

## Planning Board Minutes

April 6, 2023

Attendees: Robert Staunton, Kathy Staunton, Dan Nielsen, Jane Nielsen, Ron Stanley (PE Site Plan Design), CEO Bill Gerhardt, ZBA Steve Schmidt, TB Sarah Purdy, TB Jim Bird

The meeting was called to order by Chairman Cutler at 7pm with the Pledge of Allegiance

Roll Call : Mike Hiller, Sam Priem, Paul Zorovich, Tim Cutler

- 4 members present for legal quorum.

Excused: Robin Johnson, John Kriese

Approval/Correction of Minutes from March 2<sup>nd</sup> – delayed for quorum of March 2<sup>nd</sup> meeting members

Modifications to the Agenda : None

Public Presentation: Steep Slope Site Plan Application 5-2023, House Construction, Dan and Jane Nielsen, 2231 West Lake Rd, Penn Yan, NY, 14527

Chairman Cutler asked Ron Stanley to describe the project:

From the March 9<sup>th</sup> ZBA hearing, variances were requested for lot coverage and a Rear Yard setback at the road right of way to install a retaining wall for the installation of a parking area. The retaining wall was approved for safety reasons but the applicant was told that the proposed house and other structures were required to maintain the 20% lot coverage restriction. As a result, the size of the house footprint was reduced by eliminating the front deck and reducing the size of the overhangs (eaves). A Rick Ayers YCSW approved culvert pipe with an open catch basin and a 15" culvert was in the site plan. Gutter water will be empty on the North side of the property and properly placed silt fence will be used during construction.

Tim stated that the PB takes YCSW input into consideration.

Sam asked about grinder pump location. Ron and the Niensens agreed that was the Staunton's (neighbors) grinder pump that is there by easement and their grinder pump will be placed near that.

Sam questioned the 69 ft height, Ron stated it was a typo

Tim verified that there were ZB variance applications to be reviewed on Apr 20 but for the purpose of this PB meeting, only the site plan is being discussed.

Tim: The new retaining wall at the rear of the property was approved by the ZBA.

Tim questioned the Staunton's on their seawall concerning being too close to their property. Mr Staunton replied that the side setback was only one of his concerns but the potential damming should be considered.

Mrs. Nielsen replied that the wall actually ends before the set of steps to the beach which were there before they purchased the property.

The SEQR Part 2 questions were reviewed by the board and motion for a negative declaration was made by Paul and 2<sup>nd</sup> by Sam. All members in favor.

Mr Staunton raised a question about the seawall construction effectively creating a dam due to fact that the wall has 90 deg corners and is a foot above the surface.

There was a brief discussion concerning the sq ft lot coverage and the CEO stated that he will verify the lot coverage proposal as Mr Stanley stated that he did not include the retaining walls in the coverage calculations. Mr Stanley stated that he would adjust the floorplan accordingly.

A discussion ensued concerning the seawall construction and permit requirement. Mr Nielsen stated that he was given the go-ahead from Rick Ayers and Then CEO Zac Devoe.

CEO Gerhardt stated that he had emails between the applicant and the CEO but nothing indicating permission to build the seawall. Bill also contacted Rick Ayers and Rick could not remember that discussion.

The planning board is in unanimous agreement that they cannot act on the site plan until the variance and permit issues are settled, the corrections are made by the engineer to the site plan and the integrity of the seawall is inspected and approved by an engineer and the CEO.

Tim will attend the ZBA meeting on the 20<sup>th</sup>.

New Business: None

Old Business: None

Committee Reports: Council Member Purdy is working on a potential grant to help fund the Comprehensive Master Plan consultant.

Council Member Bird will be discussing with the TB to establish a committee to review the current zoning code.

Motion to adjourn by Paul and 2<sup>nd</sup> by Sam.