

MINUTES of a Special Meeting of the Village Board of Trustees held Friday, December 7, 2018 at 10:30 AM, 2018 Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

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

ABSENT: Trustee T. Hoban; Director of Public Works B. Bodine; Police Chief T. Dunham; CEO B. Lyon; Fire Chief B. LaRock

News Media present: Gwen Chamberlain, Chronicle Express

PUBLIC: None

Mayor MacKerchar called the Special Village Board meeting to order at 10:30 AM

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 111-2018 Approval of Format for letter of Credit by Keuka Gardens Associates, LLC.

WHEREAS, Keuka Gardens Associates LLC (KGA) is commencing construction of a 42 unit apartment community at 199 Brown Street Extension in the Village; and

WHEREAS, a Letter of Credit is required to be provided to the Village with respect to water and sewer infrastructure being installed by KGA, which is expected to be dedicated to the Village; and

WHEREAS, a format for said Letter of Credit has been submitted to the Village for approval.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan hereby determines that this is strictly an administrative action without any environmental impact and therefore is a "Type II" action, not requiring an environmental review.
2. The letter of credit is approved subject to the final authorization thereof by the Village Mayor, Village Clerk/Treasurer, Village DPW Director and Village Attorney.

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

Discussion: Trustee McLoud mentioned he wants to be sure everyone is aware that is for the project up on Brown Street by bowling Alley called Keuka Gardens. Atty. Brockman mentioned we do have a format on specifications for developments, their format differs from ours a bit. M&T Bank who issued the line of credit and their format is in compliance with the law and feels we could use their format.

Mayor MacKerchar mentioned a DRI meeting is set for Thursday December 13th at 5:30PM. Originally set for the Village Board Room but we have moved it to the Penn Yan Fire House. Mayor explained at this meeting Ed Flynn from LaBella will review and have a breakdown of ideas from the last meeting. Mayor reminded the applications for projects are due by Monday December 10th by 4:00PM.

Mayor reminded the Board of the Holiday luncheon today at Noon at the Fire House.

Mayor stated we have an Article 78 filed against us regarding Zoning from Genecco's. They are questioning the Zoning from the board's decision. Atty. Brockman feels we need to bring in Bond, Schoeneck and King, PLLC. They are a litigation specialist.

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize to retain Bond, Schoeneck and King for the Article 78 regarding Zoning and the Genecco's.

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

Discussion: Atty. Brockman explained we did meet with a representative of Bond, Schoeneck and King yesterday and they are willing to undertake and handle this matter for us. Atty. stated the applicant asked the ZBA two things. 1. To render the interpretation with respect to the R1 district along South Ave. as to whether town houses for Senior citizen's housings could be installed there. The ZBA ruled townhouses were not allowed in a R1 district. The second part of the application was for variance from that and the

ZBA denied that. Atty. stated the litigation involves the Zoning Boards disapproval of both of the applications to the ZBA. Mayor MacKerchar will contact Bond, Schoeneck and King

Comments:

ADJOURNMENT:

At 10:40 AM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to adjourn the Special Village Board meeting.

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

Mary Ann Martin, Deputy Clerk