

Village of Penn Yan Zoning Board of Appeals

Meeting Minutes May 24, 2021

111 Elm Street Main Board Room

7:00 pm

PRESENT: Steve Owens-Chairman, Art Pike, Barbara Stewart, Gary Reagan, Jeff Francis-alt, Kevin M'Loud-VB Liaison, Jamie Kincaid-Code, Lynn Duryea-Secy.

ABSENT: Ruth Davis.

PUBLIC PRESENT: Angelo Licciardello, Sal Licciardello, Teresa Hoban, Robert Hoban, Rich Stewart.

NEWS MEDIA PRESENT: None.



A MOTION by Art Pike and a **SECOND** from Gary Reagan to approve the March 29, 2021 minutes.

Art Pike – aye. Barbara Stewart – aye. Gary Reagan – aye. Motion carried.



FIRST ITEM: Application from Angelo Licciardello to allow a new duplex on a vacant lot (corner of Old Bath Rd and Hillcrest Dr - currently with no address) having less than the required 10,500ft² of building-lot space per dwelling unit.

A MOTION by Art Pike and a **SECOND** from Jeff Francis to bring the application to the floor.

Angelo and Sal Licciardello were present. Angelo explained they were in need of relief from the density control regulations to allow the duplex on a lot with 14,400ft². Jamie indicated his inspection of the lot showed it was more like 17,000ft² so the density relief required was going to be less. Angelo pointed out there were no other nonconforming issues with his duplex project. Chairman Owens asked Jamie if a duplex was an allowed use in the R-1 District and Jamie said it was, although the use regulation table currently conflicted with the narrative in the code book. He said a duplex was clearly an allowed use in the Residential Zone Chapter narrative.

Chairman Owens asked Jamie if the dwelling was made smaller would there still be a 10,500ft² per dwelling unit requirement. Jamie confirmed there would be, along with 40% greenspace which the lot currently did have at 17,000ft². The chairman referred to their ‘cannot realize a reasonable rate of return’ statement on the application asking if this was why they opted not to build a conforming, single-family dwelling. Sal said that was, in fact, the reason they could only build a two family there. Chairman Owens asked if he could explain that in numbers for the board. Sal stated he did not have that kind of information prepared since it was required for a use variance and not required for an area variance. Barbara asked what would they build the duplex for and if they would be removing trees. Angelo said the duplex would be affordable rental units and no trees would be removed but they would remove some stumps. The chairman asked if there were any other comments or questions. Teresa Hoban asked if they would be disturbing the creek that ran through the lot since it was important to storm water drainage in the area. She also asked how high the building would be and where the driveway would be located. Angelo said he was not aware of any changes to the creek and they had storm water drainage at the edge of the property. He said the driveway to the 3-story structure would be off of Hillcrest.

Jamie stated the height was conforming. Jeff Francis pointed out these site change and structure questions were planning board review considerations and the ZBA was only there to evaluated the density matter. Chairman Owens explained part of their role as the ZBA was to hear any concerns from the community. Teresa said she wanted to be on the record as a community member who was against putting the building on that lot because of its size and because of the creek that runs through the lot. She said she also had concerns about the number of cars that would be parked on that size lot as a result of 2 families living there. Chairman Owens told her for a

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single-family structure of the same size, with the same number of cars there would be no community input because it would be a private residence on private property.

The Board then conducted the Balance Test and from the application they found;
Benefit could not be achieved by other means since construction of a conforming, single-family dwelling on the lot would not be financially advantageous due to construction costs.

The 2-family structure built on a lot with approximately 4,000ft² less land than required would not cause an undesirable change in the neighborhood character or to nearby properties.

The request was not substantial.

The reduction in square footage per dwelling unit would not create any adverse physical or environmental effects.

The alleged difficulty had been self-created, but the Board found the request acceptable.

Art Pike – aye. Barbara Stewart – nay. Gary Reagan – aye. Jeff Francis-aye. Motion carried.

Variance Granted for construction of a 2-family dwelling on a parcel having less than 21,000ft² at the corner of Hillcrest Drive and Old Bath Road.

OTHER BUSINESS:

- None.

A MOTION by Jeff Francis and a SECOND from Gary Reagan to adjourn the meeting at 7:55pm.

**Art Pike – aye. Ruth Davis – aye. Barbara Stewart – aye. Gary Reagan – aye. Jeff Francis-aye.
Motion carried.**

Submitted by Secretary:

Lynn Duryea