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PO Box 426, 111 Elm Street  
Penn Yan, New York 14527  
Phone 315-536-3015  
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villageofpennyan.com

## Zoning Board of Appeals Meeting Agenda

Village of Penn Yan, 111 Elm Street, Penn Yan, Room 202  
Tuesday, May 28, 2024 at 7:00 p.m.

Steve Owens, Chair  
Jeff Francis  
Arthur Pike

Gary Reagan  
Barbara Stewart  
Bruce Gleason, Alternate

Kevin McCloud, Trustee  
James Marshall, CEO

1. Call to order, roll call, report quorum.
2. Approval of the minutes from the [April 29, 2024 meeting](#).
3. Applications for consideration.
  - a. Gregory Griffin requests a use variance for 119 Benham Street – proposes new construction of a 60' x 100' building that will provide storage and retail sales of animal feed and bagged ice. Retail businesses are not a permitted use in a General Residential District.
4. Adjourn.

# Use Variance Application

## Village of Penn Yan – Zoning Board of Appeals

Application type  Use Variance

### Property Information

Address 119 Benham st. Penn Yan NY 14527  
Tax ID 49.67-2-72 Zoning District Penn Yan

### Applicant Information

Name Gregory Griffin  
Address 2918 E Sherman Hollow Rd  
Phone 315-521-2902 Email greggriffin14527@yahoo.com

### Property Owner Information

Name Harry K Griffin (Deceased)  
Address 128 Garfield Ave. Penn Yan NY  
Phone N/A Email N/A

I (we) hereby appeal for a variance to the Village of Penn Yan code as a result of a denial for zoning compliance received from the Code Enforcement Officer, dated April 4, 2021. The code(s) that prevented a building permit from being issued is Section 202 – \_\_\_\_\_.

### Describe the proposed project and request for variance.

Rebuild pole barn style Building in same foot print as previous Building that burned. 60' x 100' Building with 2 walk-in Freezers, Production Room for Ice + storage/Tool/work Room to Repair Equipment.

### Benefit to Applicant. Describe how the requested variance would benefit the project.

we would be able to reopen sales of Ice to Public, and Animal feed Provide sustainable funds to support family.  
we have All required Equipment except Building + Ice Machines, it would have freezer locker Rental, Mobile Freezer Merchandiser, Bagged + Bulk Ice, Bulk Freezer Rental Available to the Public.

Applicants for a Use Variance must demonstrate to the Zoning Board of Appeals that applicable zoning regulations and restrictions cause unnecessary hardship. The following criteria must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit. Below please briefly describe how each of the four variance criteria are met. Attach supporting materials.

Continued ->

**Demonstration of Hardship.** Describe how a reasonable return cannot be realized, demonstrated by competent financial evidence.

Business averages approx \$33,000 a year with out this income it would be very difficult. This is all the knows + was raised in the business. Already Invested \$45,800 into Replacing Equipment needed, + Prep for new building

**Unique Circumstances.** Describe how the alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.

the fire took out our warehouse only, didn't affect surrounding properties.

**Character of Neighborhood.** Describe whether the requested variance will alter the essential character of the neighborhood.

Shouldn't affect surrounding Neighborhood. But will provide close purchasing of Ice + freezer Rental.

**Not Self-created.** Describe how the alleged hardship is not self-created.

warehouse burned due to unknown Cause. and was led to believe Rebuilding would not be a problem

**Signature and Verification**

The applicant hereby states that all information given is accurate as of the date of the application. The applicant, if not the owner of the property, hereby swears that this application is made with the informed knowledge and consent of the owners.

Begoy J. Griffin  
Signature of Applicant

5/5/24  
Date

The property owner hereby states that all information given is accurate as of the date of the application and gives permission to the applicant to submit to the Village of Penn Yan Zoning Board of Appeals on their behalf.

Begoy J. Griffin  
Signature of Property Owner

5/5/24  
Date

# Use Variance Application

to the Village of Penn Yan

## Zoning Board of Appeals

All applications must be completed with as much detail as possible and include a survey map of the property (aka plat map or property map). For a copy of your survey map visit Yates County Public Records. The ZBA meet on the last Monday of the month (barring holidays) at 7:00 p.m. The deadline for application submission is variable and dependent on the circumstances of the request. The Office of Zoning and Building Inspection can confirm when your appeal will be heard at the time of submission.

### Use Variance Requirements

- Submit a completed application.
- Include a completed Short Environmental Assessment Form: Part 1 Project Information (SEQR)
- Include a survey map of the property with the details of your request, photos and other applicable materials.
- Include Notice of Denial issued by the Office of Zoning and Building Inspection.
- Include the application fee of \$50, checks made payable to the Village of Penn Yan.

# 250

PAID  
5/7/24  
\$250

### Three Most Frequent Reasons for Variance Denial

**First**, practical difficulty was not shown, or even though it was shown, there is some means other than a variance available to the applicant to address the problem. These variances are denied because they are not considered to be necessary.

**Second**, even though practical difficulty was shown, a variance will be denied if the impact of the requested variance upon the neighborhood or surrounding properties would be too great. This board is required to take into account the good of the Village as a whole and not grant an individual relief if the common good would be impacted.

**Finally**, variances are generally denied if the practical difficulty shown is not unique. The board is required to determine whether the difficulty is unique to a given property or to circumstances peculiar to that property. State law prohibits the board from approving a variance if an applicant cannot establish their difficulty is unique. The rationale for this limitation is that the granting of variances to address difficulties which are common to a given region or type of use, amounts to actually changing the zoning law one variance at a time. The proper legal procedure in such a case is not a variance, but a request to change the law; a request this board cannot act upon. Regrettably the Zoning Board of Appeals sometimes finds an applicant to have a legitimate concern, but is nonetheless compelled to deny the requested variance because the described difficulty is not sufficiently unique.

Applicant Name \_\_\_\_\_

Appeal No. \_\_\_\_\_ Date \_\_\_\_\_

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <b>Rebuild + Reopen H.K. Griffin + Son Ice<sup>Animal feed sales</sup> business</b>			
Project Location (describe, and attach a location map): <b>119 Benham st.</b>			
Brief Description of Proposed Action: <b>Build Pole barn style Building 60' x 100' in same footprint as old Building that burned. Insert 2 walk-in freezers with lockers to rent + construct room to produce + package ice to sell to public, as well as animal feed, + Dry Ice</b>			
Name of Applicant or Sponsor: <b>Gregory Griffin</b>		Telephone: <b>315-521-2902</b>	
Address: <b>2918 E. Sherman Hollow Rd.</b>		E-Mail: <b>greggriffin14527@yahoo.com</b>	
City/PO: <b>Penn Yan</b>		State: <b>NY</b>	Zip Code: <b>14527</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>  .36  </u> acres	
b. Total acreage to be physically disturbed?		<u>  .14  </u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>  1.61  </u> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: <u>Drainage Tile was installed during clean up process</u> <u>Routing to storm drain on property</u>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>Gregory J Brisson</u> Date: <u>5/5/24</u> Signature: <u>Gregory J Brisson</u> Title: <u>owner</u>		

letter

From: griffin607m@aol.com (griffin607m@aol.com)

To: khammond0966@yahoo.com

Date: Wednesday, April 3, 2024 at 05:49 PM EDT

To Whom it may concern,

The letter is to verify that I, Michael Griffin am the sole executor of the estate of Harry K. Griffin last residing at 128 Garfield Ave. Penn Yan NY. Also that I have examined the will of Harry K. Griffin and can state the Gregory Griffin is the sole and rightful heir of the property located at 119 Benham St. in Penn Yan NY.

Sincerely,

Michael E. Griffin  
9669 Frog Hollow Rd.  
Painted Post NY. 14870  
607-936-6636



In September of 1979 Harry K Griffin opened his business, Harry K Griffin and Sons, at 119 Benham St. Penn Yan, NY.

Harry and his son has occupied this location making and selling bagged Ice and Ice blocks to the community as well as animal feed. This business was in full operation until the warehouse fire on May 12, 2022. The fire cause was deemed as non-arson and unintentional by the Fire investigators.

Prior to the fire, "Griffin's Ice" produced and sold ice to local small businesses in Penn Yan, Dundee, Branchport, and surrounding areas. We had bulk freezer storage that was utilized by The Spotted Duck Custard in Dresden for ice cream storage, Dr. Frank Konstantin Winery in Hammondsport for grape freezing for their "Frozen" wine, The Liberty Restaurant so they could stock up on fish and chicken when there was a shortage and major price increase about to happen. We were also able to help Family Dollar when their coolers broke down so they wouldn't lose stock, as well as emergency tatar tot storage for Smokin Petes BBQ when a concert that he was going to set up his BBQ truck was canceled. We had several storage lockers for rent to the public so they could store bulk meat and items for a lesser cost than personal home freezer.

We also had a portable merchandiser that was on a trailer for rent. We would fill it with the ice that you wanted and drop it at your location for use for the time period that you wanted, then pick it up after you were done. We have insulated pallet covers so we can deliver pallets of ice an extended distance with minimal melting.

Since the fire, Hillside Ice has been covering our current customers but they are at risk of being dropped because they are too small and don't sell enough by Hillside's standards. The owner of Hillside keeps inquiring as to when we will be reopening because he doesn't want or need their business. We were also able to make last minute deliveries which Hillside also doesn't do.

Our customer base prior to the fire:

Branchport:

Branchport Hardware  
Crooked Lake Mercantile  
North End Marina  
Basin Park Marina

Penn Yan:

Indian Pines  
Lakes Gas  
Camp Cory  
Morgan's Grocery  
J & S Liquor

**Morgan Marine  
Oak Hill Bulk Foods  
Sugar Creek Bulk Foods  
Yates County Fair  
Windmill Venders  
Haiti Benefit Auction  
Playland Amusements – Fair Rides**

**Others:**

**The Crossing Diner, Dundee  
Back Acres Campground, Himrod  
Children with Special Needs Finger Lakes Benefit Auction  
Geneva Community Commerce Garlic Festival  
Geneva Business Improvement Wine Tasting**

**Acquired since Fire - Abarrotes Ortiz – Wants to increase stock and use a merchandiser**

**Potential after reopening – Quackenbush Hwd – Hall – Wants merchandiser**

**Since the fire we have been purchasing needed equipment to reopen because we were unaware of the re-zoning in that area. We have been paying the taxes at full value due to a new appraisal not being done without the warehouse. We already have required electric to our pole on the lot which will supply the warehouse, as well as water to the building sight was never shut off. During the clean-up process new drainage pipes were put in to assist with pervious standing water issues, and many small trees were removed to also help with standing water and to improve the looks of the property. We do not for see any more required electric or water than we used before the fire. We want to build on the same footprint as the last building only not as big. We don't expect any added traffic in the area than before as we do most of our business as a delivery service. For any customers we have there is ample space to accommodate all that come as we are a stop and go type place not a shopping store where a parking lot is needed. We would only have a few vehicle at a time.**

**We have purchased a van that will be insulated so that we can deliver the ice with instead of just in the back of a pickup. This will allow us to deliver further distances and further reduce melting, even more than just using our pallet covers. This will also increase our availability to deliver in more than one direction at once increasing our delivery services.**

**Ultimate goal of rebuilding is to continue a family business of selling Ice, renting our mobile merchandiser, increase sales of the Non-GMO animal feed and bulk**

freezer storage to the Village of Penn Yan businesses, local residences, and yearly visitors. We would also like to add Dry Ice to our services as the closest locations are in Rochester, Syracuse or Elmira.

No one else in this area has bulk freezer rental, freezer locker rental, dry ice, or mobile ice merchandiser rental, or emergency ice deliveries.

Greg has lived in Penn Yan his whole life and his wife to be was born and raised in Penn Yan. Even though she left to join the Air Force, she return after several years of living Bath. Her heart has always been in Penn Yan. Greg's primary income has been in this business and would be devastated to lose not only his income but his family's legacy. He is a kind man that is willing to help anyone out that needs it. He works hard and supports the local businesses. He believes in living here, working here and buying here. This community started with small business and we should support them.





56  
37385-97100

60  
11.2 A(C)  
37414-97095

23  
37440-97088

55  
37391-97088

53  
37407-97088

24  
37438-97082

54  
37390-97082

52  
37397-97082

32

51  
37398-97074

50  
37398-97073

47  
1.5A(C)  
37416-97084

49  
37400-97065

48  
37401-97080

CENTRAL

42  
37433-97059

46  
37404-97061

45  
37408-97047

43  
37422-97048

44  
37408-97044

LEFFERT'S LANE

38  
37411-97040

39  
37428-97041

25  
37441-97041

37  
37415-97036

26  
37439-97038

40  
37427-97035

ALLEY

36  
37412-97027

33  
37414-97027

34  
37415-97024

35  
37427-97028

27  
37438-97023

28  
37444-97024

WAGENER COURT

33  
37399-97017

31  
37419-97016

30  
37428-97017

29  
37434-97022

32  
37387-97013

36  
37396-97008

35  
37402-97010

34  
37408-97011

ELM

EAST

STREET

STREET

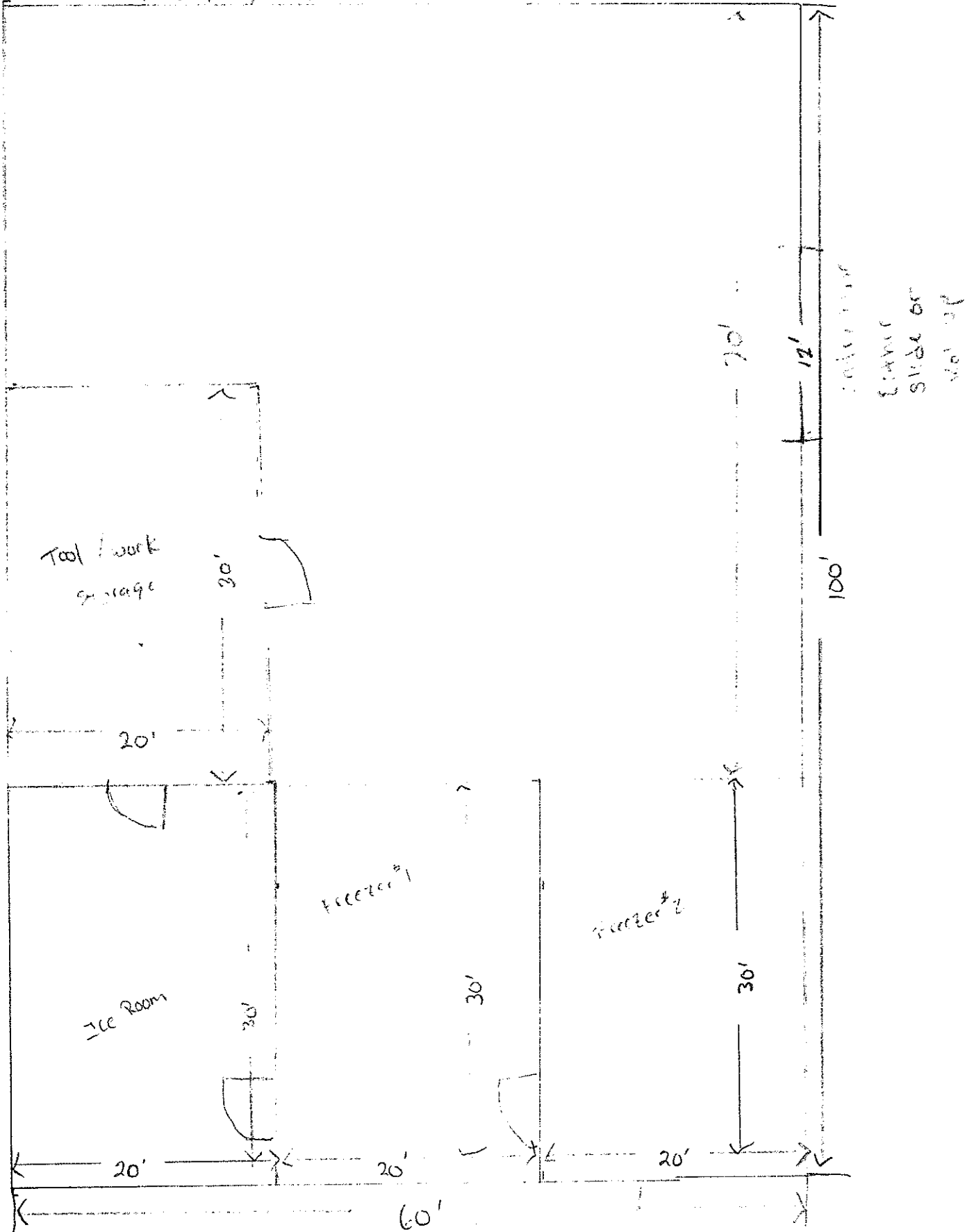
HAMILTON PLACE (66')

Total Sq/FT = 6,000

Interior Structure 30%

Freezer Sq/F = 1,200

Production/Storage Sq = 6,000





PENNSYLVANIA RAILROAD CO.

$S 27^{\circ} 55' E$   
108.63'

C. OF R. R. SIDING

$1072.57' S 75^{\circ} 58' W$   
I.P.

JOSEPH BARONE

$N 73^{\circ} 37' E$   
86.36'

88.80'

SHED

VINEYARDIST'S INC.  
WINE CELLAR

87.60'

A RIGHT OF WAY *chance*

1.00'

15.90'

$49.33' N 13^{\circ} 30' W$

2140'

GARAGE

2030'

I.P.

1.00'

00.30'

$N 73^{\circ} 37' E$

165.00'

I.P.

263.83'

$N 13^{\circ} 30' W$

85.31'

2100'

2420'

2100'

283.32'

$N 77^{\circ} 24' E$

SUBJECT TO

219.4'

$S 77^{\circ} 24' W$

I.P.

1002'

I.P.

MARY FLETCHER

TO S.E. CORNER OF CLINTON AND BENHAM ST. -

ST

BENHAM

*Village of Penn Yan*



*on Keuka Lake*

*Office of Zoning  
and Building Inspection*

PO Box 426, 111 Elm Street, 2<sup>nd</sup> floor  
Penn Yan, New York 14527  
315-536-6397 • [villageofpennyan.com](http://villageofpennyan.com)

April 4, 2024

Mr. Gregory Griffin  
2918 East Sherman Hollow Road  
Penn Yan, NY 14527

Dear Mr. Griffin:

Re: Parcel ID 49.67-2-72

The building permit application recently submitted for new construction of a pole barn intended for storage of animal feed and bagged ice for retail at 119 Benham Street in the Village of Penn Yan, NY has been denied. This property is zoned as General Residential (R-2).

The reason for the denial is due to the proposed use, a warehouse and retail facility is not an allowed use in the district R-2. For your reference, the Village of Penn Yan Use Regulation Table from Chapter 202 Zoning is enclosed.

If you would like to appeal my decision, this may be done through the Zoning Board of Appeals (ZBA). Please contact ZBA secretary, Katie Tomlinson for further instruction on applying for a use variance, if you so choose.

Respectfully,

James Marshall III  
Code Enforcement Officer

Enclosure

# ZONING

## 202 Attachment 1

### Village of Penn Yan Chapter 202, Zoning Use Regulation Table

[Amended 10-19-1999 by L.L. No. 8-1999; 6-24-2003 by L.L. No. 3-2003;  
9-28-2004 by L.L. No. 4-2004; 4-19-2011 by L.L. No. 9-2011; 10-15-2013 by L.L. No. 3-2014; 9-17-  
2019 by L.L. No. 12-2019; 1-18-2022 by L.L. No. 2-2022; 11-15-2022 by L.L. No. 12-2022; 1-17-2023  
by L.L. No. 1-2023; 5-16-2023 by L.L. No. 5-2023]

Key to Abbreviations:  
P = Permitted  
S = Special use permit required  
No Letter = Not permitted

**Districts:**

- |   |   |
|---|---|
| R-1 = Single-family residential               | PR = Planned Residential                                |
| R-2 = General Residential                     | PB = Planned Business                                   |
| R-2L = General Residential-Limited            | WSC = Water Street Corridor (Overlay District)          |
| RT = Residential Transition                   | LSC = Lake Street Corridor (Overlay District)           |
| VC = Village Center                           | WLS = Waterfront Side of Lake Street (Overlay District) |
| GC = General Commercial                       | SLS = South Side of Lake Street (Overlay District)      |
| WDC = Waterfront Development and Conservation |   |
| I = Industrial                                |   |

Type of Use	District													
	R-1	R-2	R-2L	R-T	V-C	G-C	WDC	I	P-R	P-B	WSC	LSC	WLS	SLS
<b>Residential Uses</b>														
Clustered project		P		P	P	P	P		P			P	P	P
Detached 1-family dwelling	P	P		P			P		P					
Semidetached 1-family dwellings	P	P		P			P		P					
2-family dwelling		P		P			P		P					
Multifamily dwelling		P		P	P	P	P		P			P		
Bed-and-breakfast	P	P		P	P	P	P		P			P	P	
Inn				P	P		P					P	P	P
Boardinghouse				P	P									
Dwelling unit above first floor business				P	P	P	P				P	P	P	P
Townhouse		P		P	P		P							



PENN YAN CODE

Type of Use	District													
	R-1	R-2	R-2L	R-T	V-C	G-C	WDC	I	P-R	P-B	WSC	LSC	WLS	SLS
Senior citizen housing	P	P	P	P	P	P	P		P			P		
Manufactured home		S		S										
Manufactured home park		S												
Clustered senior citizen housing			P											
<b>Residential Accessory Uses</b>														
Accessory use and structure use customarily incident to any of the uses mentioned herein, and on the same lot; e.g., garages, garden sheds	P	P		P	P	P	P	P	P	P		P	P	P
Accessory use and structure use customarily incident to any of the uses mentioned herein, and not on the same lot	P	P		P	P	P	P	P	P	P				
Antennas less than 3 feet in diameter	P	P		P	P	P	P	P	P	P	P	P	P	P
Antennas more than 3 feet in diameter	P	P		P	P	P		P	P	P	P			
Home occupation	P	P		P		P	P						P	
Parking lot, private				P	P	P	S	P	P	P		P		
Solar collector or reflector	P	P		P	P	P	S	P	P	P	S	S	P	S
Wind energy/conversion system	P	P		P	P	P		P	P	P			P	P
<b>General Uses</b>														
Cemetery	P	P						P						
Church or place of worship	P	P		P	P	P			P					
Cultural facility (library, museum, tourist attractions)	P	P		P	P	P	S		P	P		P	P	P

ZONING

Type of Use	District													
	R-1	R-2	R-2L	R-T	V-C	G-C	WDC	I	P-R	P-B	WSC	LSC	WLS	SLS
Day-care center	P	P		P	P	P	S		P	P		P		
Nursery School		P		P	P	P			P			P		
Government uses	P	P		P	P	P				P		P		
Group home	P	P		P	P	P								
Hospital	P													
Nonprofit club, membership		P		P	P	P								
Nursing and convalescent home	P	P		P										
Private/public schools	P	P		P	P	P			P					
Public parks and recreational uses	P	P		P	P	P	P	P	P	P				
Public utilities or transportation uses				P	P	P	P	P		P	P	P	P	P
Veterinary hospital	P	P		P	P	P		P	P	P				
<b>Industrial Uses</b>														
Contractor yard (and equipment)								P						
Manufacture, fabrication, extraction, assembly and other handling of material, including offices and showrooms. Showrooms may be included as an accessory use to a primary manufacturing use, provided that site plan requirements for off-street parking and signage are met						P	S	P		P	S	S	S	S
Research laboratories					P	P	S	P		P		P	P	P
Trucking terminals						P		P						
Warehousing and wholesale and retail distribution centers, including offices and showrooms					P	P		P		P				P

PENN YAN CODE

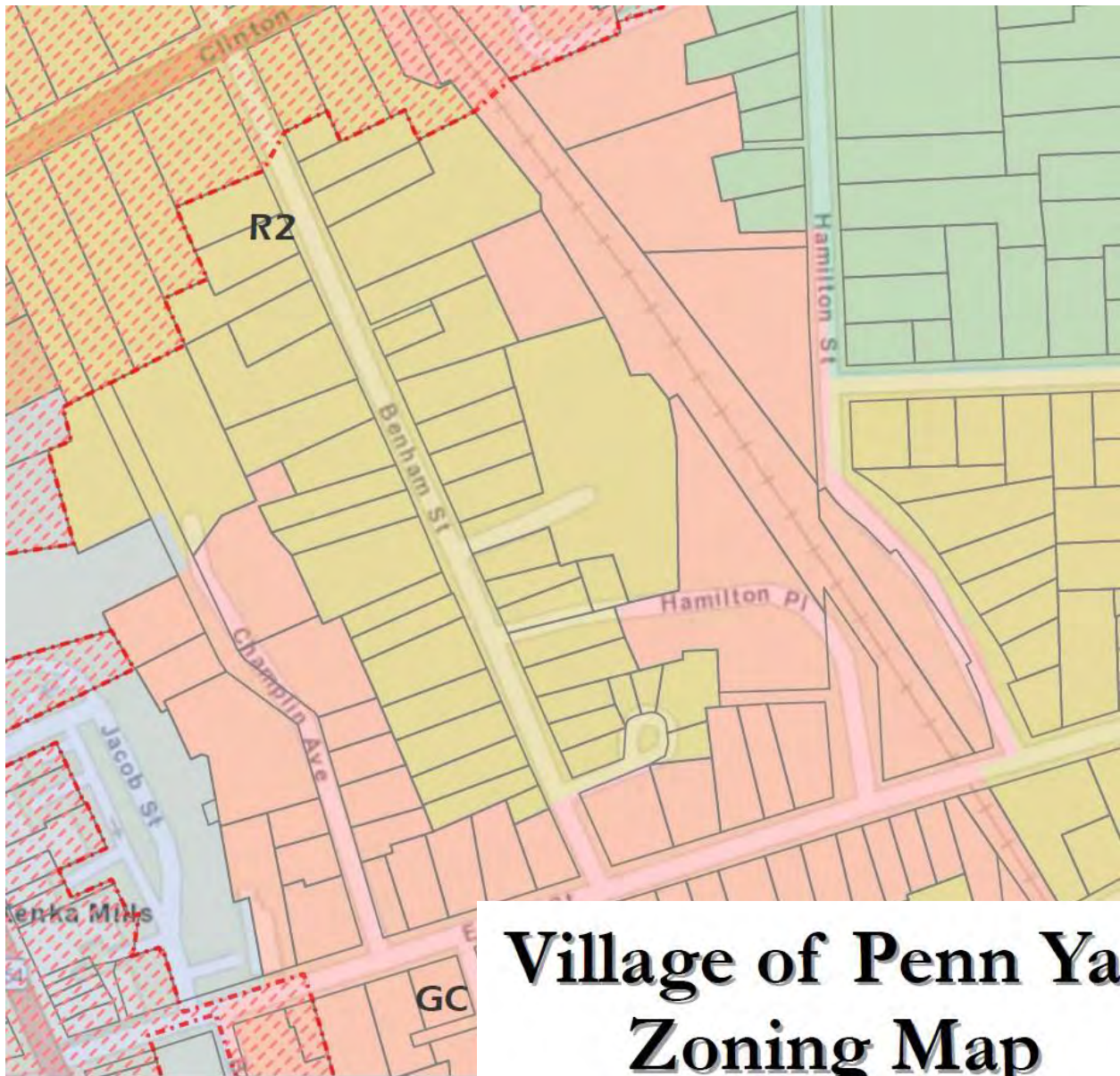
Type of Use	District													
	R-1	R-2	R-2L	R T	V C	G C	WDC	I	P R	P B	WSC	LSC	WLS	SLS
<b>Business Uses</b>														
Adult use						S		S		S		S	S	S
Amusement game center					P	P	S				P	P	S	P
Antique and craft shops					P	P	P	P			P	P	P	P
Art gallery					P	P	P				P	P	P	P
Artist loft							S				S	S	S	S
Bank, financial institution and automatic teller machine (ATM)					P	P	P	P		P	P	P	P	P
Bar/nightclub					P	P	P	P			P	P	P	P
Barber and beauty shops				P	P	P	P				P	P	P	P
Bowling alley					P	P		P				P	P	P
Building supply										P <sup>1</sup>				
Business and electronic equipment repair service				P	P	P		P		P	P	P	P	P
Cannabis product sales/dispensaries and on-site cannabis consumption facilities					S	S		S		S				S
Car wash					P	P		P					P	P
Commercial printing and photography										P				P
Drive-in uses					P	P		P					S	P
Dry-cleaning business					P	P		P						P
Funeral home	P	P		P	P	P								
Garage service/repair					P	P		P						
Gasoline filling station					P	P		P						
Gasoline/grocery service mart					P	P		P						
Grocery store				P		P				P <sup>1</sup>		S	S	P
General business office				P	P	P	P	P		P	P	P	S	P
Hotel and motel					P	P	P	P		P <sup>1</sup>		P	P	P
Newspaper and					P	P		P		P		P		P

## ZONING

Type of Use	District													
	R-1	R-2	R-2L	R T	V C	G C	WDC	I	P R	P B	WSC	LSC	WLS	SLS
publishing facilities														
Parking structure					P	P		P		P		P		P
Parking lot, commercial					P	P		P		P		P		P
Personal service establishment				P	P	P		P			P	P	S	P
Photographic processing and printing				P	P	P		P		P		P	P	P
Photographic studio				P	P	P	P				P	P		P
Professional offices				P	P	P	P			P	P	P	S	P
Professional office building; medical clinic				P	P	P	P			P	P		S	P
Repair shops, personal service					P	P		P			P	P	P	P
Restaurant, standard					P	P	P	P		P <sup>1</sup>	P	P	P	P
Retail businesses and other commercial uses other than listed above					P	P	S	P			S	S	S	S
Self-service laundry					P	P		P				P		P
Short-term rentals	P	P		P	P	P	P		P		P	P	P	P
Sport facility						P		P						
Theater					P	P		P				P		P
Vehicle sales (automobile, boat, recreational) and/or repair					P	P	S	P						S

**NOTES:**

<sup>1</sup> Permitted within a PB Zone only with the condition that the use be located on a lot, the boundary of which is within 500 feet of a state or county highway.



# Village of Penn Yan Zoning Map

## Legend

- Penn Yan Municipal Boundary
- Penn Yan Historic Zone
- Parcels
- Penn Yan Overlay Zones**
  - SLS-South Side of Lake Street
  - LSC-Lake Street Corridor
  - WLS-Waterfront Side of Lake Street
  - WSC-Water Street Corridor
- Penn Yan Base Zones**
  - R2-General Residential
  - GC-General Commercial
  - I-Industrial
  - R1-Single Family Residential
  - WDC-Waterfront Development & Conservation
  - RT-Residential Transition
  - VC-Village Center







Village of Penn Yan, NY  
Tuesday, May 7, 2024

## Chapter 202. Zoning

### Article X. Nonconforming Buildings, Uses and Lots

#### § 202-66. Continuation of nonconforming buildings and lots.

Any lawful building, structure or use of premises existing at the time of enactment of this chapter, or any subsequent amendment thereof, applying to such building, structure or use of premises may be continued although such building, structure or use of premises does not conform to the provisions of this chapter; provided, however, that:

- A. Nothing herein contained shall be construed to render lawful any use not lawfully conforming to provisions of the Village of Penn Yan Zoning Ordinance hereby repealed.<sup>[1]</sup>

[1] *Editor's Note: This chapter replaced former Ch. 80, Zoning, adopted 10-1-1962 by L.L. No. 4-1962, as amended.*

- B. No nonconforming use may be expanded.
- C. No nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance.

#### § 202-67. Discontinuance.

- A. Any building or land which is used for or occupied by a nonconforming use and which is changed to or replaced by a conforming use shall not thereafter be used for or occupied by a nonconforming use.
- B. When a nonconforming use has been discontinued for a period of two years, it shall not thereafter be reestablished, and the future use shall be in conformity with the provisions of this chapter.

#### § 202-68. Necessary maintenance and repairs.

A building or structure of nonconforming use may be repaired or restored to a safe condition except as specified in § 202-71.

#### § 202-69. Construction started prior to this chapter.

Any building or structure for which a building permit was issued prior to the effective date of this chapter, or any subsequent amendment thereof applying, may be completed and used in accordance with the plans and specifications for such building and structure.

#### § 202-70. Existing undersized lots.

- A. Any lot held in single and separate ownership prior to the adoption of this chapter and whose area is less than the specified minimum lot requirements of this chapter for the district may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:
- (1) Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
  - (2) Such lot has an area of at least 3,000 square feet and a minimum width of at least 40 feet at the required setback line if it is to be used for residential purposes.
  - (3) The following minimum yard dimensions are maintained for residences:
    - (a) Side yards: 10 feet.
    - (b) Rear yards: 15 feet.
    - (c) Front yards: 15 feet.
  - (4) No detached accessory building shall be located closer to a side lot line than three feet nor less than 10 feet to the residence building and is located behind the rear line of such residence building. No accessory building shall be located closer to the rear lot line than three feet if no easement is located along such rear lot line.
  - (5) All other bulk requirements for that district are complied with.
- B. In any district where residences are permitted, such undersized nonconforming lots may be used for not more than one single-family dwelling.

## § 202-71. Alterations.

A nonconforming building may not be renovated or structurally altered during its life to an extent exceeding in aggregate value 50% of the replacement cost of the building unless said building is changed to conform to the requirements of this chapter.

## § 202-72. Restoration or reconstruction.

Any building damaged by fire or other causes to the extent of more than 50% of its replacement value and not demolished shall be repaired or rebuilt within a nine-month period to conform to the building line of the original structure. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Code Enforcement Officer.

## § 202-73. Reduction in lot area.

A building permit shall not be issued for any lot that is reduced in area so that it creates a nonconforming bulk or use in violation of any regulations contained in this chapter.