshall responded that they are looking into that concern right now and are working with the Village on how they can reduce any of that contamination that might cause a harmful affect. Sisson asked how many barrels they plan on doing a year. Marshall replied that they are looking at about 40,000 barrels per year right now. They are bringing in 4, 5 barrel systems and are looking at doing at least 5 barrels every week. Sisson stated that he is sure the Village will be having him monitor the BOD's. Fulkerson asked what the change of use it to, he thinks Industrial due to the waste. Marshall stated he thought it would be Commercial. Cindy Rosato stated it was a Multi-Use Residential/Commercial building. Miller asked if it had any impact on the canal. Marshall responded no but will be accessible by boat. Marshall stated he would like to be open by July.

Moberg made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Sisson seconded. 8 in favor. 1 not in favor. Motion approved.

2023-28 Town of Benton. Applicant, Ronald Martin. 1540 Route 14A, Penn Yan, NY 14527. *Special Use Permit.* Applicant proposes opening a Farm Equipment Repair Shop with Outside Storage. 8:00am – 7:00pm

Tom Fulkrod explained that Ronald Martin has been working on tractors for 5 years and has been tinkering out of his garage and the tinkering has gotten to be more and more so a couple of months ago he has decided to go out on his own. He is working on equipment in a very large shop on his property which has a special use for an excavation company from a previous owner. Ronald is going to start running a business out of there. Business is starting to pick up. There is not going to be a salesroom or working on equipment and selling it. Martin brings in farm equipment fixes it and sends it back to the farm.

Sutterby made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Davis seconded. All in favor. Motion approved.

2023-29 Town of Barrington. Applicant, Town of Barrington. 4424 Bath Road, Penn Yan, NY 14527. *Other-Comprehensive Plan.* The Town of Barrington is looking to update the Comprehensive Plan.

There was no representative from the Town of Barrington. Sutterby stated she was not impressed with the Comprehensive Plan, she finds it lacking. Sisson thinks it needs to be looked over. Jeffrey Ayers agrees that it has

some deficiencies and feels a bit more like a rough draft than a final copy. After discussion the board agreed that the Comprehensive Plan was Incomplete and that Ayers would address the concerns with the Town.

Sisson made a motion to the Board: That under GML 239 the application as presented be marked as incomplete. Gilman seconded. All in favor. Motion approved.

2023-30 Village of Dresden. Applicant, Brenda Race. 791 Billsboro Road, Geneva, NY 14456. Site address: 88 E. Main Street, Dresden, NY 14441. *Use Variance.* Applicant would like the Downstairs to be a bakery and ice cream shop with inside seating for café area. Shared parking with the Village for the business area. Upstairs would be a two bedroom residence for personal use/owner with adding 2 parking spaces alongside the stairs to enter.

Brenda Race discussed how she wants to put a 2 bedroom apartment in the upstairs and that they own the restaurant across the street. This year the downstairs is just going to be a bakery and next year it will be the bakery and ice cream shop. There will be different landscaping outside so it will look a lot better than it does currently. Sisson stated that it is pretty nice. Sutterby agreed and stated she things the Village of Dresden should be quite thrilled.

Sisson made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Gilman seconded. All in favor. Motion approved.

2023-18 Village of Penn Yan. Applicant, Shad Faus. 80 Front Street, Lititz, PA 17543. Site address: 125 Walnut Street, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

There was no representative present. Sutterby stated that it looked like they completed the requirements set forth by the Village. Sisson questioned who would be overseeing the property due to the owner living in Pennsylvania. Landcastle asked if there was something in the new law stating they had to have a local agent.

Fulkerson made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact as long as it meets all the Village requirements. Sisson seconded. All in favor. Motion approved.

2023-19 Village of Penn Yan. Applicant, Curtis Bissonnette. 15 Hillside Circle, Honey Brook, PA 19344. Site address: 130 Benham Street, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

There was no representative present.

Fulkerson made a motion to the Board: That under GML 239 the application as presented has no countywide impact as long as it meets all the Village requirements. Sisson seconded. All in favor. Motion approved.

2023-21 Village of Penn Yan. Applicant, Shari Brodmann. 122 Clinton Street, Penn Yan, NY 14527. Site address: 182 South Avenue, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

Joe Brodmann stated that the Village paperwork mentioned that if the owner lived outside of the county they had to have a local representative managing the property. Brodmann described the property and explained how it was not near other houses and had plenty of parking. Owners have lived there for a year now and he will be managing the property himself. Sisson asked if the Village had any occupancy per bedroom requirements. Brodmann responded he didn't believe that was mentioned but they did specifically ask how many people you had space for.

Miller stated he believes it is a great location near the park. Fulkerson stated that he thought the Village would have different requirements due to water consumption.

Fulkerson made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Landcastle seconded. All in favor. Motion approved.

2023-27 Village of Penn Yan. Applicant, Brendan McCafferty. 873 West Ferry Street, Buffalo, NY 14209. Site address: 443 North Main Street, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

Brendan McCafferty discussed the property and that they are hoping that someday it will be their retirement home. Property has 3 bedrooms and parking for 2 cars. Sutterby stated that it's a nice little neighborhood. McCafferty commented that they love the area. He believes it is a historical property and that the brickwork and window work is exactly the same as the Sampson Theatre, believes he had a hand in designing and building the house. Fulkerson asked why the application stated 3 parking spots instead of the 2 that were mentioned. McCafferty responded that the safety inspector came by and corrected it to 2, the Village is aware. Sutterby stated it was nice to see they are taking care of such a beautiful old home. McCafferty responded that they purchased it because it's the place they want to live.

Davis made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Gilman seconded. All in favor. Motion approved.

2023-26 Village of Penn Yan. Applicant, Keith Prather. 345 Main Street, Penn Yan, NY 14527. Site address: 349 Main Street, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

Keith Prather stated that he purchased the house from his in-laws. They didn't want any neighbors so they started using it as a rental property. They rent it to family when they come to visit and have started using it as an Airbnb. They have been doing it for the last 7 or 8 years and they make sure that every one that comes and goes takes care of it. There are 2 spots for cars and if there is a 3rd it goes out back. Prather likes what the Village has done, he believes it is making people step up and likes the direction it is going. Sisson stated he thinks it makes it fair for everybody.

Sisson made a motion to the Board: That under GML 239 the application as presented has no countywide impact. Davis seconded. All in favor. Motion approved.

2023-25 Village of Penn Yan. Applicant, Erika Riker. PO Box 646, Penn Yan, NY 14527. Site address: 307 Lake Street, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

Erika Riker stated that her property is a 3 Unit. She lives in one unit and the others are short term rentals. She lives on the property and is the manager. She is starting her 8th year doing it, has lots of parking and has passed her inspection.

Davis made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Gilman seconded. All in favor. Motion approved.

2023-20 Village of Penn Yan. Applicant, Steven Ames. 47 W 625 S, Lafayette, IN 47909. Site address: 140 Benham Street, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

There was no representative present.

Fulkerson made a motion to the Board: That under GML 239 the application as presented has no countywide impact as long as it meets all the Village requirements. Landcastle seconded. All in favor. Motion approved.

2023-22 Village of Penn Yan. Applicant, Jesse Lapp. 203 East Main Street, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

There was no representative present.

Sisson made a motion to the Board: That under GML 239 the application as presented has no countywide impact as long as it meets all the Village requirements. Gilman seconded. All in favor. Motion approved.

2023-23 Village of Penn Yan. Applicant, Mark Comstock. 218 Clinton Street, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

There was no representative present.

Davis made a motion to the Board: That under GML 239 the application as presented has no countywide impact as long as it meets all the Village requirements. Degner seconded. All in favor. Motion approved.

2023-24 Village of Penn Yan. Applicant, Patrick Hoke. 3927 Route 14, Himrod, NY 14842. Site address: 227 East Main Street, Penn Yan, NY 14527. *Special Use Permit.* Applicant is applying for a Special Use Permit for a short-term rental business.

There was no representative present.

Landcastle made a motion to the Board: That under GML 239 the application as presented has no countywide impact as long as it meets all the Village requirements. Gilman seconded. All in favor. Motion approved.

COMMUNICATIONS: Discussion regarding the need to see all the short term rentals. Jeffrey Ayers is going to reach out to the Village of Penn Yan to discuss future short term rental referrals.

OLD BUSINESS: None

MEMBER REPORTS: None

NEW BUSINESS: None

ADJOURNMENT: Sisson made the motion to adjourn the meeting at 8:14 p.m. Gilman seconded. All in favor.