

Public Hearing Minutes – Keuka Gardens. LLC

Thursday, November 30, 2016 – 7:00 P.M.

Minutes of Proceedings

Attendance: Steve Griffin, CEO Finger Lakes EDC, Kari DeWick, Community Development Director Finger Lakes EDC, Leigh MacKerchar, Mayor Village of Penn Yan, the following from the neighborhood around the proposed project location: Lynn & Karen Axtell, Jessica Kenneda, Gail & Andy Kenneda, Tom Hughes, Tim Yetter, Dick Lent, Erin Brooks, and Brenda Duell

Mr. Griffin gave an overview of the project explaining the purpose of the FLEDC's involvement in this project. The proposed project is the construction of a 42-unit apartment complex with 1 and 2 bedroom units. There will be 11 apartments set aside for ARC of Yates clients. The estimated project cost is \$9.3 million. There will be two full time and one part time job created working for the property. ARC of Yates will also have employees at the facility but these jobs are not included in our estimates. Keuka Gardens requested a straight lease back incentive package consisting of property, sales and mortgage tax exemptions. The property tax abatement (PILOT) schedule was requested to be 30 years in length and set at \$300 per unit increasing 2% every year over the life of the abatement. Total incentives are estimated to be \$307,221 over the 30 years. The FLEDC anticipates the economic benefit to equal \$11.8 million.

Mr. Griffin then opened up the meeting for comments.

Tom Hughes asked if the \$11.8M included rent fees. Mr. Griffin stated rent was not included. Project construction costs, PILOT payments and salaries over the same 30-year period were used.

Mr. Hughes asked if a manager had to live on site. Mr. Griffin said that is not mandated.

Lynn Axtell stated that with the tax breaks, use of low cost electricity and lost land taxes, he believes this project is going to cost money. Mr. Griffin explained that currently the land is only assessed for approximately \$51,800 which equals about \$1,700 per year. Under the proposed PILOT they would pay \$12,600 in the first year alone. Mr. Griffin said he does not believe his total expenses in the Village will increase due to this project.

Mr. Hughes asked about how the neighborhoods non-financial concerns are taken into account particularly around environmental concerns. Mr. Griffin stated the FLEDC Board of Directors allows the local municipality to take lead agency status as it relates to SEQRA and follows their findings. Additionally, the comments given at this meeting will be presented to the Board for their review. We also make the comments available to the developer and will talk to them over certain concerns raised. Mr. Griffin explained the total picture the FLEDC often takes when reviewing a project. In this case, in addition to the increased tax revenues and the new jobs, housing is the number one challenge when trying to attract new residents and employees to the area. Yates County has a severe lack of housing stock across all income ranges and types of housing units. Even as 1 & 2 bedroom units, there is the potential some off these units might be taken by individuals living in single family units which would in turn go up for sale.

Lynn Axtell asked why the project couldn't be moved up to the land across from the Apple Barrel on East Main Street. He wondered if drainage on site could support this project. He believes the developer is jamming too much into one space.

Andy Kenneda stated he was concerned about the retention pond after speaking to the project's engineer. He believes they did not provide accurate details on the proposed construction of the pond. He stated the developer is utilizing a shale base for the pond which he doesn't believe will suffice. He was specifically concerned about the size of the weir and the elevation wondering if it will contain a 10 or 100-year rain. He further asked who is in charge of monitoring construction of the retention pond to make sure it's done correctly.

Dick Lent asked if the Mayor or the FLEDC was aware of any new plans submitted by the developer to the planning board. Mr. MacKerchar stated he was not aware of any new plans submitted but that they are working toward NYSDOT approval for construction of a sidewalk on Brown Street Extension.

Karen Axtell asked the Mayor directly if this project will place additional burdens on the Penn Yan MUB and if there enough capacity to handle this project. Mr. MacKerchar said no Village work is needed at all for roads on this project and that water and sewer construction plans will need to be submitted to the Village along with storm water management. He believes a good plan will be presented. There would be no additional burdens and there is plenty of capacity available.

Mr. Hughes stated his problem was with the process followed by the Village Planning Board as well as how the Planning Board does their meeting notices. If you don't receive the Chronicle Express or visit the Village bulletin board, how will you know. He stated the positives of the project including increased housing units, helping the ARC clients and young professionals. He's concerned about potential sex offenders moving into the units; Home Leasing lying about talking to all the neighbors; and a fence should be placed along the gully. The best part of the project was the worst part about it, that being the pathway through the yards. He asked if the ARC could really give up part of their \$1.2 million funding for the walkway? Mr. Griffin said he did not know that answer.

Mr. Hughes said if the process had been different there might have been more support for the project by neighbors.

Mr. Lent stated if the property is like the Home Leasing property in Rochester then the property will be beautiful. He stated we need to discuss forensic individuals. He has a copy of a letter from Daniele Lyman, ARC of Yates Executive Director, to Lynn Duryea at the Village of Penn Yan stating ARC of Yates will not house those individuals at this property. Mr. Lent asked what about 5, 10 or 20 years down the road? Who will control that? Mr. Griffin stated that Home Leasing has shared their criminal background check and a pretty clear pass/fail decision metric. Mr. Griffin also stated that Ms. Lyman explained to him ARC of Yates is a volunteer provider of services and not mandated to accept any forensic individual. The newspaper article discussing this was based on an ARC that did voluntarily accept forensic individuals. Mr. Hughes stated he'd be ok with 42 units for ARC clients but not if they are forensics.

Mr. Axtell stated the bottom line is what are the benefits for the Village?

Mr. Kenneda stated Sunset property owners will look at an eye sore of a building. What about the views of the neighborhood? It will ruin the neighborhood.

Mr. Lent said he spoke with Mr. Leenhouts of Home Leasing and he mentioned Home Leasing would leave the vegetation. If they would leave the 100-year-old oak trees, then he would be fine.

Mr. Lent stated the developer has moved the parking lot, added the sidewalk in front of the property and now they need to work on the rear of the building. How can we work with them?

Erin Brooks asked how many times can they present their plan to the planning board? When is enough enough? Mr. Griffin responded that the FLEDC occasionally sets up "All involved parties" meeting with larger proposed projects. At these meetings, the developer or company discusses their plans ahead of actually going to the planning board to get all potential issues on the table right away. That meeting is what Home Leasing attempted at the bowling alley. Mr. Griffin viewed Home Leasing coming back multiple times to the planning board as a positive as it shows the developer is making attempts to adapt their project to the requests of the community.

Brenda Dueck had concerns from a safety aspect. There is only one point of ingress and egress. She believes the neighbors will lose their sense of privacy with their pools.

Mr. Lent described his concern for the amount of clean cutting that the developers plans show and the negative impact that will have on homeowners across the gully.

Mr. Griffin ended the meeting by stated that Home Leasing had looked at other properties but based on acquisition costs, infrastructure costs and availability and proximity to downtown Penn Yan, this site was the chosen by the developer.

Being no further comments Mr. Griffin closed the public hearing at 8:15pm.

Submitted by:


Steve Griffin