



Yates County Planning Board Referral Form

Referral #
County Use Only 2016-3

Date Received 01/28/2016

Revised 1/2014

Municipality and Referring Agency Penn Yan ZBA

Project Address Lot #6 Horizon Business Park Project Tax Map # 61.36-1-3.11

Zoning District Planned Business

Applicant (Name & MAILING) Kenneth Buschner 594 E. Lake Road, Penn Yan, NY 14527

Email _____

Property Owner (Name & MAILING) Steve Griffin, Finger Lakes EDC, 1 Keuka Business Park, Penn Yan, NY 14527

Email _____

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) Within 500' of town boundary

Application Type

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

Project Description

Subdivide parcel with resulting lot smaller (1 1/2 acres)
than allowed by village code (2 acres)

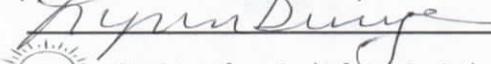
Supporting Documents Required (IF N/A, include explanation)

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

*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.

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.*

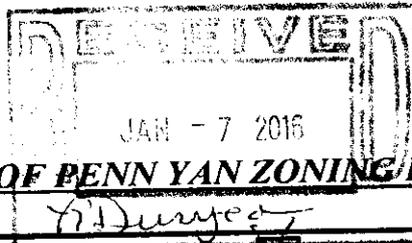


_____, Referring Official



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, Sbonshak@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527



APPEAL NO. VR-1-16
DATE 1-7-16

APPLICATION TO VILLAGE OF PENN YAN ZONING BOARD OF APPEALS

Admitted

FOR: SIGN VARIANCE AREA VARIANCE Lot size reduction

Permission for on-site inspection for those reviewing application: Yes No
I (we) Kenneth Buschner, of 594 E. Lake Rd. Penn Yan, N.Y.
(Name of Applicant) (Mailing Address - Street) 14527.
Penn Yan, NY 14527.
(City) (State and zip code)

PHONE NUMBERS _____ 585-747-8880 _____
(home) (work) (cell)

HEREBY APPEAL FOR A VARIANCE TO VILLAGE CODE AS A RESULT OF A DENIAL FOR ZONING COMPLIANCE RECEIVED FROM THE ZONING OFFICER, DATED; 1/5/16.

1. LOCATION OF THE PROPERTY Horizon Park Drive.
(Street and Number)
Planned Business 61.36-1-3.11
(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- 38

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 FOR A LOT SIZE smaller than allowed
I hope to build my new business building on
the 1.5 Acre lot because I cannot afford to
buy a larger lot.

Code Requires 2 ACRES
I'm asking for 1.5 ACRES

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.

My proposed new building will fit on the 1.5 acer lot and I cannot afford to buy a larger parcel.

- 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.

I believe that my new building will be a good looking + functional one will enhance the BB area.

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

I don't believe this new building will have any adverse environmental impact.

- 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.

My new building budget + financing will allow for the acer purchase from the FLED.

x Kenneth Busch
(Signature of Applicant)

Kenneth Busch

STATE OF NEW YORK) ss:
COUNTY OF Yates)

Sworn to me this 7th day of January 2016

Margaret Y. Morehouse
(Notary Public, State of New York)

MARGARET Y. MOREHOUSE
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01M06237190
QUALIFIED IN YATES COUNTY
COMMISSION EXPIRES MAR. 14, 2019



N/P
YATES COUNTY L.D.A.
T.A. # 81.38-01-11

~ 1.5 Acres

LOT 15
PER REF # 1

AREA = 3.372 ACRES
N/P
JD FINANCIAL INVESTMENTS
(PER REF # 3)

LOT 16
PER REF # 1

N68°33'44"W
S68°33'44"E

LOT 11
PER REF # 1
AREA = 3.382 A
N/P
CASH, LLC
(PER REF # 3)

$\Delta = 8713'50"$
 $R = 93.00'$
 $L = 141.59'$
CHORD
N22°10'39"W
128.31'

N65°47'34"W

HORIZON PARK

EXISTING
EASEMENT
VILLAGE

NEW YORK STATE (R.O.)

This parcel
not within
Village limits.



N/P
GREGORY SECTION
T.A. # 82-4-3
(PER REF # 1)

EXISTING DRAINAGE
EASEMENT NO. 2 TO THE
VILLAGE OF PENN YAN

EXISTING SANITARY SEWER
EASEMENT NO. 2 TO THE
VILLAGE OF PENN YAN

EXISTING SANITARY SEWER
EASEMENT NO. 1 TO THE
VILLAGE OF PENN YAN

EXISTING UTILITY AND
DRAINAGE EASEMENT NO. 1
TO THE VILLAGE OF PENN YAN

$\Delta = 7813'40"$
 $R = 285.00'$
 $L = 389.12'$
CHORD
N60°33'06"E
359.59'

HORIZON PARK (80.0' R.O.W.)
DRIVE

100'

301.83'

0.13'

$\Delta = 3716'26"$
 $R = 310.00'$
 $L = 201.67'$
CHORD
N40°04'29"E
198.13'

278.65'

N35°02'42"E

0.12'

0.09'

0.12'

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ZONING

202 Attachment 2

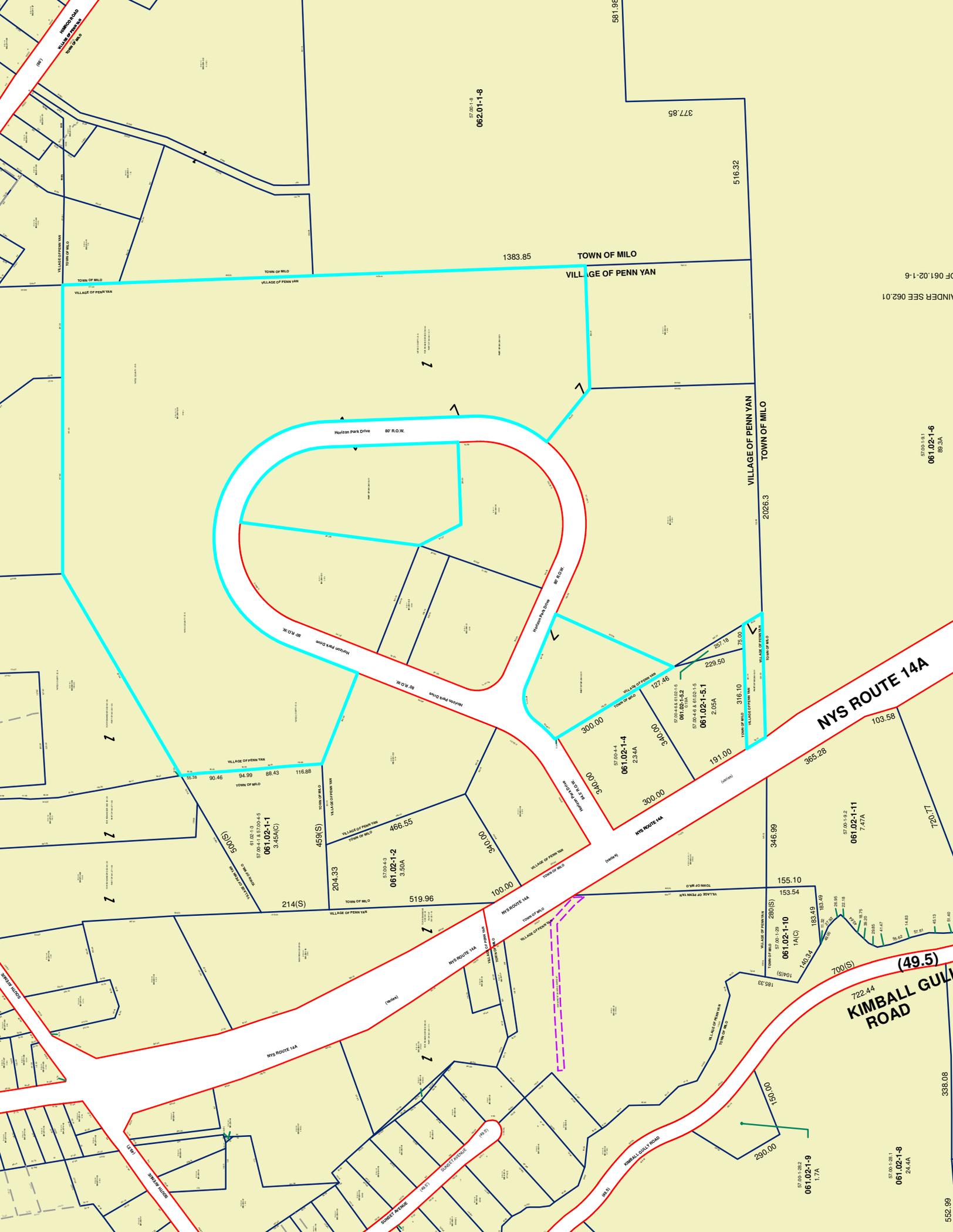
Village of Penn Yan
Chapter 202, Zoning
Density Control Schedule

[Amended 9-6-1993 by L.L. No. 4-1993; 10-19-1999 by L.L. No. 8-1999]

District	Minimum Lot Area (per dwelling unit) (square feet)	Minimum Lot Width (feet)	Minimum Lot Area (other principal permitted uses) (square feet)	Yard Requirements			Maximum Lot Coverage (percent)	Building Height		Building Separation (feet)
				Front (feet)	Side (feet)	Rear (feet)		(feet)	(stories)	
R-1	10,500	70	3,000	30	10	20	40%	40	3	25
R-2	7,800	60	3,000	30	10	20	30%	40	3	25
RT	7,800	60	3,000	30	10	20	30%	40	3	25
VC	2,000	30	2,000	N/A	N/A	N/A	40%	75	5	25
GC	6,000	50	2,000	N/A	N/A	N/A	40%	40	3	0
WDC	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
I	N/A	N/A	N/A	N/A	N/A	N/A	70%	40	3	0
PR	20,000	100	N/A	40	20	40	40%	30	2	N/A
PB	2 acres	200	2 acres	50	50	50	60% (b)	40	3	100

NOTES:

- (a) See text description of use district dimensional requirements (§ 202-17C).
- (b) Up to a maximum of 80% with appropriate on-site engineering for storm water retention.



57.00-1-8
062.01-1-8

377.85

516.32

1383.85

TOWN OF MILO

VILLAGE OF PENN YAN

UNDER SEE 062.01
OF 061.02-1-6

57.00-1-9.1
061.02-1-6
89.3A

VILLAGE OF PENN YAN
TOWN OF MILO

2026.3

Horizon Park Drive 87' R.O.W.

NYS ROUTE 14A

103.58

365.28

57.00-1-9.2
061.02-1-11
7.47A

720.71

500(S)
61.02-1-3
57.00-4-1 & 57.00-4-5
061.02-1-1
3.45A(C)

459(S)
204.33

57.00-4-2
061.02-1-2
3.35A

486.55

340.00

100.00

340.00
061.02-1-4
2.34A

300.00

191.00

346.99

155.10

153.54

061.02-1-10
1A(C)

185.33

700(S)

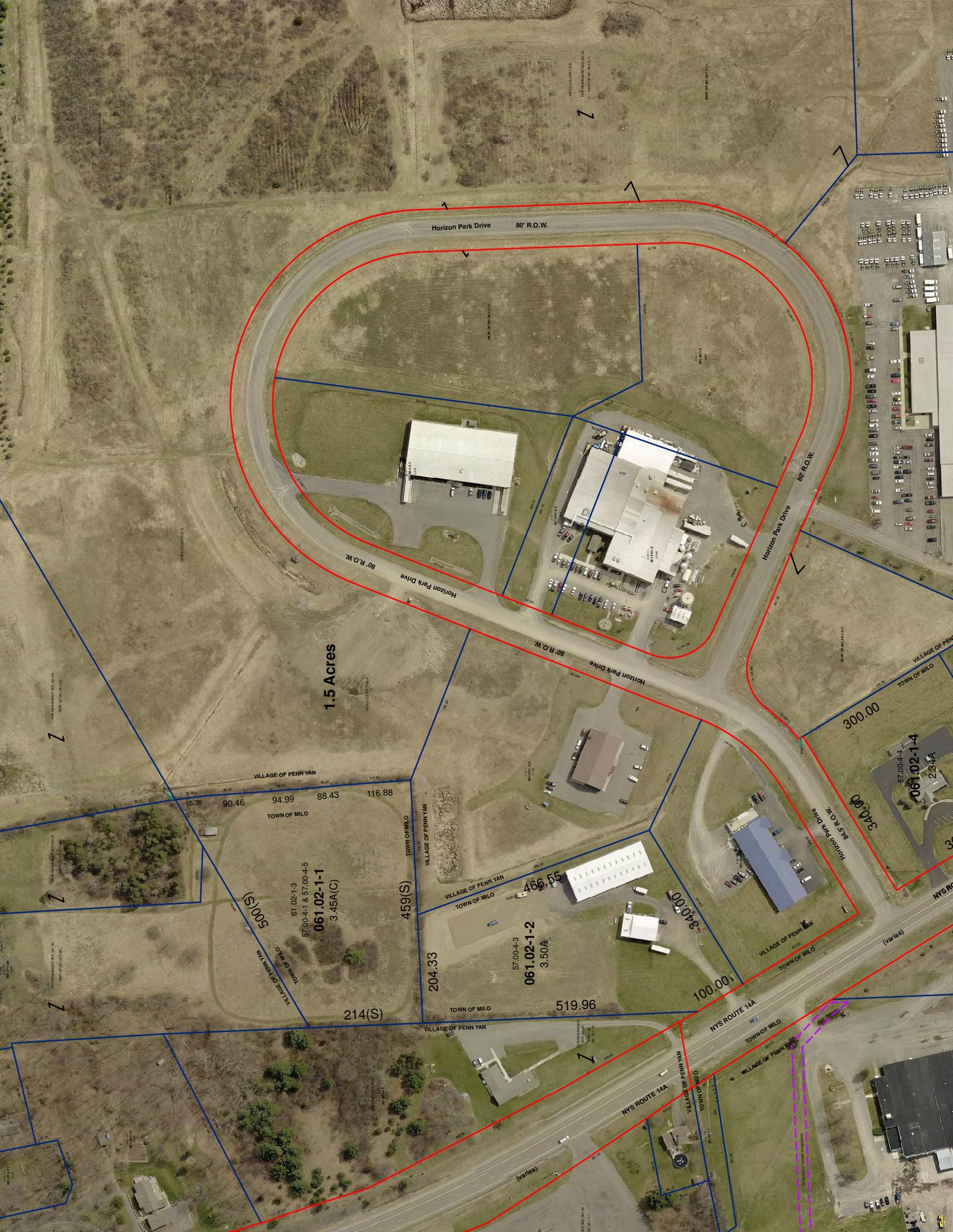
722.44

KIMBALL GULF
ROAD
(49.5)

338.08

57.00-1-9
061.02-1-9
24.4A

552.99



Horizon Park Drive 80' R.O.W.

Horizon P. Park Drive 80' R.O.W.

1.5 Acres

VILLAGE OF PENN YAN

TOWN OF MILO

500(S)

81.02-1-3

57.00-4-1 & 57.00-4-5

061.02-1-1

3.45A(C)

459(S)

204.33

214(S)

VILLAGE OF PENN YAN

TOWN OF MILO

57.00-4-3

061.02-1-2

3.50A

466.55

519.96

NYS ROUTE 14A

NYS ROUTE 14A

TOWN OF MILO

VILLAGE OF PENN YAN

300.00

340.00

57.00-4-1

061.02-1-4

2.34A

300.00

(varies)

NYS ROUTE 14A

VILLAGE OF PENN YAN

TOWN OF MILO