

Yates County Planning Board Referral Form

Referral # 2021-21
County Use Only

Date Received 4-22-2021

Revised 4/2017

Municipality and Referring Agency Penn Yan ZBA

Project Address cnr Hillcrest & Old Bath Rd Project Tax Map # 61.50-1-18.1

Zoning District R-1

Applicant (Name & MAILING) Angelo Licciardello 8242 E Bluff Dr, Penn Yan, NY 14527

Email _____

Property Owner (Name & MAILING) Same

Email _____

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) Prox to Route 54

Application Type

Project Description

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

Variance for Density relief. R-1 requires minimum of 10,500sf of lot space per dwelling unit. Applicant proposes duplex so there will be 7,187.50sf of lot space per dwelling unit.

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

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.*

Angelo Licciardello, 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

RECEIVED

APPEAL NO. _____ DATE APR 22 2021

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: X Yes _____ No

I (we) Angelo Liccardello, of 8242 E Bluff dr
(Name of Applicant) (Mailing Address - Street)

Penn Yan, NY 14527
(City) (State and zip code)

PHONE NUMBERS n/a n/a (585) 820-0930
(home) (work) (cell) (0930)

HEREBY APPEAL FOR A VARIANCE TO VILLAGE CODE AS A RESULT OF A DENIAL FOR ZONING COMPLIANCE RECEIVED FROM THE ZONING OFFICER, DATED: April 12, 2021

1. LOCATION OF THE PROPERTY Bath Rd / Hillcrest Dr (no street #)
Residential 1
(Zoning District) ex.) Residential, Commercial, Industrial
(Street and Number) 61.50-1-18.1
(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- Attachment 2 (Density control schedule) (202-22)

3. A PREVIOUS APPEAL () 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: _____
- () A requested use/area variance. Dated: _____
- () 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
Area Variance to allow a two dwelling - unit "duplex" on ± 14,375 sq. ft lot. Proposed site plan has ± 7,187.5 sq ft per dwelling unit, and thus requires an area variance for the density control schedule which requires 10,500 sq ft per dwelling unit.

SIGN & AREA VARIANCE

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

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

This lot is asymmetrical and uniquely positioned at the corner of Hillcrest Dr and Bath Rd. Due to site features, extensive site work/grading is required to build ~~one~~ and it is not economically feasible to incur these costs to build one dwelling unit.

- 2.) 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.

No. The use is less intensive than the Kenka Shores town home development across the street, and the other commercial uses nearby on Bath Rd. The finished building will fit the character of the nearby residential properties and will look very similar to other one-family homes down Hillcrest Dr. The property is also across the street from Morgan Marine, a large commercial use.

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

No. The building footprint will result in $\pm 34\%$ lot coverage including parking and sidewalk, which is considerably less than the 40% maximum set forth in the density control schedule. The proposed development was purposely designed to have a minimal footprint to minimize lot coverage and adverse environmental impacts.

- 4.) 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.

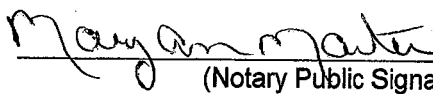
Unique location and site features of property make new construction economically impractical, and the only way to get a reasonable return is two-family or commercial. We chose two-family because it fits with the character of the neighborhood.

X 
(Signature of Applicant)

STATE OF NEW YORK) ss:
COUNTY OF Yates)

Sworn to me this 20 day of April, 2021

MARY ANN MARTIN
Notary Public, State of New York
No. 01MA4965827
Qualified in Yates County
Commission Expires April 30, 2022


(Notary Public Signature)

HILLOREST DRIVE

(ASSUMED 50' WIDE IN THIS AREA)

CENTER LINE
EDGE OF PAVEMENT

145.02'
S81°25'50"E

ASSUMED ROAD LINE

**ALREADY ANNEXED INTO
THE VILLAGE OF PENN YAN**

AREA=
**14,374 SQ. FT.
0.333 ACRE**

(AREA IN HILLOREST DRIVE=
14,374 SQ. FT. OR 0.333 ACRES)

N87°53'58"E 144.92'

AREA=
**22,378 SQ. FT.
0.514 ACRE**

800°28'54"E 84.38'

VILLA

64.28'
N03°15'39"E

47.28'
N01°17'10"E

60.18'
107.46'

CR. NEED

WEST SIDE OF
MAP REFERENCE NO. 2

NO. 1 - PLAN
TERRY KNAB
C. NEWTON
1977 AND
11 OF MAP

NO. 2 - PLAN
STRONG
DATE: MAP

NO. 3 - PLAN
DRAWN BY
P.E. AND
8 OF MAP

258.70' AREA - 0.059 AC.
200' DEED - 0194

LANE B. 3

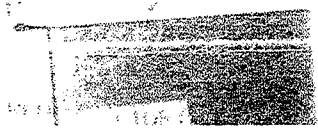
CONCRETE BLDG DRIVE

ASPHALT SHOULDER

OLD BATH

STREET
MAP NO. 1

RECORDED
INDEXED
MAY 19 1984





04/17/2020