



Yates County Planning Board Referral Form

Referral # 2017-1
County Use Only

Date Received 12/20/2016

Revised 1/2014

Municipality and Referring Agency Penn Yan ZBA

Project Address 200 Walnut Street

Project Tax Map # 49.60-1-60

Zoning District R-1

Applicant (Name & MAILING) Walnut Penn Yan LLC

PO Box 211, 31 Westgate Ave, Akron, NY 14001 Email

Property Owner (Name & MAILING) ODS Management inc.

Same 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

Reduce lot/use density from 10,500 sf/unit to
3,977 sf/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

*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.

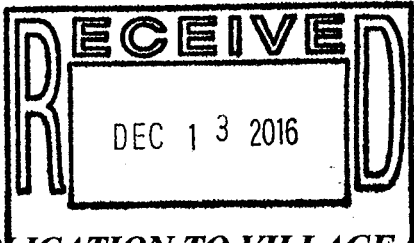
Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*

 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-19-16
DATE 12-13-16

APPLICATION TO VILLAGE OF PENN YAN ZONING BOARD

FOR: SIGN VARIANCE AREA VARIANCE

Permission for on-site inspection for those reviewing application: Yes

I (we) Walnut Penn Yan LLC, of PO Box 211, 31 Westgate Avenue
(Name of Applicant) (Mailing Address - Street)

Akron, New York 14001
(City) (State and zip code)

PHONE NUMBERS _____ 716-542-3030 _____
(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; November 29, 2016.

1. LOCATION OF THE PROPERTY 200 Walnut Street
(Street and Number)
R-1 Residential District 049.60-1-60
(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 202-12C

3. A PREVIOUS APPEAL () Has () Has not been made with respect to this property. (X) Unknown
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
To reduce lot/unit density to 3,977 sf/unit whereas 10,500 sf/unit is allowed by code.

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.

The site configuration allows for a new building within the setbacks and in a relatively unused area of the facility. Also, the spirit of the ordinance is upheld given we propose to build a community room, patio and playground for tenant use while still maintaining open spaces.

- 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.

We believe the request will not change the neighborhood character or be detrimental to neighboring properties.

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

We contend that, by constructing the proposed building with its appurtenances, we will enhance stormwater management in the immediate area around the proposed building, thereby enhancing environmental impacts on neighboring properties to the southeast.

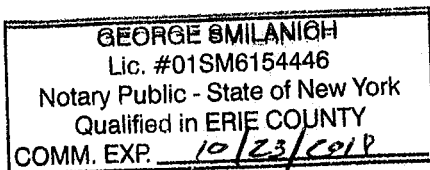
- 4.) Describe what evidence you have this variance request is not a self-created need by showing what contributing factors prevent you from doing what is *permitted* in the Penn Yan code book.

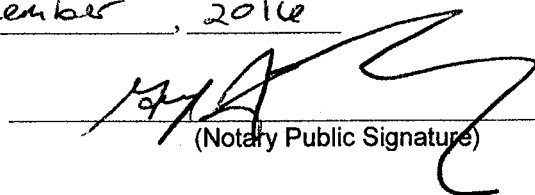
The request is self-created, but it is done so in order to address the need for more affordable rental housing in Penn Yan as indicated by the long waiting list at Walnut Hill Apartments and a market study showing un-met demand from hundreds of households.

X 
(Signature of Applicant)

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

Sworn to me this 9 day of December, 2016




(Notary Public Signature)



WALNUT PENN YAN LLC

P.O. BOX 211 AKRON, N.Y. 14001

Phone: 716-542-3030 / FAX: 716-542-2111 / TOLL FREE: 1-888-542-3031

TDD-NYS RELAY SERVICE ONLY: 1-800-662-1220



January 17, 2017

Ms. Michele M. Gee
Yates County Real Property/Panning Dept.
Senior Account Clerk Typist
417 Liberty Street, Suite 1093
Penn Yan, NY 14527

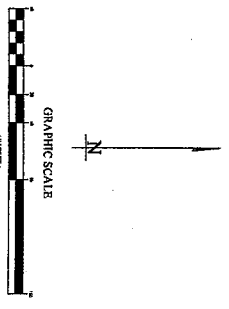
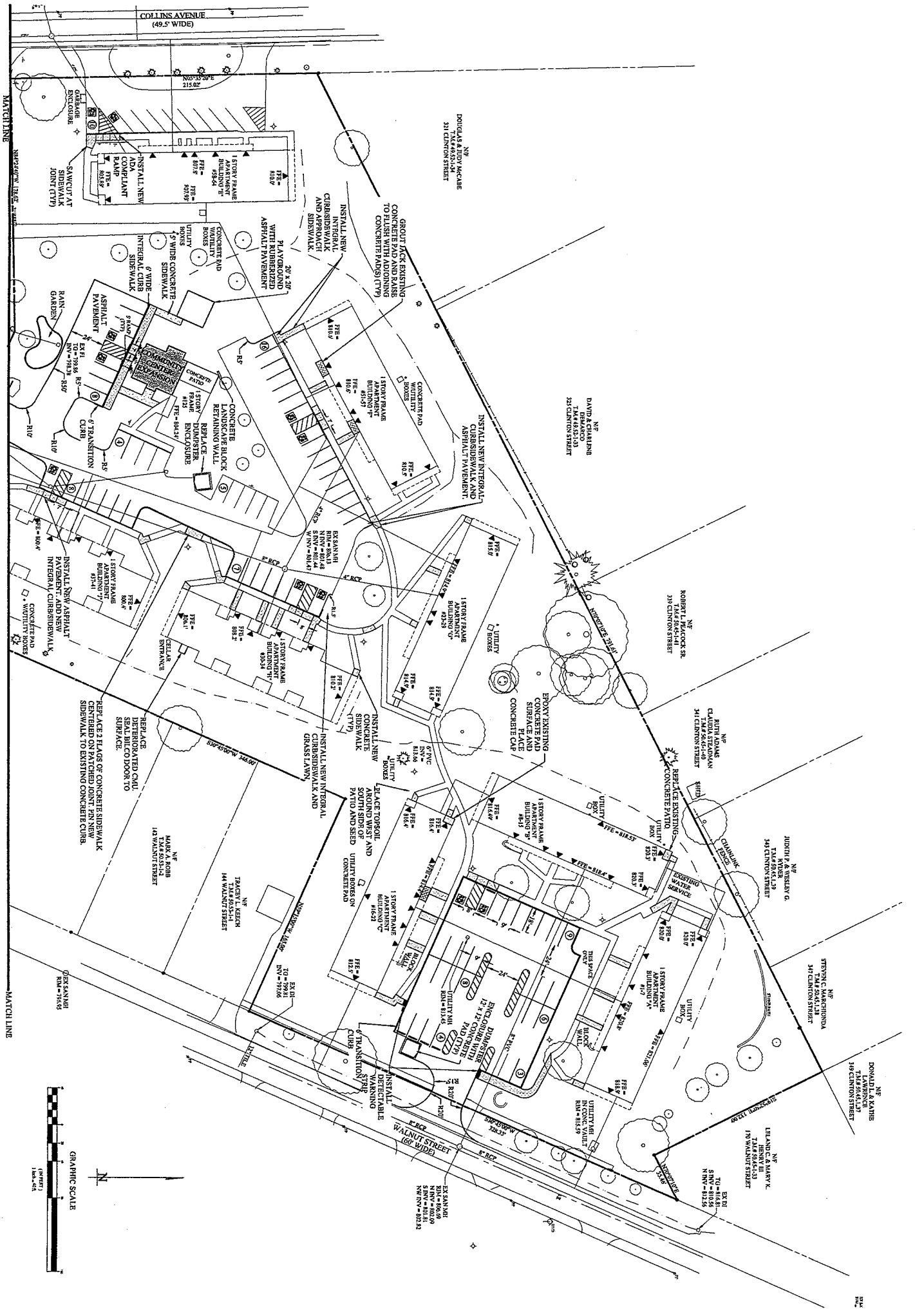
Re: Walnut Hill Apartments (200 Walnut Street, Penn Yan, NY) – Variance Request

Dear Michele:

Joseph Ardieta from Vanguard Engineering PC, Kristina Rogers from KLR Consulting LLC and myself will be present for the Yates County Planning Board meeting on January 26, 2017 at 7:00PM. Joseph Ardieta and Kristina Rogers are consultants for Walnut Penn Yan LLC and are authorized to speak on our behalf.

Sincerely,

Neil Hourihan



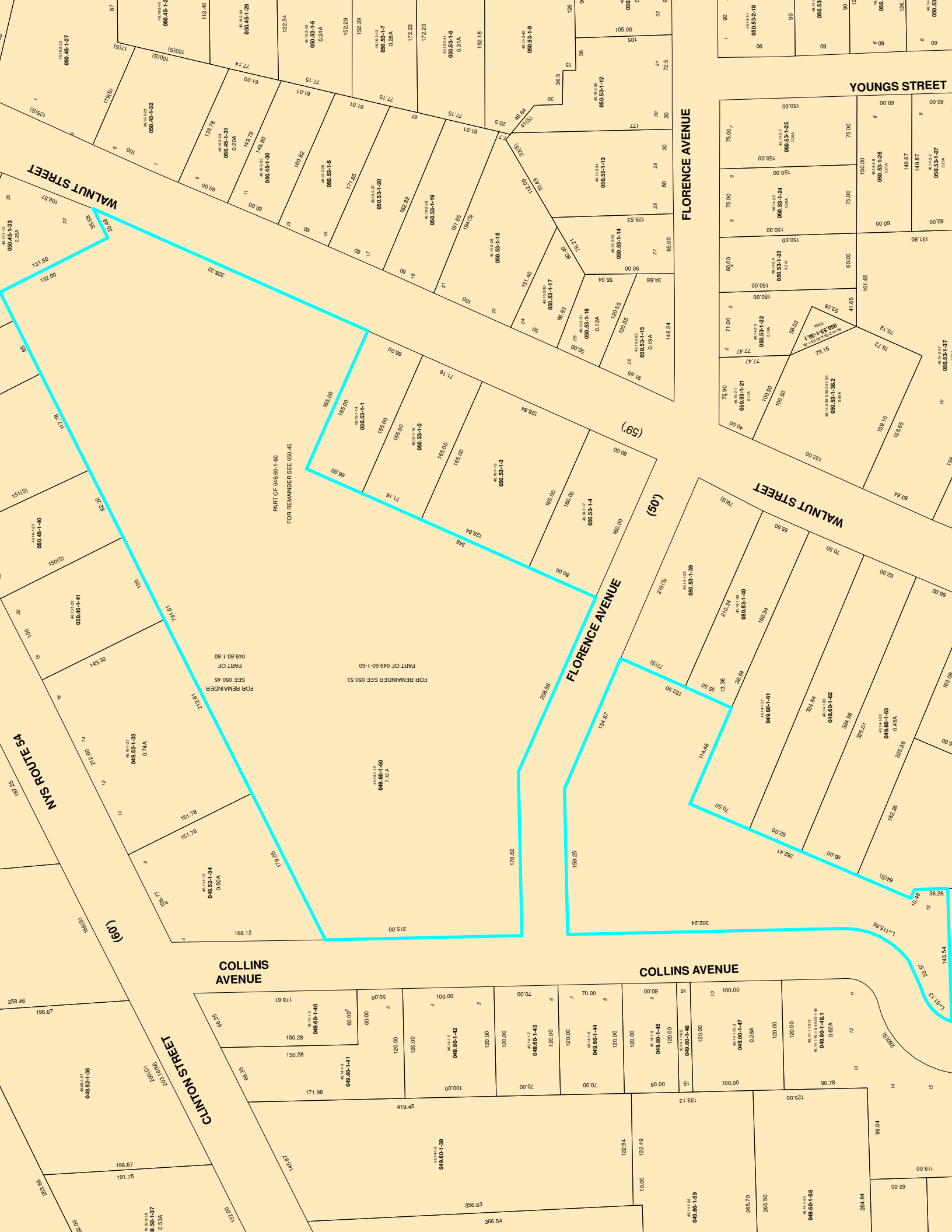
THIS PLAN IS UNLAWFUL TO BE USED FOR CONSTRUCTION UNLESS IT IS APPROVED BY THE ENGINEER OF RECORD. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE ENGINEER OF RECORD. NOT FOR CONSTRUCTION.

Client	WALNUT PENN YAN LLC PO BOX 211, 51 WESTGATE AVE, AKRON NY 14601
Project	WALNUT HILL SITE REVISIONS 200 WALNUT STREET, PENN YAN NY 14527
Drawing	SITE & UTILITY PLAN NORTH
Sheet No.	4 OF 10
Drawing No.	C21

Scale	1" = 30'
Date	12/02/2016
Job No.	201613
Designed by	JCA
Drawn by	JMK
Checked by	JCA
Approved by	JCA
Drawn	JMK
Checked	JCA
Approved	JCA
Revisions	REVISIONS



VANGUARD
Engineering PC
241 Castlebar Road, Rochester New York 14610
585-427-0000 phone and facsimile
www.VanEng.com





WALNUT STREET

FLORENCE AVENUE

YOUNGS STREET

WALNUT STREET

FLORENCE AVENUE

COLLINS AVENUE

COLLINS AVENUE

CLINTON STREET

M/S ROUTE 34

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