



Yates County Planning Board Referral Form

Referral # 2018-29
County Use Only

Date Received 9-12-2018

Revised 4/2017

Municipality and Referring Agency Penn Yan ZBA

Project Address 204 Liberty Street Project Tax Map # 49.74-2-42, 49.83-1-1, 49.82-1-9

Zoning District VC - Village Center

Applicant (Name & MAILING) APD Engineering & Architecture for ALDI Inc.

615 Fisher's Run, Victor, NY 14564 Email _____

Property Owner (Name & MAILING) ALDI Tully Division 300 State Rt. 281, Tully, NY 13159

_____ Email _____

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) 500' from State ROW

Application Type

- Area Variance
- Use Variance
- Special Use Permit
- Site Plan
- Subdivision
- Text Amendment
- Map Amendment
- Other _____

Project Description

Expansion to existing ALDI Grocery Store
that will result in fewer parking spaces and
they are asking to add signage

Supporting Documents Required (IF N/A, include explanation)

- Municipal Application
- Tax Map or Plat
- SEQR
- Site Plan *
- Variance Criteria **
- Subdivision Plat For Subdivision Referrals Only
- Other owner permission _____

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*

Lynn Duryea, Referring Official

*If Site Plan Review, Site Plan **MUST** be detailed and meet the municipal requirements.

All Variance referrals (Area/Use) **MUST include detailed justifications associated with reason/s for appeal.



Provision of required information is the responsibility of the referring agency. Failure to provide such information may result in a significant delay in processing.

Submit To: Yates County Planning Department, dlong@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527

COPY RECEIVED

APPEAL NO. _____
DATE _____

SEP 10 2018

VILLAGE OF PENN YAN
APPLICATION TO VILLAGE OF PENN YAN ZONING BOARD OF APPEALS

FOR: SIGN VARIANCE AREA VARIANCE

Permission for on-site inspection for those reviewing application: Yes No

I (we) APD Engineering and Architecture for ALDI, Inc., of 615 Fishers Run
(Name of Applicant) (Mailing Address - Street)

Victor, NY 14564
(City) (State and zip code)

PHONE NUMBERS (315) 696-2425 (585) 742-0200 (585) 797-5273
(ALDI) (APD work) (APD cell)

HEREBY APPEAL FOR A VARIANCE TO VILLAGE CODE AS A RESULT OF A DENIAL FOR ZONING COMPLIANCE RECEIVED FROM THE ZONING OFFICER, DATED; 9/5/18

1. LOCATION OF THE PROPERTY 204 Liberty Street
(Street and Number)
VC - Village Center 49.74-2-42, 49.83-1-1, & 49.82-1-9
(Zoning District) ex.). Residential, Commercial, Industrial (TAX MAP #)

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED (You will find this on the zoning compliance DENIAL paperwork you received from the Code Office. It is a series of numbers and letters that depict what Zoning Ordinance won't permit your request.) Section 202-43 B & 202-64 F 1 (c)

3. A PREVIOUS APPEAL (X) Has () Has not been made with respect to this property.

If yes - Such appeal(s) was (were) in the form of:

- () A requested interpretation of the code. Dated: _____
- () A requested special permit. Dated: _____
- (x) A requested area variance. Dated: 11/18/02 Parking and Buffer Variances, 12/16/02 Signage Variance
- () A temporary permit. Dated: _____

4. IS THE SUBJECT PROPERTY WITHIN 500 FEET OF ANY OF THE FOLLOWING?
Town Boundary? State or County Building? State or County Roadway? Public Park? Yes No

5. DESCRIBE YOUR REQUESTED VARIANCE ALDI is requesting the required number of parking spaces be reduced from the required 118 spaces to 70 spaces and a second to amend the variance granted on 12/16/02 which allowed 2 signs at 46.7 sf to allow 2 signs at 75.8 sf

SIGN & AREA VARIANCE

THOROUGHLY DESCRIBE WHY YOU MUST HAVE A VARIANCE RATHER THAN COMPLY WITH YOUR VILLAGE CODE;

Signage

- 5.) Explain why you will not comply with what your village code allows instead of this *non-conforming* concept.

ALDI is expanding and modifying their store entrance and façade. The new façade is designed to provide a scale that is proportional to the enhanced look and breakup of the entrance. This was an overall change that included the signage that is scaled to fit well with the new look. The signs are rectangular not individual letters as seen on other commercial buildings in the area which maintains an overall balance in the look. The building sits back from the road allowing the size of the sign to be seen well without being too large in appearance.

Will your *non-conforming* request cause an undesirable change in the neighborhood character, or any detriment to nearby properties? If not, you must clearly explain your reasoning.

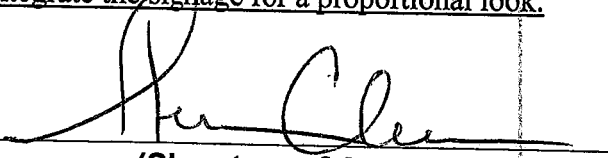
The signage size will not be an undesirable change in the neighborhood character because it is designed to balance with the new building façade and will look very proportional to the overall scale and appearance of the new store look. This size sign is consistent to other signage packages seen on surrounding commercial properties.

- 6.) Will your *non-conforming* option have an adverse environmental impact on the neighborhood? If not, persuasively explain why it won't.

The signage size will not have an adverse environmental impact on the neighborhood because it is part of an overall upgrade in the appearance of the ALDI façade. The size of the signage fits well with the scale and proportions of the new façade. The new façade that includes the signage will actually provide an enhanced visual impact to the neighborhood.

- 7.) Describe what evidence you have this variance request is not a self-created need by showing what contributing factors prevent you from doing what is *permitted* in the Penn Yan code book.

The decision to expand the store and upgrade the façade is self-created by ALDI however the alternatives would include not doing anything which would not allow ALDI to expand their business and products offered at this location. The new entrance and façade is a national standard and was designed to provide an upscale appearance with a breakup of the façade and integrate the signage for a proportional look.

X 
(Signature of Applicant)

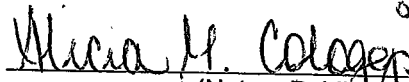
STATE OF NEW YORK) ss:
COUNTY OF Ontario)

Sworn to me this 7 day of September, 2018

Notary Public State of New York
qualified in Ontario County
My Commission Expires

July 21, 2022

No. 1000308417


(Notary Public Signature)



APD ENGINEERING & ARCHITECTURE

BRINGING YOUR DESIGN TO LIFE

Zoning Board
Village of Penn Yan
Village Hall
111 Elm Street
Penn Yan, NY 14527

September 7, 2018

RECEIVED

SEP 10 2018

VILLAGE OF PENN YAN

Attention: Lynn Duryea

RE: ALDI – 204 Liberty Street (Expansion)

APD Project No.: 18-0189

Dear Ms. Duryea and Board Members,

Based on the Denial letter dated September 5, 2018 we requesting the board to consider two variances. The first variance is for the number of parking spaces, which we are requesting 70 spaces where 118 is required. Our second variance is to amend our previous sign variance granted on December 16, 2002 to allow for two building signs or 75.8 sf where the previous approval only allowed 46.7 sf for each sign. We are attaching the following information in support of your application:

- 1 ea. Area Variance Application
- 1 ea. SEQRA Form
- 1 ea. Letter of Authorization from ALDI
- 7 ea. Survey
- 7 ea. Site Plan
- 7 ea. Parking Study dated 10/3/16, Rev 9/5/18
- 7 ea. Building Elevation
- Check for \$ 50.00 Review Fee

Thank you for your consideration. If you have any questions or need any additional information, please feel free to contact us.

Sincerely,

Steve G. Cleason, PE
Senior Consultant

Enclosures:

cc: Lew Kibling (ALDI Inc.)

APD ENGINEERING & ARCHITECTURE PLLC

615 Fishers Run, Victor, New York 14564

Phone: 585.742.2222 • Fax: 585.924.4914 • Website: www.apd.com • eMail: info@apd.com



TULLY DIVISION

300 STATE RT. 281
TULLY, NY 13159

P: 315.696.2425

F: 315.696.2426

E: TUL@aldi.us

To Whom It May Concern:

We authorize APD Engineering and Architecture to sign applications, submit project plans, and act as our agent in regards to the expansion of the Aldi Store #39 at 204 Liberty Street, Penn Yan, NY 14527. We acknowledge and accept that all application and review fees are the responsibility of Aldi Inc., the applicant.

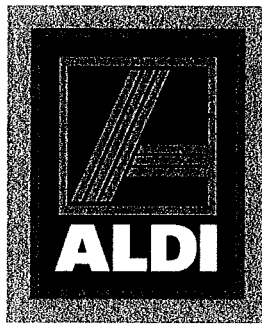
Thank you,

Lew Kibling
Director of Real Estate
Tully Division

Parking Study

For

ALDI, Inc.



Prepared by

APD Engineering and Architecture

615 Fishers Run

Victor, NY 14564

October 3, 2016

Revised September 5, 2018 for Penn Yan Store

Introduction

ALDI has set out to update and in many cases expand their existing stores. This program will bring their existing stores up to date with recent changes to their store proto-type. These changes will expand the products offered, will upgrade equipment and improve the customers overall experience. As stated, some stores will require expansions to make all these improvements a reality. ALDI is working hard to upgrade their existing stores and minimize relocations, which leaves dark stores in communities. The unfortunate part of expanding existing stores is that there is usually limited space to expand parking. Therefore, many sites will be experiencing an expanded store with less parking. Thus, ALDI requested the completion of this study to evaluate their existing parking demands and how the expansions will impact those demands. It is probably worth noting that most of ALDI's sites are individual lots, therefore any insufficiency in parking would negatively impact ALDI's operation and not be in their best interest. **Parking**

Counts

ALDI performed parking counts at 10 of their stores during times that would normally be considered peak periods. Those times were 4 pm to 6 pm on Friday and 11 am to 1 pm on Saturday. ALDI included stores throughout upstate New York and performed those counts on Friday September 30, 2016 and Saturday October 1, 2016. The data from these counts including store locations, actual times, store size and counts are included in the appendix. Those counts ranged from a low of 24 cars to a high of 62 cars. The average number of cars on the Friday peak was 33.3 cars and on the Saturday peak the average was 43.1. All counts included employee parking.

Evaluation

The ALDI expansions are intended to allow their stores to carry more product lines, increase efficiency and improve the customer's experience. The increase in sales is largely anticipated to come from existing customers purchasing from the expanded product line. With any substantial remodel or new store opening, sales will initially spike and then settle down as customers settle into their normal sales pattern. This spike will likely provide some new customers, but not likely at the same percentage as the store size increase.

Three types of building expansions are initially proposed, depending on the existing configuration of the store and site layout. The first would be a long wall expansion which would expand the store into the parking lot along the long side of the building. The second expansion would be a short wall expansion, similarly expanding the store along the short wall into the parking lot. The last would be a smaller storage expansion somewhere in the area of the loading dock. Other configurations could be proposed based on existing store configuration and site layout.

ALDI's preferred and likely most common will be a long wall expansion where the store will be expanded along the long wall by a depth of approximately 19'-8". Since this will likely be the largest of the expansion, we will look at this parking demand first. This will take an existing store of 15,000 to 15,500 sf to approximately 18,200 to 18,500 sf. This represents an increase to the building size of approximately 20%. To be conservative, if we increase the parking numbers by the same 20%, the averages increase for the Friday peak from 33.3 cars to approximately 40 cars. On Saturday, the average peak would increase from 43.1 cars to approximately 52 cars. Taking the highest peak count of 62 cars on Saturday at the Gates Store, the 20% straight increase would be 74.5 cars. However, this maybe too conservative for some stores considering the next highest peak of 55 cars only generates 66 spaces peak after expansion.

The study indicates that 9 out of the 10 stores would need 66 spaces or less for peak demand and only the highest demand stores normally located in dense population centers possibly needing upward of 75 spaces.

The other two types of expansions would have a smaller percent increase to the size of the store; therefore, we would expect an even lower total peak demand for parking. The parking ratio's would be similar.

Conclusion

Parking demands will vary with seasons, weather, holidays and local events. This evaluation considers real parking counts at similar ALDI stores in upstate New York. The counts were taken on both the weekday and weekend peak times. It is possible that any store could experience a random event that would exceed the store's parking, but the result would likely be costumers leaving and not shopping at that time. One of the largest negative impacts for that outcome is the lost sales to ALDI, which is something ALDI would like to avoid. The negative impacts of over sizing the parking lot is increased stormwater run-off, water quality and less greenspace. This evaluation was performed to provide ALDI and the Municipality information specific to the ALDI operation to balance those impacts when considering any increase to parking verses granting parking variances.

Parking Counts performed on ALDI Stores at Locations Below

Store #	Town/City - (New York)	Address	Store Size (Sq Ft)	Sales Area (Sq Ft)
5	Camillus	3747 Milton Ave.	15,672	10,127
10	Fayetteville	6820 East Genesee Street	16,777	9,322
32	Clay	3942 State Route 31	15,510	9,860
35	New Hartford	8432 Seneca Turnpike	14,993	9,320
48	Farmington	1302 State Route 332	15,390	8,828
69	East Amherst	9290-9300 Transit Road	17,083	9,769
75	Amherst	4030 Maple Road	15,180	9,452
78	Irondequoit	2194 Hudson Avenue	16,816	10,153
79	Gates	8 Spencerport Road	15,583	9,463
93	Webster	915 Ridge Road	15,245	10,012
Average			15,825	9,631

Friday 9/30/16			Store size/ # of cars
Time	# of cars		
5:15pm	33		474.9
5:15pm	29		578.5
5:04pm	27		574.4
5:32pm	35		428.4
5:38pm	29		530.7
5:10pm	24		711.8
5:05pm	48		316.3
5:18pm	33		509.6
5:19pm	31		502.7
5:05pm	44		346.5
Average			33.3
Average			497.4

Saturday 10/1/16			Store size/ # of cars
Time	# of cars		
11:30am	40		391.8
11:25am	37		453.4
11:08am	39		397.7
11:27am	49		306.0
11:14am	24		641.3
11:41am	51		335.0
11:05am	38		399.5
11:14am	36		467.1
11:51am	62		251.3
11:00am	55		277.2
Average			43.1
Average			392.0