



Yates County Planning Board Referral Form

Referral #
County Use Only 2106-35

Date Received 07/25/2016

Revised 1/2014

Municipality and Referring Agency Penn Yan ZBA

Project Address 199 Brown Street Extension Project Tax Map # ~~61.35-01-017~~

Zoning District GC 61,35-1-17

Applicant (Name & MAILING) Keuka Gardens, LLC 180 Clinton Square, Rochester, NY 14604

Email _____

Property Owner (Name & MAILING) same W. Scott McCredy & Virginia McCredy

400 North Avenue, Penn Yan, NY 14527 Email _____

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

Within 500' of state or county ROW

Application Type

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

Project Description

In GC Zone for every 6000sf of property 1 dwelling unit is permitted.

This 3.6 acre lot has 156,816sf so 26 units would be permitted. The applicant is proposing 42 units.

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

No SEQR required with area variances

*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.*

Yun-Dunlop, Secy 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

Village of Penn Yan

*Office of Zoning
and Building Inspection*



on Keuka Lake

P.O. Box 426
PENN YAN, NEW YORK 14527
Phone 315-536-6397 • Fax 315-536-5866

July 7, 2016

Keuka Gardens, LLC
180 Clinton Square
Rochester, NY 14604

RE: Request to build a 42-Unit Apartment Building
Tax Map #: 61.35-1-17

Dear Sir or Madam:

The proposed request to build a 42-Unit apartment building at property located on Brown Street Extension does not meet the minimum lot area per dwelling unit requirements, therefore the Zoning Compliance has been denied. The proposed request does not meet the Zoning of the Village of Penn Yan Code, section § 202-16 C (copy of this section is enclosed.)

You may file for an appeal of my decision with the Village of Penn Yan Zoning Board of Appeals. If you choose to appeal, please obtain an Appeals application from the ZBA's office, complete the application, and submit to their office by their deadline. The secretary for the ZBA, Lynn Duryea, can be contacted at (315) 279-6560 on Tuesdays and Thursdays between the business hours of 7:30 am - 4:00 pm for pick-up of applications and for any questions that may arise.

If you have any questions, please contact our office.

Respectfully,

Bruce Lyon
Code Enforcement Officer
Village of Penn Yan
blyon@villageofpennyan.com

Enc. § 202-16 C

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) KEUKA GARDENS LLC, of 180 CLINTON SQUARE
(Name of Applicant) (Mailing Address - Street)

ROCHESTER NY 14604
(City) (State and zip code)

PHONE NUMBERS _____ (585) 262-6210 _____
(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: JULY 7, 2016.

1. LOCATION OF THE PROPERTY 199 BROWN STREET EXTENSION
(Street and Number)
GC - GENERAL COMMERCIAL 61-35-01-017
(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- 16. C

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 REDUCE THE MINIMUM LOT AREA PER DWELLING UNIT FROM 6,000 SF TO 3,730 SF TO ALLOW A PROPOSED (3) STORY, 42-UNIT RESIDENTIAL APARTMENT BUILDING ON A 3.6 ACRE PARCEL LOCATED IN THE GC ZONING DISTRICT.

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.

SEE ATTACHED LETTER OF INTENT

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.

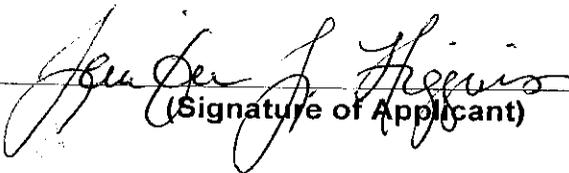
SEE ATTACHED LETTER OF INTENT

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

SEE ATTACHED LETTER OF INTENT

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.

SEE ATTACHED LETTER OF INTENT

X 
(Signature of Applicant)

STATE OF NEW YORK) ss:
COUNTY OF MONROE)

Sworn to me this 8TH day of JULY, 2016

MICHAEL A. SIMON
Notary Public, State of New York
No. 01S16236902
Qualified in Monroe County
Commission Expires March 7, 2019


(Notary Public Signature)

BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

July 11, 2016

Zoning Board of Appeals
Village of Penn Yan
111 Elm Street
P.O. Box 426
Penn Yan, New York 14527

Attn: Lynn Duryea; Zoning Board of Appeals Secretary

Re: **Keuka Gardens**
Area Variance Request (Minimum Lot Area per Dwelling Unit)

2503

Dear Ms. Duryea:

The Keuka Gardens project is located along the west side of Brown Street Extension (NYS Route 14A). The purpose of this application is to request an area variance to reduce the minimum lot area per dwelling unit from 6,000 S.F. (as required per §202-16.C) of the Village Code) to 3,730 S.F. The proposed project site has an area of 3.6 acres. Therefore, the code currently allows for 26 dwelling units on the property. The Keuka Gardens project consists of 42 proposed residential apartment units in a 3-story proposed building. A reduction of the minimum lot area per dwelling unit from 6,000 S.F. to 3,730 S.F. is required to allow the 42 proposed residential apartment units.

For your consideration, we offer the following information in response to the four factors that the Zoning Board of Appeals must consider for area variance requests:

1. Explain why you will not comply with what your Village Code allows instead of this non-conforming concept.

This project proposes 42 new residential apartment units to be constructed on a 3.6 acre parcel. Per the Village Code, only 26 dwelling units are permitted on the subject parcel. In order for the proposed apartment project to be financially viable for Keuka Gardens, LLC, 42 units are desired. While the code allows for 26 dwellings units, only 14 are proposed on the first floor of the proposed apartment building. Therefore, the proposed 3-story building (which is allowed per the Village Code in the GC zoning district), will include a footprint area approximately 46 percent

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FAIRPORT, NEW YORK 14450
P: 585-377-7360
F: 585-377-7309
www.bmepc.com

less than would be required for the 26 dwelling units allowed per code on the subject parcel. As a result, the proposed project will include less disturbance from the proposed building envelope than is allowed by the code.

- 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.**

The requested variance will not cause an undesirable change in the neighborhood character, or any detriment to nearby properties. Three-story buildings are allowed in the Village Code within the GC zoning district and the first floor will only include 14 residential apartment units when 26 total units are allowed by the code.

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

The requested variance will not have an adverse environmental impact on the neighborhood. As mentioned above, the resulting disturbance from the proposed building footprint, which includes only 14 units on the first floor, will be much less than the 26 dwellings units allowed by the Village Code (Approximate 46 percent reduction in disturbance). Multi-family and 3-story buildings are allowed per code.

- 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.**

While the desire to construct 42 residential apartment units on the subject parcel rather than the 26 units allowed per code may be considered self-created; the variance request is minimal when considering the reduction in allowable building envelope disturbance through the construction of a 3-story building, which is allowed within the GC zoning district.

We look forward to our appearance before the Zoning Board of Appeals on July 25, 2016 to discuss this request. If you require any additional information prior to then, please contact our office.

Thank you for your consideration of this application.

Sincerely,
BME ASSOCIATES


Ryan T. Destro, P.E.

RTD

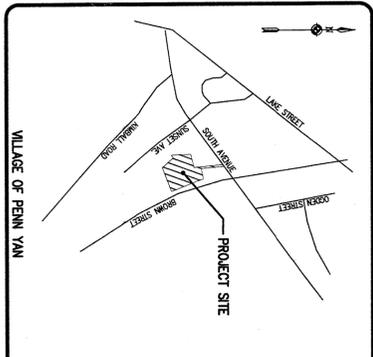
Encl.

c: Todd Goodwin; Keuka Gardens, LLC
Jenifer Higgins; Keuka Gardens, LLC
Joe Gibbons; SWBR Architects
Tim Zigarowicz; SWBR Architects

KEUKA GARDENS
(Photo Exhibit of Similar Projects by Keuka Gardens, LLC.)





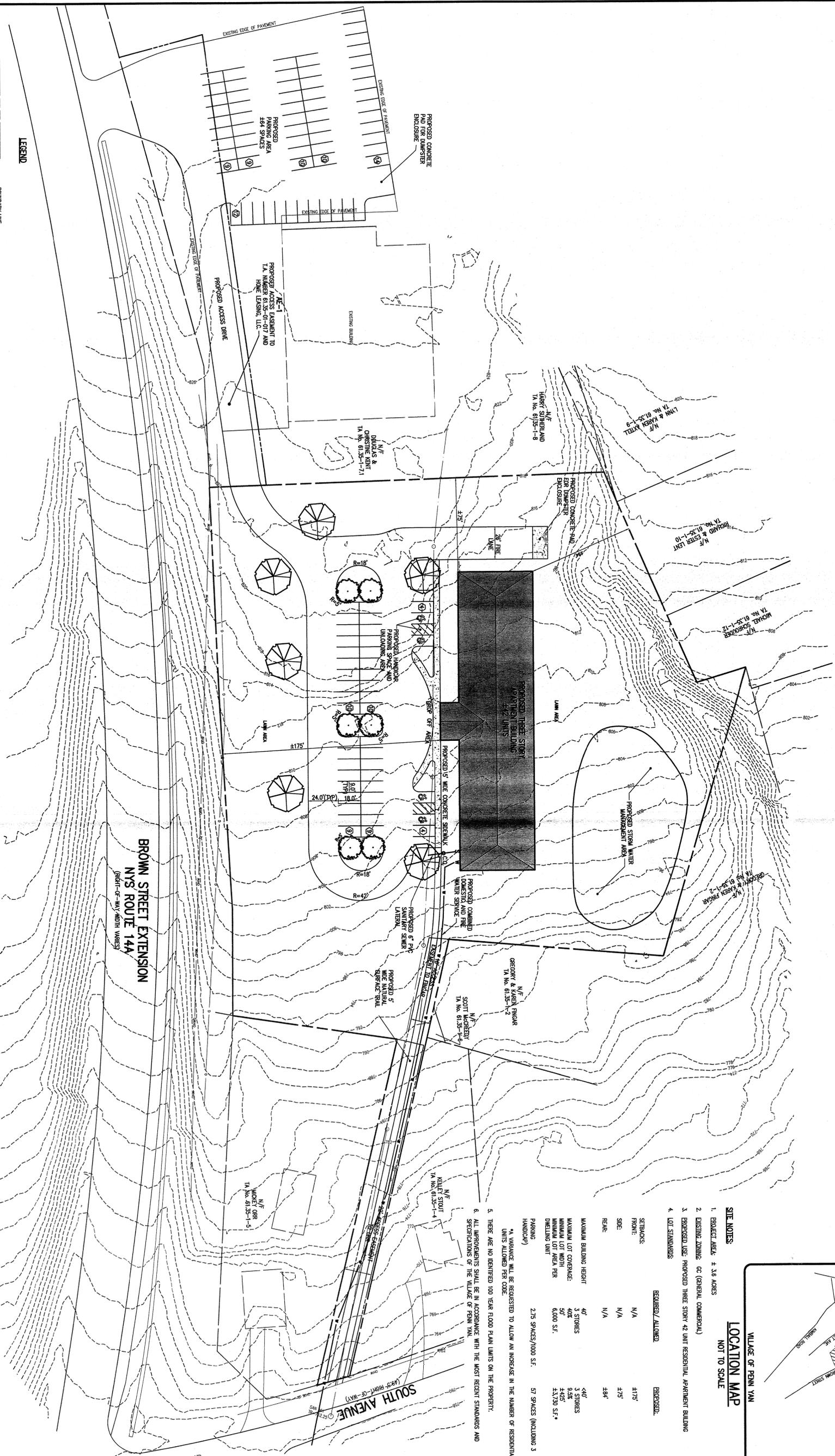


LOCATION MAP
NOT TO SCALE

- SITE NOTES**
1. PROJECT AREA ± 3.8 ACRES
 2. EXISTING ZONING: GC (GENERAL COMMERCIAL)
 3. PROPOSED USE: PROPOSED THREE STORY 42 UNIT RESIDENTIAL APARTMENT BUILDING
 4. LOT STANDARDS

REQUIRED/ALLOWED	EXISTING
SETBACKS:	
FRONT:	N/A
SIDE:	N/A
REAR:	N/A
MAXIMUM BUILDING HEIGHT:	40'
MAXIMUM LOT COVERAGE:	3 STORIES
MINIMUM LOT WIDTH:	9.5%
MINIMUM LOT AREA PER DWELLING UNIT:	40%
PARKING:	50'
HANDICAP:	6,000 S.F.
	275 SPACES/1000 S.F.
	57 SPACES (INCLUDING 3 HANDICAP)

5. THERE ARE NO DERIVED 100 YEAR FLOOD PLAIN LIMITS ON THE PROPERTY.
6. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE MOST RECENT STANDARDS AND SPECIFICATIONS OF THE VILLAGE OF PENN YAN.



LEGEND

- BOUNDARY LINE
- PROPOSED LOT LINE
- CENTRAL LINE
- SETBACK LINE
- PROPERTY MARKER FOUND
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE



GRAPHIC SCALE
(IN FEET)
1 Inch = 40 Ft.

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BME Associates

PROJECT MANAGER	A. SNEDECOK
PROJECT ENGINEER	RT. DESTINO
DRAWN BY	AS. SPENCER
DATE ISSUED	JULY 2016
PROJECT NO.	2503
DRAWING NO.	01

PROJECT	KEUKA GARDENS
LOCATION	VILLAGE OF PENN YAN, TOWN OF MILO, YATES COUNTY NEW YORK
CLIENT	KEUKA GARDENS, LLC. 180 CLINTON SQUARE ROCHESTER, NEW YORK 14604
DRAWING TITLE	CONCEPTUAL DEVELOPMENT PLAN



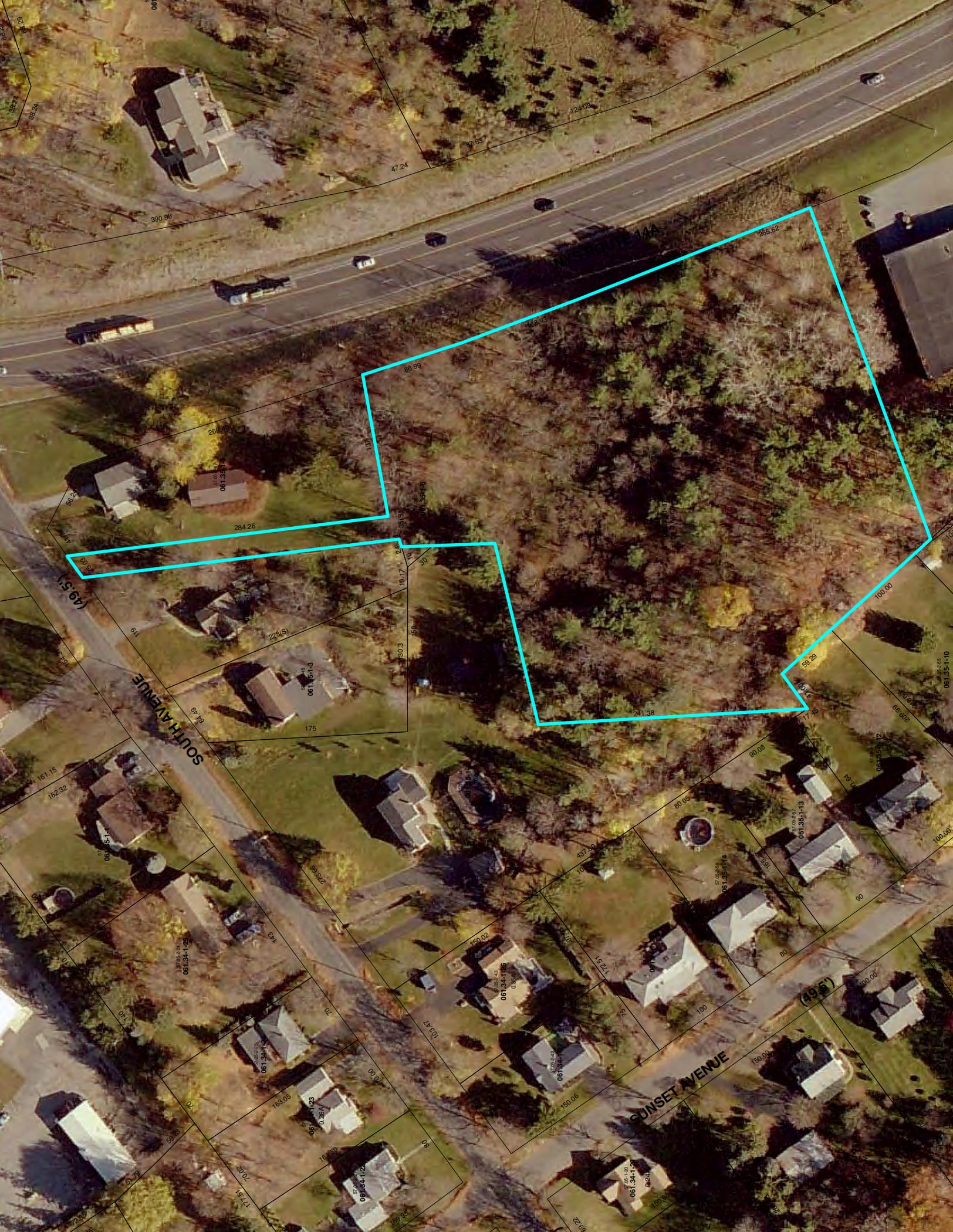
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FAIRPORT, NEW YORK 14450
WWW.BMEPC.COM

PHONE 585-377-7360
FAX 585-377-7309

NO.	REVISIONS	DATE	BY
7			
6			
5			
4			
3			
2			
1			

Drawing Attention
The following is an excerpt from the 14c Section 7209 and applies to this drawing. It is the responsibility of the person, unless it is acting under the supervision of a registered professional engineer or land surveyor, to determine the accuracy of any information used in this drawing. The drawing engineer or land surveyor shall be held responsible for the accuracy of the information shown on this drawing. The drawing engineer or land surveyor shall be held responsible for the accuracy of the information shown on this drawing, and a specific description of the information.



(49.5')

SOUTH AVENUE

SUNSET AVENUE

(49.5')

061.35-1-3

061.35-1-3

061.35-1-3B

061.35-1-4

061.35-1-4

061.35-1-13

061.35-1-10

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